Draft Environmental Impact Report

Desert Ventures III, LLC
Desert Land Ventures Specific Plan
General Plan Amendment No. 01-16
Zoning Map Amendment No. 01-16
Vesting Map No. 37185

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Æ	Applied Earthworks
ACBCI	Agua Caliente Band of Cahuilla Indians
ACI	American Concrete Institute
ACSC	Automobile Club of Southern California
AQMP	Air Quality Management Plan
APS	Alternate Planning Strategy
AUMA	Adult use of Marijuana Act
BACM	Best Available Control Measure
BAU	Business As Usual
BFE	Base Flood Level
BLM	Bureau of Land Management
BMP	Best Management Practice
BUOW	Burrowing Owl
C2F6	Hexafluoroethane
C2H6	Ethane
CAA	Federal Clean Air Act
CARB	California Air Resources Board
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAT	California Action Team
CBC	California Building Code
CCR	California Code of Regulations
CdC	Carsitas gravelly sand
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERT	Community Emergency Response Team
CESA	California Endangered Species Act
CF4	Tetrafluoromethane
CFC	Chlorofluorocarbons
CFR	Code of Federal Regulations
cfs	cubic feet per second
CGS	California Geologic Survey
ChC	Carsitas cobbly sand

CH4	Methane
CHP	California Highway Patrol
CkB	Carsitas fine sand
CLOMR	Conditional Letter of Map Revision
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CO	Carbon Monoxide
CO2	Carbon Dioxide
CP	Collapse Potential
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRS	Community Rating System
CRWQCB	Colorado River Basin Regional Water Quality Control Board
CUP	Conditional Use Permit
CUPA	California Certified Unified Program Agencies
CVCC	Coachella Valley Conservation Commission
CVFTL	Coachella Valley Fringe-toed Lizard
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CVSIP	Coachella Valley PM10 State Implementation Plan
CVWD	Coachella Valley Water District
CWA	Clean Water Act
DA	Development Agreement
DEH	Department of Environmental Health
DIF	Development Impact Fee
DLVSP	Desert Land Ventures Specific Plan
DP	Development Permit
DPF	Diesel Particulate Filters
DPM	Diesel Particulate Matter
DTSC	California Department of Toxic Substances Control
DVD	Desert Valley Disposal
DWA	Desert Water Agency
DWR	Department of Water Resources
EIC	Eastern Information Center
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPO	Environmental Protection and Oversight Division

ESA	Federal Endangered Species Act
FED	Functional Equivalent Document
FEMA	Federal Emergency Management Agency
FGC	California Fish and Game Code
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	Greenhouse Gases
GLO	United States General Land Office
GPA	General Plan Amendment
GWP	Global Warming Potential
HAER	Historical American Engineering Record
HFC	Hydrofluorocarbons
HMBEP	Hazardous Materials Business Emergency Plan
HSC	California Health and Safety Code
HWMP	Hazard Waste Management Plan
I-10	Interstate 10
IDA	International Dark-Sky Association
IIC50	Impact Isolation 50
IPCC	International Panel on Climate Change
LAFCO	Local Agency Formation Commission
LCFS	Low Carbon Fuel Standard
LCMMP	Land Cover Mapping and Monitoring Program
LID	Low Impact Development
LOMR	Letter of Map Revision
LOS	Level of Service
LPG	Liquid Propane Gas
LST	Local Significant Threshold
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
MMTCO2e	million metric tons of CO2 emitted
mph	miles per hour
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MSDS	Material Safety Data Sheet
MSHCP	Multiple Species Habitat Conservation Plan

msl	mean sea level
MSWD	Mission Springs Water District
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAVFAC	Naval Facilities Engineering Command
NFIP	National Flood Insurance Program
N2O	Nitrous Oxide
NOx	Nitrogen Oxide
NO2	Nitrogen Dioxide
NOC	Notice of Completion
NOP	Notice of Preparation
NPDES	National Pollution Discharge Elimination
NPS	National Park Service
NRCS	Natural Resources Conservation Service
O3	Ozone
OES	Governor's Office of Emergency Services
OHMS	Pipeline and Hazardous Materials Safety Administration Office of Hazardous Materials Safety
OPR	Governor's Office of Planning and Research
OWTS	Onsite Wastewater Treatment System
Pb	Lead
PFC	Perfluorocarbons
PM10	particulate matter equal to or less than 10 microns in diameter
PM2.5	particulate matter equal to or less than 2.5 microns in diameter
ppm	parts per million
ppt	parts per trillion
PPV	Peak Particle Velocity
PRC	California Public Resources Code
psf	per square foot
PSUSD	Palm Springs Unified School District
QSD	Qualified SWPPP Developer
QSP	Qualified SWPPP Practitioner
RCALUC	Riverside County Airport Land Use Commission
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RivTam	Riverside Traffic Analysis Model
ROG	Reactive Organic Gas
ROWD	Report of Waste Discharge

RTP	Regional Transportation Plan
RTIP	Regional Transportation Improvement Plan
RWQCB	Regional Water Quality Control Board
S.B.B.M.	San Bernardino Baseline and Meridian
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison Company
SCS	Sustainable Communities Strategy
SF6	Sulfur Hexafluoride
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SO2	Sulfur Dioxide
SOI	Sphere-of-Influence
SP	Service Population
SPCC	Spill Prevention Control and Counter measurement Contingency Plan
SRA	Source Receptor Area
SSAB	Salton Sea Air Basin
SSC	Species of Special Concern
STC50	Sound Transmission Class of 50
SVP	Society of Vertebrate Paleontology
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TCP	Traditional Cultural Resource
TDM	Transportation demand management
THPO	Tribal Historic Preservation Office
TIA	Traffic Impact Analysis
UNFCCC	United Nations' Framework Convention on Climate Change
USACE	United States Army Corps of Engineers
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
Vdb	Vibration decibel
VOC	Volatile Organic Compounds
WGCEP	Working Group of California Earthquakes

WQMP	Water Quality Management Plan
WWTP	Waste Water Treatment Plant
ZMA	Zoning Map Amendment

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Chapter 1 Executive Summary

1.1 Overview of the Executive Summary

This chapter has been prepared pursuant to Section 15123 of the California Environmental Quality Act (CEQA) Guidelines, which states that an EIR Summary shall: 1) contain a brief summary of the proposed action; 2) identify each significant effect with proposed mitigation measures that would reduce or avoid that effect; 3) identify alternatives that were designed to reduce or avoid identified significant effects; 4) identify areas of controversy known to the Lead Agency including issues raised by agencies and the public; and 5), identify issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

1.2 Summary of the Proposed Action

The proposed 123.4 -acre Desert Land Ventures Specific Plan (DLVSP or proposed project) project site is located in the City of Desert Hot Springs (City). The proposed project site is in the largely undeveloped southern portion of Desert Hot Springs and lies approximately 5.25 miles south of the City's downtown core. The project site is generally bounded by the I-10 freeway to the south and west; Mission Creek to the west. The portion of the site north of Varner Road is within the Willow Hole Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and vacant land is to the east. There is also one single family dwelling unit located southeast of the project site. Regional access is provided by the I-10 freeway, with local access provided via Palm Drive and Varner Road.

The project site is part of a larger 4,000-acre area that was the subject of an annexation - the I-10 Community Annexation - approved by the Riverside County Local Agency Formation Commission (LAFCO) in 2010. The Existing General Plan and Zoning Designations within the project site are Light Industrial (LI) and Rural Desert (RD). The RD and LI designations are representative of Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L). The R-E-10 has a 10-acre minimum lot size and allows single family residential and various recreational land uses. The I-L District allows various industrial uses related to manufacturing and energy. The applicant for the DLVSP is also proposing a General Plan Amendment (GPA 01-16) and Zoning Map Amendment (ZMA 01-16) in order to redesignate the 123.4-acre project site from the County's RD and LI to the City's Light Industrial (I-L) designation for both the General Plan and Zoning designations, and to ensure consistency between the specific plan and the City's Zoning Ordinance. The project proponent is also proposing a Vesting Tentative Tract Map (VTTM 37185) and the DLVSP (SPA 01-16), and a Development Agreement.

The land uses permitted under the specific plan will allow for development of a master-planned industrial and technology business park with freeway-oriented commercial and hospitality uses. Land has also been set aside for open space conservation purposes consistent with the CVMSHCP and for the provision of a comprehensive system of drainage swales and infiltration basins.

Development within the project site is proposed to support the growing demand for marijuana cultivation and manufacturing facilities not only in the City, but the greater Coachella Valley. In addition to the uses permitted for the cultivation and sale of marijuana, the DLVSP will also allow the development of a wide range of complementary businesses and light industrial uses. As part of the production process, cultivators need to utilize and maintain high-tech production and laboratory testing equipment. This type of production involves high demand for manufacturers and suppliers of lighting equipment, air filtration and irrigation systems, as well as fertilizers and commercial-scale extraction equipment. Cultivation facilities and dispensaries also rely on a variety of business solutions such as customized software, legal support, and financial services. Each facility developed within the project site will be required to obtain a number of permits and prepare/implement a number of plans before commencing with operation. These include a Conditional Use Permit, a Regulatory Permit, a Spill Prevention and Counter-measure Plan (SPCC) and a Hazardous Materials Business Emergency Plan (HMBEP).

Table 1-1, *Land Use Development Summary*, provides a summary by planning area and land use district.

Table 1-1 Land Use Development Summary

Planning Area	Land Use	Acres (Gross)	Max FAR	Maximum Gross Square Feet			Max Hotel Rooms/Keys
				Phase 1[1,2]	Phase 2[1,2]	Total	
1	Mixed Use (Industrial)	64.9	1.5	712,206	826,551	1,538,757	150[3,4]
	Mixed Use (Commercial)		0.5	166,181[4]	192,861[4]	359,042[4]	
2	Open Space/ Conservation[5]	38.7					
Backbone Infrastructure		19.8					
Total		**123.4**		**878,387**	**862,453**	**1,897,799**	**150**

Source: PlaceWorks, Desert Land Ventures Specific Plan, May 2017.

Notes:

1. Refer to Section 2.3.2 of the Specific Plan, for a discussion of phasing.
2. Land use intensity transfers between phases are permitted so long as the maximum gross square footage does not exceed the project total.
3. The total number of hotel rooms/keys that can be developed in Planning Area 1 shall not exceed 150. The number of rooms/keys can be split between proposed hotel developments, but may not exceed 150.
4. The maximum commercial square footage allowed in Planning Area 1 includes development of a hotel (or hotels) that could accommodate up to 150 rooms/keys. The square footage of the hotel(s) developed shall be accounted for and deducted from the maximum commercial square footage allowed.
5. Up to a maximum of 10 percent of the Open Space/Conservation area (approximately 3.9 acres) may be developed with sustainable energy facilities (wind energy conversion systems and solar farms/fields), electrical substation facilities, and water/sanitary sewer facilities.

1.2.1 Discretionary Actions / Other Approvals Associated with the Proposed Project

Pursuant to CEQA Guidelines Section 15367, the City of Desert Hot Springs is the Lead Agency and has discretionary authority over the project. This EIR will be used by the City as part of its consideration of future development proposals within the DLVSP. Other responsible or trustee agencies may also use the EIR in their consideration of permitting of projects within the project site. For example, any cannabis facility proposed will require specific plans that address the transport, use and disposal of hazardous materials that would be required to be approved by the Riverside County Fire Department. The package wastewater treatment plant will require a permit from the Department of Environmental Health.

1.3 Alternatives to the Proposed Project

This EIR has developed, considered and evaluated alternatives to the proposed project pursuant to the provisions of Section 15126.6 of the State CEQA Guidelines, as amended. Section 15126.6(a) of the State CEQA Guidelines states that:

"An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR needs to not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation....There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

State CEQA Guidelines Sections 15126.6 (b) through (f) identifies the key considerations pertaining to, and requirements for, the preparation of the alternatives analysis in an EIR.

1.3.1 Alternatives Considered for Evaluation

Three alternatives to the DLVSP were considered for evaluation compared to the proposed project. The following provides a summary of the Alternatives Analysis provided in Chapter 6.1 of the EIR.

1.3.1.1 Alternative 1: No Project-No Development Alternative

Under Alternative 1, the project site will remain in the Rural Desert and Light Industrial Districts but will not be developed. The 38.7 acres located within the Willow Hole Conservation Area will not be affected, nor will the remaining 84.8 acres located south of Varner Road. Also, Varner Road would not be improved.

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

Under this alternative, land uses are Light Industrial and Rural Desert (minimum 10-acre residential lots). For the purposes of this alternative, the project site would consist of approximately 1.25 million square feet of industrial and commercial mixed use, and up to 7 dwelling units. Under the CVMSHCP, dwelling units are allowed in the Conservation Area but development is limited to 10 percent of each lot.

1.3.1.3 Alternative 3: Reduced Intensity Alternative.

Under this alternative the DLVSP would place all development south of Varner Road with a maximum of 871,000 square feet of Light Industrial Mixed Use. A solar field and electrical substation would be included in development south of Varner Road. This alternative would include cannabis cultivation and other related uses, or other agricultural crops; 217,800 square feet of commercial use; approximately 20 acres set aside in Planning Area 1 for a solar farm and electrical substation; and the package wastewater treatment plant. Under this scenario, no disturbance would occur within the Willow Hole Conservation Area north of Varner Road with the exception of the temporary disturbance associated with construction of the future water and sewer pipelines proposed to connect to new MSWD facilities west and northwest of the project site.

1.3.1.4 Alternative Evaluation

Using the significant environmental effects of the proposed project as the basis for comparison, the potential significance of each impact of each alternative in relation to those of the proposed project was identified and classified as being either just as significant or less than significant than that of the proposed project on an environmental topic by topic basis. The results of the foregoing analysis are presented in Table 1-2, *Comparison of Proposed DLVSP and Alternatives.*

Table 1-2 Comparison of Proposed DLVSP and Alternatives

Environmental Topic	Impacts of the Proposed Project	Alternative 1 No Project – No Development	Alternative 2 Buildout Under the General Plan	Alternative 3 Reduced Intensity
Aesthetics	Less than Significant	No Impact	Less than significant	Less than significant
Air Quality	Significant and Unavoidable	No Impact	Significant and Unavoidable but reduced with a reduction in square footage	Significant and Unavoidable but reduced with a reduction in square footage and increase in the size of the solar field
Biological Resources	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Cultural and Paleontological Resources	Significant and Unavoidable for Varner Road	No Impact	Significant and Unavoidable for Varner Road	Significant and Unavoidable for Varner Road
Geology and Soils	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Greenhouse Gas Emissions	Significant and Unavoidable	No Impact	Significant and Unavoidable	Significant and Unavoidable but reduced with a reduction in square footage and increase in the size of the solar field
Hazards and Hazardous Materials	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Hydrology and Water Quality	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Land Use and Planning	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Noise	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation

Table 1-2 Comparison of Proposed DLVSP and Alternatives (continued)

Environmental Topic	Impacts of the Proposed Project	Alternative 1 No Project – No Development	Alternative 2 Buildout Under the General Plan	Alternative 3 Reduced Intensity
Population and Housing	Less than significant	No Impact	Less than significant	Less than significant
Public Services	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Recreation	Less than significant	No Impact	Less than significant	Less than significant
Transportation/ Circulation	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Tribal Cultural Resources	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Utilities & Service Systems	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation

1.3.1.5 Environmentally Superior Alternative

The comparative impact analysis of the alternatives served as the basis for determining which Alternative was "environmentally superior" to the proposed project. The procedure by which to arrive at this determination is relatively straightforward. Using the significant environmental effects of the proposed project as the basis for comparison, the potential significance of each impact of each alternative was compared to those of the proposed project. The results of the analysis are presented in Table 1-2. As shown in this table, the Environmentally Superior Alternative is Alternative 3, Reduced Intensity, which is approximately 60 percent of the proposed project square footage, development of the project south of Varner Road with no development within Planning Area 2 (conservation area) except for the construction of the water and sewer lines between the project site and the future MSWD water and wastewater treatment plants, and the development of a 20-acre solar field that would include the potential electrical substation. Although environmental impacts associated with Alternative 3 would be less than significant when compared to the proposed project, this alternative would still result in significant unavoidable impacts to air quality, cultural resources and greenhouse gas emissions.

1.4 Areas of Controversy/Issues to be Resolved

CEQA Guidelines Section 15123(b) states that an EIR shall contain a brief summary of the projects actions and its consequences including: (2) areas of controversy known to the Lead Agency including issues raised by other agencies and the public; and (3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant impacts.

Areas of Controversy

The growth inducing impacts of the DLVSP may be considered controversial. Major improvements to Varner Road west of Palm Drive and the development of the water and sewer pipelines between the project site and the proposed new water and sewer treatment plants will likely foster development of other properties in the area outside the Willow Hole Conservation Area. This issue is evaluated throughout Chapter 4, *Environmental Impact Analysis*.

Issues to be Resolved

The choice among alternatives is summarized in section 1.3, *Summary of Alternatives*. A summary of potentially significant impacts and proposed regulatory requirements and mitigation measures are identified in Table 1-3, *Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures.*

1.5 Summary of Impacts and Mitigation Measures

Table 1-3 identifies the potentially significant effects of the proposed project, mitigation measures, project features and/or requirements identified to avoid or reduce the identified potentially significant effects to less than significant levels, and the effectiveness of the mitigation measures, project features and/or requirements to achieve this end.

Table 1-3 Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	4.1 Aesthetics	
a. Adverse Effect on Scenic Vistas b. Adverse Effect on Scenic Resources c. Degradation to the Visual Character or Quality of the Site d. Light and Glare	**Mitigation Measures** None Required **Regulatory Requirements** **RR-1** City Staff shall incorporate the DLVSP's Design Guidelines and Standards (Section 6) and structural height provisions from City Zoning Ordinance 17.40.160, Height determination (structures,) in the review process for all building structures proposed within the DLVSP. **RR-2** During the review process for proposed development within the project site, City Staff shall ensure that project applicant(s) incorporate the following lighting standards into their design the City's Outdoor Lighting Standards (Section 17.40.170, Outdoor Lighting Standards), Table 17.40.170 of the Zoning Ordinance (Requirements for Shielding and Filtering of Outdoor Lighting) and shall incorporate guidelines from Section 6.5 of the Specific Plan (Lighting Design).	Less Than Significant
	4.2 Agriculture	
	Mitigation Measures None required **Regulatory Requirements** None Required	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	4.3 Air Quality	
a. Conflict with Implementation of Applicable Air Quality Plan b. Violate Air Quality Standard or Contribute Substantially to Existing Violation c. Cumulatively Considerable Net Increase if any Criteria Pollutant d. Expose Sensitive Receptors to Substantial Pollutant Concentrations e. Create Objectionable Odors	**Mitigation Measures** ***Construction Measures*** **AQ-1** Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content. **AQ-2** The project proponent shall require that all applicable SCAQMD Rules and Regulations (as detailed in Section 4.3.2) are complied with during construction and the construction contractor use construction equipment that has Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20 percent reduction in emissions. ***Operational Measures*** **AQ-3** The project proponent shall require the use of the onsite sustainability design features, including: solar panels on all industrial building rooftops (except cultivation buildings) and carport shade structures and a solar farm and/or wind farm; that will provide at least 10 percent of the electrical energy needs for the project site. **AQ-4** The project proponent shall require that: all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20 percent per CalGreen Standards, water-efficient landscaping practices are employed onsite.	Significant unavoidable impacts

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	AQ-5 The project proponent shall require recycling programs that reduces waste to landfills by a minimum of 75 percent (per AB 341). **AQ-6** The project proponent shall require that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed onsite. **AQ-7** The project proponent shall require that employee vanpool/ride share programs shall be provided for at least 80 percent of onsite employees. **AQ-8** Re-application of architectural coatings to protect buildings will be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content. **AQ-9** The project proponent shall provide sidewalks onsite. Will maintain consistency with the City's General Plan Policy 3 (Air Quality Goals, Policies and Programs) regarding development of pedestrian-oriented retail centers. **AQ-10** The project proponent shall require that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet 2016 Green Building Code Standards. **AQ-11** If a distribution center with more than 100 daily truck trips is constructed within the project site within 1,000 feet from the property lines of existing single-family detached residential dwelling units located to the southeast of the project site, then the project proponent will require that the individual applicant proposing development prepare a Health Risk Assessment (HRA) to ensure that the cancer risk to existing sensitive uses does not exceed the SCAQMD MICR TAC threshold of 10 in 1 million. If the SCAQMD MICR TAC threshold of 10 in 1 million is exceeded,	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	then the proposed distribution center shall be redesigned to ensure MICR TAC levels are below the threshold. **Regulatory Requirements** **RR-3** All development within the project site must adhere to SCAQMD Rules 403 and 403.1 for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.	
	4.4 Biological Resources	
a. Candidate, Sensitive or Special Status Species b. Riparian Habitat (no impacts) c. Federally Protected Wetlands (no impact) d. Movement of Wildlife (no impact) e. Conflict with Local Policies	**Mitigation Measures** **BIO-1** Focused Coachella Valley milk-vetch surveys shall be conducted prior to any grading activities within the project site, particularly in the portion of the project site that falls within the Willow Hole Conservation Area (Planning Area 2). Likewise, focused surveys shall be conducted prior to any grading activities within the selected water and sewer line alignments (either Option A or Option B). If any Coachella Valley milk-vetch is encountered during the pre-construction survey, it should be flagged and avoided. If avoidance is not an option, the project proponent must work with the appropriate agencies to prepare a salvage plan to be incorporated during construction within the Willow Hole Conservation Area. **BIO-2** Prior to the start of construction activities and for the duration of construction, within one week of employment all new construction workers working within the	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
f. Conflict with Applicable Habitat Conservation Plan	project site shall attend Worker Environmental Awareness Program (WEAP) training, developed and presented by a qualified biologist. The program shall include information on the life history of the burrowing owl, other raptors, nesting birds, as well as other wildlife and plant species that may be encountered during construction activities. The program shall also discuss legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent is implementing to protect the species, reporting requirements, specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the Federal Endangered Species Act or California Endangered Species Act. **BIO-3** If construction activity takes place between January and September, and if said construction activity is unavoidable to schedule outside of this time frame, the applicant(s) can prepare a project-specific Nesting Bird Management Plan to determine suitable buffers. **BIO-4** Preconstruction Nesting Bird Surveys are recommended prior to commencement of any project activities that may occur within the nesting season (January to September), to avoid any potential project-related impacts to nesting birds within the project site. **BIO-5** The DLVSP applicant/developer shall implement the following CVMSHCP Land Use Adjacency Guidelines requirements and restrictions as listed in Section 3.2.3 of the *Biological Resources Assessment (Appendix C)* and shall be adhered to during construction and for post construction operation for any project within the DLVSP	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	project site that lies adjacent to Conservation Areas. The project applicant shall coordinate with the Coachella Conservation Commission (CVCC) and CVCC staff shall review plans for all planning areas adjacent to the Conservation Area and determine whether the proposed improvements are consistent with the CVMSHCP. 1) *Drainage* –Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area. 2) *Toxics* – Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area. 3) *Lighting* –For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual. 4) *Noise* – Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	Conservation Area in accordance with guidelines to be included in the Implementation Manual. 5) *Invasives* – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence. 6) *Barriers* – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage. 7) *Grading/Land Development* – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area **BIO-6** A site specific final acoustical analysis is required once a site specific site plan is made available in order to demonstrate compliance with the CVMSCHP noise threshold. If the results of the acoustical analysis conclude that proposed development will exceed acceptable noise levels, the proposed development project shall be redesigned to ensure consistency with the CVMSHCP Adjacency noise requirements.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	Regulatory Requirements **RR-4** New development projects are required to pay the most current CVMSHCP (2017) mitigation fee rate of $5,529 per acre of commercial/industrial use. **RR-5** Prior to start of construction, the project proponent must obtain a Section 404 Permit with the USACE for Waters of the US that could be impacted by development of the proposed project. **RR-6** Per CVMSHCP, the project proponent must undergo Joint Project Review to ensure Plan implementation. The project proponent must submit the application to CVCC which would trigger the Joint Project Review process. CVCC and wildlife agencies would supply comments within 30 days of receipt of the application and any impacts to covered species within the Conservation Area would be discussed.	
	4.5 Cultural Resources	
a. Adverse change to Historical Resources b. Adverse change to Archaeological Resources c. Impacts to Paleontological Resources or A Unique Geologic Feature	**CR-1** The portion of Varner Road located within the project site shall be documented following the guidelines of the Historical American Engineering Record (HAER) as stated in the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 CFR 190: 44730-34). **CR-2** Prior to construction of the proposed water/sewer alignment, the area that was not surveyed due to access restrictions (see Exhibit 4.5-1) must be surveyed for archaeological resources. If cultural resource(s) are identified in the alignment that cannot be avoided, all activity in the area of the find shall cease until the cultural resource(s) can be evaluated by a qualified archaeologist. If the qualified archaeologist determines that the resources may be significant, he or she shall	Significant unavoidable impacts for Historical Resources (Varner Road) Less than significant for other CR issues

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
d. Disturbance of Human Remains	notify the project proponent and shall develop an appropriate plan of action for the resources. The project proponent shall consult with appropriate Native American tribal representatives (if the find is prehistoric in nature), then the resource(s) shall be evaluated for listing on the CRHR. **CR-3** If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the project proponent or his/her designee shall immediately notify the City of Desert Hot Springs City Planner. A qualified archaeologist shall be called to the site by, and at the expense of, the project proponent to evaluate the significance of the find using CRHR eligibility criteria. If evaluated as eligible and the find cannot be avoided, the archaeologist must prepare and submit a data recovery plan to the City Planner. Upon approval, the data recovery plan shall be implemented. Work shall resume after consultation with the City of Desert Hot Springs and implementation of the recovery plan by the archaeologist. **CR-4** If a paleontological resource is accidentally uncovered during grading or construction activities for the project, the project proponent shall be required to notify the City of Desert Hot Springs City Planner immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City and upon implementation of the recommendations of the paleontologist.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	CR-5 If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American: The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall designate the person or persons it believes to be the Most Likely Descendent (MLD) of the decreased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains. **Regulatory Requirements** None Required	
	4.6 Geology and Soils	
a. Expose people or structures to potential substantial adverse effects involving: i. Rupture of a known fault (no impact)	**Mitigation Measures** **GEO-1** The project applicant(s) shall appoint a licensed Geotechnical Engineer to observe site clearing, grading and the bottoms of excavations before placing fill, with the additional implementation of preventative measures into the site grading plans to reduce seasonal flooding and erosion.	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
ii. Strong Seismic Shaking iii. Seismic-related ground failure, including liquefaction iv. Landslides b. Substantial Soil Erosion or loss of topsoil c. Located on an Unstable Geologic Unit d. Located on Expansive Soil e. Soils Incapable of Supporting Septic Tanks or Alternative Water Disposal Systems	**GEO-2** The project applicant(s) shall ensure that overexcavation and recompaction of site soils are performed in accordance with the specifications outlined in the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report, and the stipulations of the appointed licensed Geotechnical Engineer assigned to the Specific Plan to mitigate excessive dry seismic settlement. **GEO-3** The project applicant(s) shall ensure that the procurement and implementation of engineered fill soils are in accordance with the specifications outlined in the Geotechnical Engineering and Infiltration Update Report, or most recent geotechnical report, in order to mitigate the potential impacts of subsidence, and collapsible and expansive soils. **GEO-4** The project applicant(s) shall ensure that sufficient water is added to soils for compaction purposes, in accordance with the recommendation of the *Geotechnical Engineering and Infiltration Update Report*, or most recent geotechnical report. **GEO-5** The project applicant(s) shall appoint a licensed engineer competent in corrosion mitigation review of corrosive results conducted by Earth Systems South West, to design corrosion protection appropriately. Additionally, a competent engineer in corrosion analysis shall also be appointed to evaluate the corrosive results in relation to other corrosive constituents that may be of concern such as nitrates, ammonium, etc.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	Regulatory Requirements **RR-7** All proposed structures shall be engineer designed and constructed to earthquake-resistant parameters in compliance with the 2016 edition of the California Building Code (CBC).	
	4.7 Greenhouse Gas Emissions	
a. GHG Emissions that may Significantly Impact the Environment b. Conflict with Applicable Plan, Policy or Regulation	**Mitigation Measures** **GHG-1** The project applicant(s) shall implement onsite sustainability design features, including solar panels on all industrial building rooftops (except cultivation buildings) and carport shade structures, and a solar farm and/or wind farm that will provide at least 10 percent of the DLVSP's electrical energy needs. **GHG-2** The project applicant(s) shall ensure that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20 percent per CalGreen Standards, water-efficient landscaping practices are employed onsite. **GHG-3** The project applicant(s) shall implementation of recycling programs that reduce waste to landfills by a minimum of 75 percent (per AB 341). **GHG-4** The project applicant(s) shall ensure that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed onsite. **GHG-5** The project applicant(s) shall ensure that employee vanpool/ride share programs are provided for at least 80 percent of onsite employees.	Significant and Unavoidable

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	GHG-6 The project applicant(s) shall ensure that the re-application of architectural coatings to protect buildings is limited to 10 grams per liter VOC, and traffic paints are limited to 100 grams per liter VOC content. **GHG-7** The project applicant(s) shall provide sidewalks onsite. **GHG-8** The project applicant(s) shall require that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet 2016 Green Building Code Standards. **Regulatory Requirements** None Required	
4.8 Hazards and Hazardous Materials		
a/b. Transport, Use, or Disposal of Hazardous Materials and Accidental Release of Hazardous Materials, c. Hazardous Materials within one-quarter Mile of a School (No Impact) d. Hazardous Materials Onsite Pursuant to Government Code Section 65962.5. (No impact)	**Mitigation Measures** **HAZ-1** Prior to issuance of Certificate of Occupancy, the project applicant(s) that propose to recycle onsite wastewater involving the use of a reverse osmosis (RO) wastewater purification system shall provide the City with information on how concentrated levels of TDS and brine solutions will be disposed of. Proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the cultivation site will be required. **HAZ-2** Prior to construction of any new building where cannabis cultivation utilizing a hydroponic growing system is proposed, the project applicant(s) shall provide the City and the Riverside County Department of Environmental Health with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation. This description shall include how the	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
e. Safety Hazard to Public Airport or Within an Airport Land Use Plan (no impact) f. Safety Hazard in the Vicinity of an Air Strip (no impact) g. Interfere with the Adoption or Implementation of an Emergency Response Plan	project applicant(s) will test and dispose of wastewater to the onsite centralized package treatment plant. **Regulatory Requirements** **RR-8** Prior to issuance of building permits on vacant or undeveloped parcels within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for all developments that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site. **RR-9** Prior to each Certificate of Occupancy in compliance with Chapter 6.95 of the California Health & Safety Code (HSC) and Title 19, Division 2, of the California Code of Regulations (CCR), the project applicant(s) shall prepare a Hazardous Materials Business Emergency Plan (HMBEP) for all new development projects that include the storage and use of hazardous materials at or above reporting criteria thresholds. The HMBEP shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business. **RR-10** Prior to each Certificate of Occupancy, the project applicant(s) shall prepare a Spill Prevention Countermeasures Contingency Plan (SPCC) that addresses appropriate protocol measures to contain accidental spills of hazardous materials for all new development projects that include the use and storage of hazardous materials. A SPCC spill kit shall also be placed onsite at the business or facility. The SPCC shall be reviewed and approved by the County of Riverside CUPA and the Department of Environmental Health prior to operation of the business.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	RR-11 As part of the City's Development Review process, the project applicant(s) shall submit plans to the Fire Department for review and conditioning for safe accessibility of fire and ambulatory services, and for appropriate evacuation routing of the project development in the event of an emergency.	
	4.9 Hydrology and Water Quality	
a. Violation of Water Quality Standards or Waste Discharge Requirements b. Depletion of Groundwater Supplies or Interference with Groundwater Recharge c. Alteration of Existing Drainage Patterns Resulting in Erosion or Siltation d. Alteration of Existing Drainage Patterns Resulting in Erosion or Siltation e. Runoff Water that Would Exceed Capacity of Existing	**Mitigation Measures** **HWQ-1** Because the proposed private wells on site are anticipated to pump more than 25 acre-feet per year from the aquifer, the project applicant will be required to pay the Replenishment Assessment Charge (RAC) to CVWD before issuance of a certificate of occupancy to contribute to groundwater replenishment efforts. The applicant shall provide proof of payment to the City before issuance of proof of occupancy and before start of project operations. The following mitigation from Section 4.8, *Hazards and Hazardous Materials,* applies to Hydrology and Water Quality as well: **HAZ-1 and HAZ-2** **Regulatory Requirements** **RR-12** Prior to issuance of building permits on vacant parcels within the DLVSP site, a WQMP for post-construction conditions shall provide a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site. **RR-13** Prior to issuance of grading permits, the project proponent must obtain a CLOMR from FEMA for the proposed development areas on the project site.	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
Stormwater Drainage Systems f. Degradation of Water Quality g/h. Housing or Other Structures in a 100-year Flood Hazard Area i. Expose People or Structures to Risk of Flooding j. Inundation by Seiche, Tsunami or Mudflow	**RR-14** Prior to issuance of building permits, the project proponent must obtain a LOMR from FEMA to finalize the revised floodplain mapping. The following regulatory requirement from Section 4.8, *Hazards and Hazardous Materials,* applies to Hydrology and Water Quality as well: **RR-8**	
4.10 Land Use		
	Mitigation Measures None required **Regulatory Requirements** None Required	
4.11 Mineral Resources		
	Mitigation Measures None required **Regulatory Requirements** None Required	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	4.12 Noise	
a. Generation of Noise Levels in Excess of Established Standards b. Generation of Excessive Groundborne Vibration c. Permanent Increase in Ambient Noise Levels d. Temporary or Periodic Increase in Ambient Noise Levels e/f. Excessive Noise Levels Due to Proximity to an Airport or a Private Air Strip (No Impact)	**Mitigation Measures** **<u>Grading and Site Development</u>** In addition to adherence to the City of Desert Hot Springs's policies found in the Noise Element and Municipal Code limiting the construction hours of operation, the following mitigation measures shall be implemented to reduce construction noise and vibrations emanating from future construction projects at the project site. These measures shall be included as notes on all grading plans and construction plans as appropriate, to the satisfaction of the City Engineer or his/her designee. **NOI-1** During all project site excavation and grading onsite, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. **NOI-2** Construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. **NOI-3** Construction contractors shall ensure that equipment is shut off and not left to idle when not in use. **NOI-4** Construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	NOI-5 Construction contractors shall ensure that jackhammers, pneumatic equipment, and all other portable stationary noise sources are shielded and noise is directed away from sensitive receptors. <u>Building Development</u> **NOI-6** The project is required to comply with 2016 CalGreen Code Section 5.507, Environmental Comfort. Prior to issuance of building permits the project proponent shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code, to the satisfaction of the Community Development Director or his/her designee. The acoustic report shall provide either a prescriptive or performance based evaluation. **NOI-7** The project applicant(s) will be required to adhere to 2016 Title 24 during all construction activities, which states that interior noise levels within multiple-family or habitable dwelling units generated by exterior noise sources shall not exceed 45 dBA Ldn/CNEL, with windows closed, in any habitable room for general residential uses. In order to ensure this standard is met, all exposed exterior wall assembly/window combinations that face the I-10 freeway and subject roadways need to provide an exterior to interior noise reduction of at least 33 dBA if located within 300 feet of the centerline of the I-10 freeway and/or a noise reduction of 30 dBA if located within 450 feet of the centerline of the I-10 freeway. Prior to issuance of building permits, the project proponent for any development project within the project site shall submit site specific noise studies that show how noise from the freeway would be attenuated, to the satisfaction of the Community Development Director or his/her designee.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	NOI-8 Prior to construction of the wastewater treatment plant, proposed to be located in the southeast corner of the project site, a site specific noise study shall be prepared to determine the amount of noise generated by the plant, and to establish attenuation requirements, to the satisfaction of the Community Development Director or his/her designee, to address proximity to the existing single family residence located approximately 200 feet south of the project site; as well as any future noise sensitive uses (hotel) that may be located on the project site in close proximity to the plant site. The following mitigation measures from Section 4.4, *Biological Resources*, apply to Noise as well: **BIO-5** **Regulatory Requirements** **RR-15** Due to the proximity of the project site (within 65 dBA CNEL of freeway) as it relates to the I-10 Freeway, the project proponent (where occupants will likely be affected by exterior noise) is required to comply with 2016 CalGreen Code Section 5.507 Environmental Comfort. Prior to issuance of building permits the project proponent shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code. The acoustic report shall provide either a prescriptive or performance based evaluation. **RR-16** The project proponent will be required to adhere to 2016 Title 24 Chapter 12 – Interior Environment – Section 1207 during all construction activities, which states that interior noise levels within multiple family or habitable dwelling units generated by exterior noise sources shall not exceed 45 dBA Ldn/CNEL, with windows closed, in any habitable room for general residential uses. In order to	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	ensure this standard is met, all exposed interior wall assembly/window combinations that face the I-10 Freeway and subject roadways need to provide an exterior to interior noise reduction of at least 33 dB.	
	4.13 Population and Housing	
	Mitigation Measures None required **Regulatory Requirements** None Required	
	4.14 Public Services	
a. Increased demand on Public Services	**Mitigation Measures** None required **Regulatory Requirements** **Fire** **RR-17** The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to compensate for the costs necessary to maintain an acceptable level of service to the project site.	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	RR-18 The City and Riverside County Fire Department shall continue to confer and coordinate with the City of DHS to ensure that facilities and services associated with the DLVSP are expanded in a timely manner. **RR-19** The Riverside County Fire Department shall continue to review and evaluate new development proposals and project plans associated with the DLVSP to ensure that it can provide adequate fire protection. **Police** **RR-20** The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to compensate for the costs necessary to maintain an acceptable level of service. **RR-21** The project applicant(s) shall be subject to Police Department review for applicable development projects to assure that the Department can provide adequate police protection. **RR-22** Due to the size and nature of development, the project applicant(s) shall implement around the clock security, including video cameras and security personnel, to eliminate unnecessary response to the facilities. **RR-23** The City shall monitor population increases and Police Department staffing levels to ensure the provision of police protection services at sufficient levels. **Schools** **RR-24** The project applicant(s) shall be assessed statutory school mitigation fees, in place at the time industrial and commercial projects are proposed.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	4.15 Recreation	
	Mitigation Measures None required **Regulatory Requirements** None Required	
	4.16 Traffic and Circulation	
a-b. Conflict with an Applicable Plan or Policy Establishing Measures of Effectiveness, and Conflict with Applicable Congestion Management Plan c. Changes in Air Traffic Patterns (no impact) d-e. Increase Hazards Due to Design or Result in Inadequate Emergency Access f. Public Transit/Bicycle or Pedestrian Facilities	**Mitigation Measures** **Off Site Intersection Improvements** The following offsite mitigation measures are recommended for Year 2035 with Project traffic conditions. Future projects developed at the DLVSP project site will be responsible for paying a fair share contribution to the intersection improvements. This will be calculated on a project by project basis as projects are proposed and project specific traffic studies are prepared for each new project. Table 4.16-11 *Project Fair Share Contribution*, identifies the cost for intersection improvements that the DLVSP projects in the aggregate. **CIR-1** Palm Drive at Two Bunch Palms Trail (#7): o Install an eastbound right turn overlap traffic signal phasing **CIR-2** Palm Drive at Camino Aventura (#9): o Install a traffic signal **CIR-3** Palm Drive at Camino Campanero (#8): o Construct a northbound left turn lane o Construct an eastbound shared left/through/right turn lane o Construct a westbound through lane	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	CIR-4 Palm Drive at 20th Avenue (#11): o Install a traffic signal **CIR-5** Palm Drive at Varner Road (#12): o Construct two additional northbound left turn lanes o Construct three total outbound lanes on west leg of the intersection o Construct additional southbound through lane o Construct additional outbound lane on southbound leg of the intersection o Construct an eastbound left turn lane o Construct an eastbound free right turn lane o Construct a westbound left turn lane o Construct westbound right turn lane o Install westbound right turn overlap traffic signal phasing **CIR-6** Gene Autry Trail at Vista Chino (#15): o Construct an additional southbound through lane o Construct additional northbound left turn lane o Install a southbound right turn overlap traffic signal phasing	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements

Table 4.6-11 Project Fair Share Contribution

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

Intersection	Improvement	Cost Estimate[1]	Project Fair Share of Cost Estimate[2]
Palm Drive (NS) at:			
Two Bunch Palms Drive (EW) - #7	Install EB right turn overlap signal phasing	$ 25,000	$ 11,450
Camino Aventura (EW) - #9	Install traffic signal	$ 400,000	$ 212,800
20th Avenue (EW) - #10	Install traffic signal	$ 400,000	$ 187,200
Varner Road (EW) - #12[3]	Construct additional SB through lane Construct WB left turn lane Construct WB right turn lane Install WB right turn overlap signal phasing	$ 289,720 $ 50,000 $ 50,000 $ 25,000	$ 323,896
Gene Autry Trail (NS) at: Vista Chino (EW) - #15	Construct additional NB left turn lane Construct additional SB through lane Install SB right turn overlap signal phasing	$ 50,000 $ 289,720 $ 25,000	$ 121,087
Total		**$ 1,604,440**	

Notes:
1. County of San Bernardino Congestion Management Program
2. Based on the greater of morning or evening peak hour project share of new trips.

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	3. The new additional NB left turn lanes, EB left turn lane, and EB free right turn lane are project specific improvements. The following offsite mitigation measures are recommended for Year 2035 with Project traffic conditions. Future projects developed at the DLVSP project site will be responsible for paying a fair share contribution to the intersection improvements. This will be calculated on a project by project basis as projects are proposed and project specific traffic studies are prepared for each new project. **CIR-7** The project applicant(s) shall construct all site access related improvements, including travel lanes on Varner Road in each direction between the project site and the Palm Drive and Varner Road intersection. Timing of construction of these improvements shall be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed. **CIR-8** The project applicant(s) shall construct all onsite and site-adjacent improvements, including traffic signing/striping and project driveways, as approved by the City of Desert Hot Springs Public Works Department. Timing of construction of these improvements shall be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed. **CIR-9** Varner Road along the project boundary shall be constructed at its ultimate cross-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the City of Desert Hot Springs Public Works Department. Timing of construction of these improvements will be at the discretion of the City Engineer or his/her designee, as new development projects at the project site are proposed.	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	CIR-10 On-site parking shall be provided to the satisfaction of the City of Desert Hot Springs Planning Department. **CIR-11** Sight distance at the project accesses shall comply with standard Caltrans and City of Desert Hot Springs sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that sight distance standards are met. Such plans must be reviewed and approved as consistent with this measure prior to issuance of grading permits and shall be reviewed on a project by project basis. **CIR-12** The project Applicant(s) proposing development within the project site shall participate in phased construction of off-site traffic signals through payment of traffic signal mitigation fees. At the discretion of the City Engineer or his/her designee, payment of fees sum may be required of the project proponent prior to development of the first new development project, or collected as each new development project is proposed. The traffic signals within the TIA study area at buildout should specifically include an interconnect of the traffic signals to function in a coordinated system. **CIR-13** The project applicant should contribute on a fair share basis through the City's Development Impact Fee Circulation Systems Streets, Traffic Signals, and Bridges Program, or in dollar equivalent in lieu mitigation contributions, in the implementation of the recommended improvements. **Regulatory Requirements** None Required	

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
	4.17 Tribal Cultural Resources	
a. A Site Listed in the CRHR or Local Register, Tribal Cultural Resources Defined by a Lead Agency	**TCR-1** An approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO). **Regulatory Requirements** None Required	Less than significant
	4.18 Utilities and Service Systems	
a. Exceed wastewater treatment requirements b. Require or result inconstruction of new wastewater drainage facilities c. Require or result in construction of new stormwater drainage facilities d. Not have sufficient water supplies available to serve the project	**Mitigation Measures** None **Regulatory Requirements** **RR-25** Prior to issuance of construction permits, contractors shall prepare and implement Construction and Demolition Waste Reduction/Recycling Plans, for review and approval by the City Engineer or his/her designee. The following mitigation and regulatory requirements from Section 4.8, *Hazards and hazardous Materials* and Section 4.9, *Hydrology and Water Quality,* apply to Utilities and Service Systems: **RR-8 and RR-12**	Less than significant

Potential Impacts on the Environment	Regulatory Requirements and/or Mitigation Measure	Level of Significance after Mitigation or Compliance with Regulatory Requirements
e. Provider has Adequate Capacity to Serve the Projected Demand f-g. Sufficient Permitted Landfill Capacity to Accommodate the Project or Fail to Comply with federal, state, and local statues and regulations h. Lead to the unnecessary consumption of energy resources.		

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Chapter 2 Introduction

2.1 Overview of and Authority for the EIR

This Environmental Impact Report (EIR) (State Clearinghouse No. 2017051070) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the proposed Desert Land Ventures Specific Plan (DLVSP). This EIR has been prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

The purpose of an EIR is to disclose information to the public and to decision makers about the potential environmental effects of a proposed project. An EIR does not recommend either approval or denial of a project; rather it is intended to provide a source of independent and impartial analysis of the foreseeable environmental impacts of a proposed course of action.

The project evaluated in this EIR is the approval of a Specific Plan for the development of a master-planned industrial and technology business park with freeway oriented commercial and hospitality uses. Development within the DLVSP will help generate a new tax base and create jobs for the City. Thus the proposed DLVSP would be growth inducing. The DVLSP would provide a land use and mobility plan, a utility infrastructure plan, and development standards and regulations to implement the proposed project.

Because the proposed project is a Specific Plan and currently there are no development projects proposed at this time, this EIR has been prepared as a program EIR. As defined in CEQA Guidelines Section 15168, a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1) Geographically,
2) As logical parts in the chain of contemplated actions,
3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

For DLVSP, all future projects would be developed within the project site with the exception of the water and sewer lines that will ultimately connect to the Mission Springs Water District's (MSWD) existing water system in Little Morongo Road, west of the project site; and the proposed MSWD regional wastewater treatment plant that is anticipated to be operational within 2-3 years.

The use of a program EIR allows a lead agency to rely on the environmental analysis and mitigation measures developed for a specific plan or other similar planning document when considering future development projects within the project site. At that time the lead agency must determine if subsequent activities will require additional environmental analysis or whether the activities may be found to be within the scope of the project described in the program EIR, thereby requiring no further environmental analysis.

The EIR describes the whole of the proposed project, analyzes its environmental effects, and discusses reasonable alternatives that would avoid, reduce, or minimize environmental impacts of future projects within the DLVSP. The City of Desert Hot Springs is the lead agency for the proposed project. The Desert Hot Springs City Council will consider the information presented in the EIR in making a decision on whether to approve or deny the proposed project.

2.2 Review of the Draft EIR

The City has filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse to begin the public review period of the Draft EIR (Public Resources Code, Section 21161). Concurrent with the NOC, the Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code Section 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of Desert Hot Springs Planning Department and the Desert Hot Springs Library. The addresses for each location are provided below:

City of Desert Hot Springs
Planning Department
65-950 Pierson Blvd.
Desert Hot Springs, CA 92240
Phone: (760) 329-6411
Hours: Monday – Thursday 7:00am to 6:00pm

Desert Hot Springs Library
11-691 West Drive
Desert Hot Spring, CA 92240
(760) 329-5926
Monday-Wednesday 10am-6pm, Thursday 12pm-8pm, Saturday 9am-3pm, closed Friday and Sunday

The Draft EIR is also available on the City's website at: https://www.cityofdhs.org/EIRs

Agencies, organizations, and interested parties who wish to comment on the Draft EIR during the 45-day public review period (May 24, 2017 through June 22, 2017) may send written comments to:

Scott Taschner, Principal Planner
65950 Pierson Boulevard
Desert Hot Springs, CA 92240
760-329-6411 ext. 256
staschner@cityofdhs.org

Upon completion of the public review period, written responses to all public comments received will be prepared and included in the Final EIR. Responses to comments received from public agencies will be made available for review at least 10 days prior to the public hearing before the City Council, at which the certification of the EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the proposed project.

2.3 Scope of the EIR

2.3.1 Notice of Preparation

The City of Desert Hot Springs distributed a Notice of Preparation (NOP) of the preparation of an EIR for a 30-day review period between May 24 and June 22, 2017. The NOP was circulated through the State Clearinghouse and sent to all the responsible agencies, adjacent cities, the County of Riverside, and to interested parties. Issues raised by agencies and the public in response to the NOP were considered in the preparation of the Draft EIR. The NOP and comments received are contained in Appendix A of this EIR. Table 1-1, *Comments Received on the Notice of Preparation*, includes a summary of the comments.

The City received nine comment letters, in addition to the letter received from the Governor's Office of Planning and Research stating that the 30-day review period ended and providing any comments from State agencies.

Table 2-1 Comments Received on the Notice of Preparation

Letter Author	Comment(s)	Discussion Location
Coachella Valley Water District	• The project site is within a special flood hazard area and must submit to Riverside County for review • Per SB 610 and SB 221, a Water Supply Assessment must be prepared, submitted to CVWD and included in the environmental document • Additional facilities would be required for CVWD to provide domestic water and sewer service to the project site. The project applicant may be required to construct said facilities and then convey the facilities to CVWD along with the land and/or easements on which the facilities will be located. • Landscape design within the development must be consistent with City of Desert Hot Springs Landscape Ordinance, which is consistent with the State's Model Efficient Landscape Ordinance and CVWD Ordinance 1302.1. In order to ensure compliance, the project applicant must submit plans for grading, landscaping and irrigation systems to CVWD for review prior to installation. • The project lies within the Mission Creek Subbasin Area of Benefit. Groundwater production within the area of benefit is subject to a replenishment assessment in accordance with the State Water Code. • All wells operated for the proposed project that produce more than 25 acre-feet of water during any year must be equipped with a water-measuring device and a CVWD Water Production Metering Agreement is required to provide CVWD staff with the authority to regularly read and maintain the device. • The groundwater basin in the Coachella Valley is in a state of overdraft. Elements and actions to reduce overdraft, included in the CVWD Water Management Plan, must be incorporated into the project design to reduce the negative impacts on the groundwater basin.	The discussion on flood hazards is included in Section 4.9, *Hydrology and Water Quality* of this EIR. The WSA prepared for the project is discussed in Section 4.9, *Hydrology and Water Quality,* and Section 4.18, *Utilities and Service Systems.* Additional water and sewer infrastructure required to support the proposed project is discussed in Section 4.18, *Utilities and Service Systems.* All requirements associated with water demand and use of CVWD water resources is discussed in Section 4.9, *Hydrology and Water Quality.*
Soboba Band of Luiseno Indians	• The Soboba Band of Luiseno Indians requested initiation of formal consultation with the City of Desert Hot Springs	Tribal Cultural Resources are evaluated in Section 4.17, Tribal Cultural Resources. The City has initiated formal consultations with

Letter Author	Comment(s)	Discussion Location
		this Tribe per SB 18 and AB 52 requirements.
Twenty-Nine Palms Band of Mission Indians	• The Tribal Historic Resource Office (THPO) is aware of a built environment resource, located approximately 0.5 miles from the project area. Additionally, the project is within the Chemehuevi Traditional Use Area. Therefore, there is potential for significant impacts to cultural resources with development of the project site. The THPO requests to be notified of the distribution of the Draft EIR and all subsequent documents. • A Phase I Archaeological Records Search and Survey should be completed and the THPO requests the results of any cultural reports prepared for the project.	Comment: The City will include the Twenty-Nine Palms Band of Mission Indians THPO on the distribution list for distribution of the Draft EIR and results of and cultural reports prepared for the project. The City has initiated formal consultations with this Tribe per SB 18 and AB 52 requirements.
Native American Heritage Commission	• AB 52 created a "Tribal Cultural Resources" category, separate from cultural resources, which must be analyzed in the CEQA document. • NAHC recommends that NAHC consults with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. • The comment letter includes a summary on AB52 and SB18 for guidance	Tribal Cultural Resources are discussed in Section 4.17, *Tribal Cultural Resources.*
Lozeau Drury LLP, On behalf of the Laborers International Union of North America	• The firm requests that the City send by electronic mail or US mail any and all actions related or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City. All such notices are included in the letter. They also request any notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. • The firm also requests that the County sends a copy of all Planning Commission and Board of Supervisors meeting and/or hearing agendas.	Comment: The City will include Lozeau Drury LLP on the distribution list for the activities listed in the letter.
South Coast Air Quality Management District	• SCAQMD requests a copy of the Draft EIR and all appendices related to air quality, health risk, and GHG analyses and all air modeling and HRA files • Lead agency should use the CEQA Air Quality Handbook, adopted by SCAQMD in 1993, CalEEMod software, and regional and localized significance thresholds as guidance when preparing the air quality analysis.	The Air Quality and GHG Assessment prepared for the project (Appendix B) utilized the software recommended by SCAQMD. The discussion of the AQ

Letter Author	Comment(s)	Discussion Location
	• In the event that the project generates significant adverse air quality and health risk impacts, alternatives must be considered that would avoid or substantially lessen the impacts. • If a permit is required through SCAQMD, SCAQMD should be identified as a responsible agency for the proposed project.	and GHG Assessment results can be found in Section 4.3, *Air Quality,* and Section 4.7, *Greenhouse Gases.* An alternatives discussion is included in Chapter 6 of this EIR.
Sierra Club	• Sierra Club recommends ensuring the preservation of the 38+ acres of Conservation Area on the project site by a recorded instrument such as deeding the acreage to a legitimate conservation entity. • Is the rectangle area proposed for solar development within the Conservation Area optimal from the standpoint of minimizing impacts in the Conservation Area? • It is recommended that the project be required to be consistent with the CVMSHCP Adjacency Guidelines.	A discussion of the conservation area and project impacts to the conservation area is included in Section 4.4, *Biological Resources.* Mitigation has been included requiring the project to be consistent with CVMSHCP Adjacency Guidelines.
Riverside County Flood Control and Water Conservation District	• An encroachment permit is required for any construction activities proposed within the District's ROW for the Mission Creek Channel. • The project may require a NPDES permit from the SWRCB. • The project site is within a FEMA mapped floodplain. The applicant must provide all studies, calculations and plans required to meet FEMA requirements, and should obtain a Letter of Map Revision (LOMR) prior to occupancy. • If the mapped flood plain is impacted by the project, the applicant should obtain a Section 1602 Agreement from CDFW and a CWA Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements.	Comment: No project development is proposed within the Mission Creek Channel ROW. A discussion on floodplain impacts and permitting requirements is included in Section 4.9, *Hydrology and Water Quality.* Results of the JD prepared for the project is included in Section 4.4, *Biological Resources*.

2.4 Organization of the EIR

This EIR has been prepared as a project-level EIR to evaluate the Desert Land Ventures Specific Plan which, when implemented, will guide future development of a mixed-use industrial and business development on acres located west of Palm Drive along Varner Road in the City of Desert Hot Springs.

The EIR is organized into the following main chapters and sections:

Chapter 1: Executive Summary. This chapter includes a summary of the proposed project and a discussion of the alternatives to the project. A brief description of the areas of controversy and issues to be resolved, and overview of potential impacts, and the Mitigation, Monitoring and Reporting Program are also included in this section.

Chapter 2: Introduction. This chapter provides an introduction and overview describing the purpose of the EIR, its scope and components, and its review and certification process. This chapter also includes a summary of the comments received on the Notice of Preparation.

Chapter 3: Project Description. This chapter includes a detailed description of the proposed project, including its location, existing site conditions, and project characteristics. A discussion of the project objectives, intended uses of the EIR, responsible agencies and their roles in the environmental process, and approvals that are needed for the proposed project are also included in this chapter.

Chapter 4: Environmental Impact Analysis. This chapter contains a comprehensive evaluation of the potential environmental impacts of the proposed project. Impacts are organized into major environmental topics. Each section includes a description of the environmental setting (the existing physical environment and the regulatory environment), methodology for evaluating impacts, significance criteria, potential impacts, and a discussion of existing rules and regulations imposed on the proposed project by the lead agency. Each section also includes project design features built into the project to comply with regulatory requirements such as Title 24 (Energy) and the California Building Code (CBC), proposed mitigation measures (in addition to environmental requirements already imposed on the project by regulatory agencies), and a finding of the level of significance after mitigation. The impact evaluation considers: direct impacts, indirect impacts, and cumulative impacts. The following environmental topics are addressed within Chapter 4:

Section 4.1 – Aesthetics: Addresses visual impacts that may occur with implementation of the proposed Specific Plan.

Section 4.2 – Agriculture and Forestry: Addresses impacts that the proposed project may have on lands designated as Prime Farmland or Forestlands and Timberlands.

Section 4.3 – Air Quality: Addresses the local and regional air quality impacts associated with project implementation as well as consistency with the SCAQMD 2016 Air Quality Management Plan (AQMP). This section also includes an evaluation of Health Risk associated with Diesel Particulate Matter (DPM)

generated by onsite equipment and trucks that will access the site. Finally, this section addresses the potential for odors to affect existing and future sensitive receptors in the vicinity.

Section 4.4 – Biological Resources: Addresses the project's impacts on habitat and wildlife in the area, as well as potential impacts associated with adjacency of the project to the Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Willow Hole Conservation Area.

Section 4.5 – Cultural Resources: Addresses the impacts of project development on historic buildings and archaeological and paleontological resources. Note: Tribal Cultural Resources are addressed separately in Section 4.17.

Section 4.6 – Geology and Soils: Addresses the potential impacts the project may have on soils, and assesses the effects of the project in relation to geologic and seismic conditions.

Section 4.7 – Greenhouse Gas Emissions: Addresses the project's estimated contribution to global warming through the emission of greenhouse gases during construction and long-term operation of the proposed Specific Plan.

Section 4.8 – Hazards and Hazardous Materials: Addresses the likelihood of the presence of hazardous materials or conditions on the project site and in the project area or the transport of hazardous materials that may have the potential to impact human health. This section also addresses hazards that may be associated with new land uses such as cannabis cultivation.

Section 4.9 – Hydrology and Water Quality: Addresses the impacts of the project on local hydrological conditions, including drainage areas and changes in flow rates; as well as potential impacts that may currently exist that must be addressed during project design to prevent flooding. This section also summarizes the requirements under the County's Municipal Separate Storm Sewer System (MS4) Permit for storm water control, retention and release.

Section 4.10 – Land Use and Planning: Addresses the related land use impacts associated with implementation of the project, including the project's compatibility with surrounding land uses, and consistency with the City's General Plan and regional Conservation Plan.

Section 4.11 – Mineral Resources: Addresses the potential impacts the development of the project could have on access to valuable mineral resources.

Section 4.12 – Noise: Addresses the noise impacts that may occur during construction and operation of future land uses based on compliance with the City's Noise Ordinance.

Section 4.13 – Population and Housing: Addresses the potential of the project to induce direct and indirect population growth.

Section 4.14 – Public Services: Addresses the impacts upon public service providers including fire, police, schools, parks, and other recreational facilities.

Section 4.15 – Recreation: Addresses the potential on recreation opportunities and recreational facilities.

Section 4.16 – Traffic and Circulation: Addresses impacts on the local and regional roadway system, parking, emergency access, public transportation, bicycle, and pedestrian facilities.

Section 4.17 – Tribal Cultural Resources: Addresses the potential adverse impacts to tribal cultural resources; including a summary of the City's Native American consultation with affected tribes.

Section 4.18 – Utilities and Service Systems: Addresses the project's impacts on water supply, wastewater treatment, storm drains, and solid waste. In addition, this section addresses the projects use of energy per CEQA Guidelines Appendix F: Energy Conservation.

Chapter 5: Other CEQA Required Sections. This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts, and irreversible and irretrievable commitment of resources. This chapter also provides a summary of environmental issues where findings can be made that the project would not cause an impact on the environment or that the impact would be negligible.

Chapter 6: Alternatives to the Proposed Project. This chapter compares the impacts of the proposed project with three project alternatives: the No Project Alternative where no development would occur, Buildout under the Existing General Plan designations, and a Reduced Intensity Alternative. An environmentally superior alternative is identified.

Chapter 7: Report Preparers. This chapter outlines the authors and staff that assisted in the preparation of the EIR, by name and affiliation.

Chapter 8: References. This chapter contains a full list of references that were used in the preparation of the EIR.

Appendices. Includes all notices and other procedural documents pertinent to the preparation of the EIR, as well as all technical material prepared to support the environmental analysis.

2.5 Reference Documents

2.5.1 Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this EIR has referenced several public documents. Information from the documents, has been incorporated by reference, and has been briefly summarized in the appropriate sections(s).

Documents include:

Desert Hot Springs General Plan, 2000
Desert Hot Springs Zoning Ordinance
Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)

2.5.2 Documents Prepared for the Project

The technical studies prepared for the proposed project and other informational documents that are included as appendices are listed below. These documents are included in their entirety on a CD at the back of this EIR.

Appendix A	Notice of Preparation and Comments Received on NOP
Appendix B	Air Quality and Greenhouse Gas Analysis
Appendix C.1	Biological Resources Assessment
Appendix C.2	Biological Resource Assessment – Water and Sewer
Appendix D.1	Cultural Resources Assessment
Appendix D.2	Paleontological Resources Assessment
Appendix D.3	HAER Study
Appendix E.1	Geotechnical Engineering Report
Appendix E.2	NRCS Soil Report
Appendix F.1	Hydrology Analysis
Appendix F.2	Alluvial Fan Hazard Assessment
Appendix F.3	Water Supply Assessment
Appendix F.4	Water and Wastewater Program
Appendix F.5	MSWD Will Serve Letter
Appendix F.6	Regional Flood Protection Report
Appendix G	Noise Impact Analysis
Appendix H	Traffic Impact Analysis

Chapter 3 Project Description

3.1 Introduction

The DLVSP, or proposed project, is located in the City of Desert Hot Springs (City) which is located in the western end of the Coachella Valley in eastern Riverside County north of the City of Palm Springs (see Exhibit 3-1, *Regional Location*). The project site consists of approximately 123.4 acres located north of Interstate 10 (I-10) and west of the intersection of Palm Drive and Varner Road (see Exhibit 3-2, *Project Vicinity*). Note: the numbers shown on Exhibit 3-2 represent the locations where photographs of the site were taken. Exhibit 3-3, *Site Photos*, contains photographs showing existing conditions at the project site.

The project site and surrounding area is in the largely undeveloped southern portion of Desert Hot Springs and lies approximately 5.25 miles south of the City's downtown core. The project site is generally bounded by I-10 to the south and west; Mission Creek to the west; the Willow Hole Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) to the north; and vacant land to the east. There is also one single family dwelling unit located southeast of the project site. Regional access is provided by I-10 with local access provided via Palm Drive and Varner Road.

The project site is part of a larger 4,000-acre area that was the subject of an annexation - the I-10 Community Annexation - approved by the Riverside County Local Agency Formation Commission (LAFCO) in 2010. The Existing General Plan and Zoning Designations within the project site are Light Industrial (LI) and Rural Desert (RD) (See Exhibit 3-4, *Existing General Plan and Zoning Land Use Designations*). The RD and LI designations are representative of Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L). The R-E-10 has a 10-acre minimum lot size and allows single family residential and various recreational land uses. The I-L District allows various industrial uses related to manufacturing and energy. The project proponent for the DLVSP is also proposing a General Plan Amendment (GPA 01-16) and Zoning Map Amendment (ZMA 01-16) in order to re-designate the 123.4-acre project site from the County's RD and LI to the City's Light Industrial (I-L), General Commercial (C-G) and Private Open Space (OS/PV) designations for both the General Plan and Zoning designations, and to ensure consistency between the proposed DLVSP and the City's Zoning Ordinance.

The land uses permitted under the DLVSP would allow for development of a master-planned industrial and technology business park with freeway-oriented commercial and hospitality uses. Land has also been set aside under the DLVSP for open space conservation purposes consistent with the CVMSHCP and for the provision of a comprehensive system of drainage swales and infiltration basins.

Development within the project site is proposed to support the growing demand for marijuana facilities not only in the City, but the greater Coachella Valley. Desert Hot Springs and other cities in the Coachella Valley have seen a major spike in the number of development applications and requests for these types of uses and facilities. In addition to the uses permitted for the cultivation, processing, manufacturing, testing, distribution and sale of marijuana, the DLVSP would also allow the development of a wide range of complementary businesses and light industrial uses. As part of the production process, cultivators need to utilize and maintain high-tech production and laboratory testing equipment. This type of production involves high demand for manufacturers and suppliers of lighting equipment, air filtration and irrigation systems, as well as fertilizers and commercial-scale extraction equipment. Marijuana facilities and dispensaries also rely on a variety of business solutions such as customized software, legal support, and financial services.

The overall purpose and intent of the DLVSP is to provide the land use and regulatory framework to allow for the systematic development of the project site from vacant land into a master-planned industrial and technology business park with freeway-oriented commercial and hospitality uses. The project site serves as a gateway into Desert Hot Springs due to its high visibility and convenient access from I-10, and its proximity to the Palm Drive corridor and I-10 on/off–ramp at Palm Drive/Gene Autry Trail. Palm Drive, south of the interchange, is designated by the City of Palm Springs as Gene Autry Trail. Development of the proposed project provides an opportunity to attract the multitude of motorists on I-10 and Palm Drive/Gene Autry Trail (key transportation corridors for the cities of Desert Hot Springs and Palm Springs). Over time, the DLVSP would establish key aesthetic, physical, and economic connections between the northern more developed portion of the City and the southern undeveloped portion. The DLVSP would be the first planned development in the mostly undeveloped desert land that was annexed into the City in 2010 as part of the City's I-10 Community Annexation.

3.1.1 Land Use Principles/Goals and Objectives

The vision for DLVSP is defined by the following land use principles and goals and objectives, which would not only aid City staff and decision makers in their review of development that would occur within the project site, but also aid in ensuring that future development projects and activities within the project site are consistent with the vision and overall purpose and intent:

Land Use Principals

- *Provide a land use development plan that establishes the quality design threshold for future development in other areas of the City, and serves as a catalyst for other development in the mostly undeveloped southern portion of the City*.
- *Take advantage of the economic opportunities that are offered/available to the Specific Plan area due to its high visibility and convenient access from I-10, which serves as major regional transportation corridor for the Coachella Valley.*

- *Provide a land use development plan that announces Desert Hot Springs to travelers on I-10 and Palm Drive, and takes advantage of the site location, which serves as a part of the gateway into Desert Hot Springs.*
- *Increase the City's revenue-generating tax base through new sales and property taxes associated with the mix of land uses permitted and proposed under the Specific Plan, while providing a new job base for existing and future residents of Desert Hot Springs and surrounding desert cities and communities.*
- *Create a unique industrial/technology park for clean manufacturing and tech-based businesses with an emphasis on renewable energy and sustainable products, with the potential for destination hospitality and commercial/retail uses.*
- *Provide industrial space with supporting infrastructure to help meet the Desert Hot Springs' growing demand for medical marijuana cultivation facilities.*

Goals and Objectives

- *Implement the vision, goals and policies of the Desert Hot Springs General Plan for the Specific Plan area, as well as the objectives of City of Desert Hot Springs I-10 Community Annexation.*
- *Establish a distinctive gateway into Desert Hot Springs through development of a well-designed, high-quality mixed-use master plan development for this key area portion of the City.*
- *Accommodate a range of land uses that meet the economic, environmental, and social needs of the City, while taking advantage of emerging trends in demand for land use and economic growth.*
- *Encourage development that will foster connectivity between the mostly undeveloped southern portions of the City and the more densely-populated development areas and resource centers in the northern portion.*
- *Create an opportunity for increased property-tax revenue by not only providing mixed-used development within Specific Plan area, but also encouraging similar development within the mostly undeveloped southern portion of the City.*
- *Cultivate industrial and commercial growth and investment in areas adjacent to and surrounding the Specific Plan area.*
- *Help the City balance its jobs-to-housing ratio (which is currently skewed to the housing side) through increased economic and employment expansion and opportunities within the Specific Plan area.*
- *Promote businesses that complement each other and position the Specific Plan area as an additional attraction and destination in Desert Hot Springs.*
- *Serve as a model for the application of sustainable and green development practices throughout the City and the greater Coachella Valley region.*

- *Preserve open space conservation areas consistent with the Willow Hole Conservation Area established by the Coachella Valley Multiple Species Habitat Conservation Plan*.

3.2 Relationship to City and Regional Plans

3.2.1 General Plan

Desert Hot Springs employs a "single map" system of land uses where General Plan land use designations are the same as zoning districts. The Specific Plan allows for greater specificity and flexibility in carrying out the General Plan, acting as a bridge between the General Plan, development activities, and improvements that are proposed within the project site. The DLVSP not only implements the goals and policies of the Desert Hot Springs General Plan for the project site, but also implements the goals and policies that apply to the overall health, growth, and sustainability of Desert Hot Springs. For example, the DLVSP would help implement various goals and policies found in the Land Use Element that support the City's desire to continue to create a future in which the economy and environment is preserved and enhanced by new development. A detailed discussion of the specific plan's relationship and consistency with the Desert Hot Springs General Plan is provided in Chapter 4, Section 4.10, *Land Use and Planning*. The DLVSP is proposed to be adopted by the Desert Hot Springs City Council as an ordinance and would function as the regulatory document to serve as the implementing zoning for the project site, thereby ensuring the orderly implementation of the Desert Hot Springs General Plan. The DLVSP would establish the necessary plans; development standards and regulations; design guidelines; infrastructure systems; and implementation strategies/programs on which subsequent development activities within the project site would be founded. Development activities that occur within the project site are guided by the terms and provisions contained in the DLVSP.

In addition to adoption of the DLVSP, the proposed project includes a General Plan Amendment (GPA 01-16) to ensure consistency between the specific plan and the General Plan. Specifically, GPA 01-16 would allow a change in land use designations from Light Industrial (LI) and Rural Development (RD) (County designations) to Light Industrial (I-L), General Commercial (C-G), and Private Open Space (OS/PV), in order to allow for the more intense development envisioned by the DLVSP. The General Plan Amendment was undertaken in accordance with the process outlined in Chapter 17.100 (General Plan Amendments) of the City's Zoning Ordinance (Title 17 of the Desert Hot Springs Municipal Code).

3.2.2 Zoning Ordinance

This DLVSP was prepared in accordance with the provisions of Chapter 17.128 (Specific Plans) of the City's Zoning Ordinance (Title 17 of the Desert Hot Springs Municipal Code), which stipulates the requirements and procedures for the preparation and processing of specific plans. The contents of the DLVSP are organized in accordance with the City's "Required Outline of Specific Plan Text" procedures, which are available online and at the City of Desert Hot Springs Planning Division.

The Zoning Map Amendment (ZMA 01-16), if adopted, would ensure consistency between the DLVSP and the City's Zoning Ordinance. Specifically, the amendment would change the land use/zoning

districts from Light Industrial (LI) and Rural Development (RD) (County designations) to Specific Plan in order to allow for the more intense development envisioned and allowed by the DLVSP.

3.2.3 Relationship to the City of Desert Hot Springs I-10 Community Annexation

As a part of the City of Desert Hot Springs I-10 Community Annexation (I-10 Community Annexation), approved by the City in 2010 via Riverside County Local Agency Formation Commission, the City expanded its southern boundary limit. Specifically, the City annexed approximately 4,000 acres (including the project site) of unincorporated County of Riverside territory lying between the southern boundary of the City and I-10. The area annexed was within the City's sphere of influence, and the I-10 Community Annexation expanded the City's municipal boundaries and local government authority to cover the area of annexation, thereby removing it from unincorporated County of Riverside.

The economic development principles and objectives established by the City for the I-10 Community Annexation state that the annexation was undertaken by the City in order to take advantage of additional economic opportunities that can occur due to direct visibility from and convenient access to I-10, a major regional transportation corridor in the Coachella Valley. The 4,000 acre area provides expanded opportunity for the City to increase its sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development. Such economic expansion would also help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side.

The DLVSP is consistent with and helps implement these economic development principles and objectives. For example, the development principles and objectives of the I-10 Community Annexation are weaved into and form, in part, the basis for the land plan principles, objectives, vision, and goals of the DLVSP. The economic development principles and objectives also form, in part, the basis for the proposed and permitted land uses of the DLVSP.

3.2.4 Coachella Valley Multiple Species Habitat Conservation Plan

The CVMSHCP is designed to preserve thousands of acres of desert habitat in the Coachella Valley. As part of the I-10 Community Annexation process, the City adopted the CVMSHCP conservation policies and implementation measures that apply to the annexation area. The City also became a co-permittee under the terms of the multi-jurisdictional agreement for administration of the CVMSHCP.

The DLVSP includes the preservation of 35.6 acres of the northern portion of the project site that is within a CVMSHCP Conservation Area (see Exhibit 3-5, *CVMSHCP Conservation Areas*). This area is dedicated for open space conservation as part of the CVMSHCP's Willow Hole Conservation Area. Additionally, an approximate 3.1-acre portion of the northwestern end of the project site would be preserved as open space, as it is also within the limits of the Willow Hole Conservation Area.

Combined, this area totals approximately 38.7 acres of open space within the Willow Hole Conservation Area.

3.2.5 Relationship to the Palm Drive Corridor Master Plan

The Palm Drive Corridor Master Plan is the City's conceptual plan of beautification and circulation improvements to the Palm Drive corridor between Mission Lake Boulevard on the north and I-10 on the south. The Palm Drive corridor is the primary gateway entrance to the City's retail and spa centers. Under this master plan, the City intends to provide an array of beautification and circulation improvements to the Palm Drive corridor.

Although not immediately adjacent to the Palm Drive corridor the project site is just west of the southern end of the Palm Drive corridor. The DLVSP is guided, in part, by the principles and objectives of the Palm Drive Corridor Master Plan. For example, the development plan and roadway improvements proposed under the DLVSP would help provide a portion of the connection between the corridor and the project site, and also help further the main objective of the corridor master plan, which is to implement a plan of beautification and circulation improvements to the Palm Drive corridor. The portion of Varner Road that traverses the project site would be fully improved to its ultimate width and include roadway paving, landscaping and a pedestrian sidewalk. The portion of Varner Road outside of and east of the project site—the portion between the eastern boundary of the project site and Palm Drive—would be repaved. Currently, Varner Road is an unmarked, partially-paved road from Palm Drive on the east to its existing terminus near Mission Creek, just west of the northwestern boundary of the project site. Therefore, the DLVSP establishes a key aesthetic and physical connection not only for Varner Road and the uses that would eventually be developed off of this road, but also for the Palm Drive corridor.

Finally, the land uses permitted and proposed under the DLVSP would help generate a new tax base for the City and provide a means to implement much needed infrastructure improvements in the area, including roadway improvements and connections along Palm Drive as envisioned and called for in the Palm Drive Corridor Master Plan.

3.3 Existing Land Uses and Conditions

Existing onsite and surrounding land uses are shown in the site photographs following Exhibit 3-2. The photos show that the project site consists of vacant land and is void of any physical structures. The entire project site consists of desert land, with shrubs, boulders and rocks scattered throughout the site. Onsite vegetation consists mainly of Sonoran creosote brush scrub in areas not disturbed by existing roads that traverse the project site. Topographically, the project site is generally flat and slopes downward to the southeast.

Varner Road bisects the northern portion of the project site from east to west. Currently, this road is an unmarked, partially-paved and un-maintained road from Palm Drive on the east to its existing terminus near Mission Creek (see Exhibit 3-2), just west of the northwestern boundary of the project site. The existing paving for this portion is in a dilapidated condition.

Mihalyo Road, an unpaved dirt road, traverses the project site from southeast to northwest along the southern boundary. This alignment is also shown in Exhibit 3-2. Within the project site, this unpaved road terminates near the northwestern portion of the project site, where it connects to the terminus of Varner Road. Beyond the project site, Mihalyo Road continues southeast towards and crosses Palm Drive, to where it then terminates approximately 3.05 miles southeast at North Date Palm Avenue in the City of Cathedral City.

Overhead power lines on wooden power poles run parallel to I-10 along the entire stretch of the southern boundary of the project site. Similar power lines traverse the central portion of the project site along Varner Road. Additionally, within the southern portion of the project site, two existing underground 30-inch gas transmission pipe lines traverse the site in a northwest-southeast alignment within a 40-foot wide utility easement.

As shown in Exhibit 3-5 the northern portion of the project site (the area north of Varner Road) is located within the Willow Hole Conservation Area of the CVMSHCP. A small area of the northwestern portion of the project site is also within this Conservation Area. Combined, approximately 38.7 acres of the project site are within the Willow Hole Conservation Area.

3.3.1 Surrounding Land Uses and Offsite Conditions

As shown in Exhibit 3-2 and the site photographs in Exhibit 3-3, there is very little developed land surrounding the project site. The exception is an existing occupied residence just beyond the southeastern end of the project site. Two gas stations, the Arco AM/PM Station and minimart and a Chevron station with minimart and a sit down, drive-thru fast-food restaurant (Jack in the Box) are all located southeast of the project site on Palm Drive just north of the I-10/Palm Drive intersection. Mission Creek is located approximately 320 feet west of the project site's northwestern boundary and Garnet Hill is located approximately 1,000 feet west, across I-10.

Mission Creek and Big Morongo Wash

Currently, the entire project site and its surroundings are constrained by flooding and drainage conditions. The site and its surroundings are in the path of flow for stormwater runoff from the Mission Creek and Big Morongo Wash watersheds. The entire site is susceptible to flooding. Implementation of the DLVSP would require onsite drainage improvements to address hydrology and drainage without disrupting drainage conditions and without impacting upstream or downstream properties.

The DLVSP land use plan was developed to follow the natural drainage flows of the area, which are north to south, and to minimize the potential flooding on and off-site.

Major Utility Easement

An approximate 40-foot wide utility easement for natural gas traverses the project site in a northwest-southeast alignment along the southern portion of the project site along the south side of the Mihalyo Road alignment.

3.3.2 Description of Proposed Land Uses

Exhibit 3-6, *Proposed Land Use Plan*, shows the proposed planning areas and associated land uses. Land has also been set aside under the DLVSP for open space conservation purposes within the Willow Hole Conservation Area, as required by the CVMSHCP and for the provision of a comprehensive system of drainage swales and infiltration basins to accommodate storm flows from the northwest.

Exhibit 3-7, *Area-Wide Mobility Plan*, shows the existing road network in the area. Exhibit 3-8, *Site-Specific Conceptual Mobility Plan*, shows the internal roadway network and connections to public streets that would be improved as part of the project, including Varner Road, Mihalyo Road, West Street and future Thornton Road (to be built by others).

Exhibit 3-9, *Conceptual Utility Plan*, shows the backbone infrastructure for utilities and services (storm drain, water, sewer, electricity and natural gas, as well as proposed locations for drainage/water quality basins, a wastewater package treatment plant, and a water storage and treatment plant.

Finally, Exhibit 3-10, *Project Phasing Plan*, shows the two planning phases, as well as the area to be set aside for open space/conservation, open space, and backbone infrastructure; and the proposed phase of construction for these improvements.

3.4 Planning Areas and Development Plan

The DLVSP is divided into two planning areas, as described below and shown in Exhibit 3-6. The 123.4-acre project site includes 62.9 acres for Planning Area 1 and 38.7 acres for Planning Area 2. The remaining acreage (21.8 acres) would be set aside for development of the backbone infrastructure system including public roads and water, wastewater, and drainage infrastructure that would serve the project site. The DLVSP provides a land use and regulatory framework that defines the development potential, land uses, and built form applicable to each planning area.

As shown in Exhibit 3-6, the Land Use Plan consists of two land use districts that regulate development within each planning area: Mixed Use and Open Space Conservation. Table 3-1, *Land Use Development Summary*, provides a summary by planning area and land use district. As shown in Table 3-1, the project site (specifically, Planning Area 1) could ultimately support just over 1.5 million square feet of industrial uses, just under 360,000 square feet of commercial uses, and up to 150 hotel rooms/keys.

Table 3-1 Land Use Development Summary

Planning Area	Land Use District	Acres (Gross)	Maximum FAR	Maximum Gross Square Feet			Maximum Hotel Rooms/ Keys
				Phase 1[1,2]	Phase 2[1,2]	Project Total	
1	Mixed Use (Industrial)	62.9	1.5	712,206[7]	826,551[7]	1,538,757[7]	150[3,4]
	Mixed Use (Commercial)		0.5	166,181[4,8]	192,861[4,8]	359,042[4,8]	
2	Open Space/ Conservation[5]	38.7					
Backbone Infrastructure[2,6]		21.8					
Total		**123.4**		878,387	1,019,412	1,897,799	150

Source: PlaceWorks, Desert Land Ventures Specific Plan, May 2017.

Notes:

1. Refer to Section 3.4.2, Phasing Plan, for a discussion of the Specific Plan's phasing plan.
2. Land use intensity transfers between phases are permitted so long as the maximum gross square footage does not exceed the project total. Additionally, surplus land (if available) from the proposed project's water and wastewater facilities sites (portion of Backbone Infrastructure) may be used for development as part of Planning Area 1 so long as the maximum gross square footage doesn't exceed the project total. Refer to the Planning Area 1 description, as well as Section 3.2 for a discussion of allowable intensity transfers between phases and Planning Areas.
3. The total number of hotel rooms/keys that can be developed in Planning Area 1 shall not exceed 150. The number of rooms/keys can be split between proposed hotel developments, but may not exceed 150.
4. The maximum commercial square footage allowed in Planning Area 1 includes development of a hotel (or hotels) that could accommodate up to 150 rooms/keys. The square footage of the hotel(s) developed shall be accounted for in and deducted from the maximum commercial square footage allowed.
5. Up to a maximum of ten percent of the Open Space/Conservation area (approximately 3.9 acres) may be developed with sustainable energy facilities (wind energy conversion systems and solar farms/fields), electrical substation facilities, and water/sanitary sewer facilities. Refer to the Planning Area 2 description for a discussion of the permitted uses within the Open Space/Conservation area.
6. Backbone infrastructure includes public roads and water, wastewater, and drainage infrastructure.
7. A maximum of 1,154,068 gross square feet may consist of marijuana cultivation area (Phase 1 maximum: 534,155 gross square feet, Phase 2 maximum: 619,913 gross square feet).
8. A maximum of 115,407 gross square feet may consist of marijuana dispensary retail space (Phase 1 maximum: 53,416 gross square feet, Phase 2 maximum: 61,991 gross square feet).

The following is a discussion of each planning area and the type and mix of land uses that could be accommodated within each planning area.

Planning Area 1 - Mixed Use

Planning Area 1 encompasses 62.9 acres of the project site, comprising the Mixed Use land use district. It would accommodate a range of industrial and commercial uses currently permitted in the I-L (Industrial Light), I-M (Industrial Medium), and C-G (Commercial General) land use/zoning districts of the Desert Hot Springs Zoning Ordinance however; the Mixed Use land use district also prohibits

some uses currently permitted in the I-L, I-M, and C-G land use/zoning districts. Table 3-2, *Changes to Permitted Land Uses Under Section 17.12.020 of the City's Zoning Ordinance*, sets forth the revisions being requested as part of the DLVSP to allow for the development of the proposed land uses.

As shown in Table 3-1, Planning Area 1 would accommodate a mix of industrial and commercial and up to 150 hotel rooms/keys. Industrial uses would include, but are not limited to, marijuana facilities (cultivation, processing, manufacturing, testing and distribution), warehousing and distribution, light manufacturing facilities, and mixed use office/industrial. Commercial uses could include a variety of retail trade and services, including but not limited to accessory retail uses, restaurants, retail stores, bed and breakfast establishments, motels or hotels, medical services and offices, marijuana dispensaries, and research and development facilities.

As shown in Table 3-1, Footnote 2, land use intensity transfers between phases (for both industrial and commercial uses) would be permitted as long as the maximum gross square footage does not exceed the project totals. Additionally, the total number of hotel rooms/keys that can be developed in Planning Area 1 is 150; and the total number of rooms/keys could be split so that more than one hotel could be developed. Furthermore, the square footage of the hotel(s) that can be developed are to be accounted for and deducted from the maximum 360,000 commercial square footage allowed in Planning Area 1.

As specified in Table 3-2, the uses are either permitted by right, which would require only zoning review, or through the approval of either a Development Plan Permit or Conditional Use Permit by the City.

Planning Area 2 - Open Space/Conservation

Planning Area 2 encompasses 38.7 acres of the project site, comprising the Open Space/Conservation land use district. As shown in Exhibit 3-6, Planning Area 2 consists of two separate areas bisected by Varner Road, the larger northern area north of Varner Road (35.6 acres) and a smaller area south of Varner Road in the northwestern end of the project site (3.1 acres). Approximately ninety percent of Planning Area 2 (34.8 acres) would be preserved and dedicated for open space conservation as part of the CVMSHCP Willow Hole Conservation Area, encompassing an area 5,600 acres in total.

The CVMSHCP calls for the action to preserve thousands of acres of desert habitat in the Coachella Valley, including undeveloped desert land within the City. The CVMSHCP does take growth into consideration and allows for the construction of roads and other infrastructure needed to accommodate population growth in the Coachella Valley. The Coachella Valley Conservation Commission (CVCC), in administering the CVMSHCP, targets ninety percent conservation within areas covered under the CVMSHCP, including the Willow Hole Conservation Area. CVCC gives consideration to developing limited portions of conservation areas, up to 10 percent, as provided under the CVMSHCP.

The DLVSP supports the habitat and endangered species provisions of the CVMSHCP, as well as the target of preserving ninety percent of the Willow Hole Conservation Area covered under Planning Area 2. Planning Area 2 would remain largely undeveloped desert land and habitat, with the exception of approximately 3.9 acres (approximately 10 percent of the conservation area) on the north side of Varner Road that would be set aside for development of water/wastewater facilities and large-scale energy facilities, including wind energy conversion systems, solar fields and/or an electrical substation, needed to supply a portion of the energy/electrical needs for the development and operation of the DLVSP.

3.4.1 Permitted Land Uses

The DLVSP allows for a wide range of commercial and industrial uses that are consistent with those of Chapters 17.12 *(Commercial Districts)* and 17.16 *(Industrial Districts)* of the City's Zoning Ordinance. The uses that are encouraged and permitted are also consistent with and help implement the overall purpose and intent of the DLVSP which is to provide the land use regulatory framework to allow for the systematic development of the project site.

Land uses permitted within Planning Areas 1 and 2 are either permitted by right or through the approval of a Development Permit or Conditional Use Permit, as well as those that are not permitted, and shall be in accordance with those outlined in Section 17.12.020 *(Development Permitted and Conditionally Permitted Uses)* and the accompanying land use table (Table 17.12.01) of the City's Zoning Ordinance; however, exceptions to some permitted land uses are provided in Table 3-2.

Table 3-2 Changes to Permitted Land Uses Under Section 17.12.020 of the City's Zoning Ordinance

Land Use	Planning Area (PA) and Land Use District		
	Infrastructure	PA 1 Mixed Use	PA 2 Open Space/ Conservation
Agricultural, Resource, and Open Space			
Crop production (indoor/enclosed only)		CUP	NP
Plant nurseries, with onsite sales		NP	NP
Plant nurseries, without onsite sales		DP	NP
Manufacturing and Processing			
Auto wrecking/parts salvaging		NP	NP
Marijuana facility, including greenhouses[1]		CUP & RP	NP
Mixed use office/industrial		DP	NP
Storage yard		NP	NP
Recreation, Education and Public Assembly			
Adult entertainment		NP	NP
Adult day care facilities		NP	NP
Child day care facilities		NP	NP
Golf courses/driving ranges/country clubs		NP	NP
Recreational vehicle (RV) storage		NP	NP

Table 3-2 Changes to Permitted Land Uses Under Section 17.12.020 of the City's Zoning Ordinance (continued)

Land Use	Planning Area (PA) and Land Use District		
	Infrastructure	PA 1 Mixed Use	PA 2 Open Space/ Conservation
Residential			
Group homes		NP	NP
Multifamily dwellings		NP	NP
Organizational and boarding houses		NP	NP
Parolee/probationer homes		NP	NP
Single room occupancy facilities		NP	NP
Services			
Cemeteries, columbariums, and mortuaries		NP	NP
Utilities, Energy Facilities, and Service Systems			
Electrical substation[2]	NP	NP	CUP & JPR
Sustainable energy facilities, large scale (e.g., wind energy conversion systems, solar farms/fields)[2]	NP	NP	CUP & JPR
Sustainable energy facilities, small scale (e.g., solar panels on building/carport roofs, building- or ground-mounted windmills or wind turbines)	P	P	NP
Water/wastewater facilities and infrastructure (e.g., pipelines, pressure reducing station, reservoir, lift station, storage tank, water well, booster pump station and treatment building) [2]	P	P	P & JPR

Source: Section 17.12.020 (Development Permitted and Conditionally Permitted Uses) of the City's Zoning Ordinance.

Notes:

NP = Not Permitted; P = Permitted; DP = Development Permit; CUP = Conditional Use Permit; JPR = Joint Project Review (review undertaken by and between City of Desert Hot Springs and Coachella Valley Conservation Commission); RP = Regulatory Permit.

In accordance with the provisions of Section 17.12.020 of the City's Zoning Ordinance, uses designated as NP are prohibited; uses designated as P are permitted uses and require zoning and specific plan consistency review; uses designated as DP are allowed uses and require approval of a Development Permit; uses designated as CUP are uses that require approval of a Conditional Use Permit; and uses designated as RP require the approval of a Regulatory Permit. All land uses subject to the approval of a Development Permit or Conditional Use Permit shall be pursuant to the provisions of Chapters 17.92 (Development Permits) and 17.76 (Conditional Use Permits) of the City's Zoning Ordinance.

1. Marijuana facility collectively means any medical and non-medical marijuana dispensary or cultivation, distribution, testing or manufacturing facility, as those terms are defined in Chapter 17.180 (Medical Marijuana Facilities Location) of the City's Zoning Ordinance and California Proposition 64 (2016 Marijuana Legalization Initiative). Marijuana facilities, including any proposed greenhouse, shall be developed and operated in accordance with the provisions of Sections 5.4.2, *Medical and Nonmedical Marijuana Facilities Standards and Regulations,* and Section 6.11, *Marijuana-Related Greenhouse Design*, of this Specific Plan.
2. The provisions outlined under Section 5.4.3, *Large-Scale Energy and Water/Wastewater Facilities and Infrastructure,* of this Specific Plan are applicable to large-scale sustainable energy facilities, electrical substations, and water/wastewater facilities and infrastructure that are proposed in Planning Area 2.

3.4.2 Phasing Plan

Development of the DLVSP would be phased in a logical sequence in response to market demands. Both phases are anticipated to be constructed and operational by the fourth quarter of 2019. As shown in Exhibit 3-7, *Site Phasing Plan,* development of the project site would occur in two phases; Phase 1 and Phase 2. Exhibit 3-7 shows that Phase 1 includes development of two lots, shaded in green; and Phase 2 includes development of three additional lots, shaded in blue. The energy improvements proposed north of Varner Road would be developed in Phase 2 as well. The proposed water and sewer line would be developed in Phase 1 since the infrastructure is necessary for operations within the project site. If the proposed water and sewer line cannot be developed prior to commencement of operations the project proponent would develop an onsite water facility and wastewater treatment plant (shown on Exhibit 3-7) to serve development in the interim until the alignment is complete. As shown in Table 3-1, Phase 1 would accommodate up to 712,206 square feet of industrial uses and 166,181 square feet of commercial uses. Phase 2 would include up to 826,551 square feet of industrial uses and 192,861 square feet of commercial uses. As noted in Table 3-1, Footnote 2, land use intensity transfers between phases (for both industrial and commercial uses) are permitted so long as the maximum gross square footage does not exceed the project totals shown in the table. Development under each phase would also be provided with the infrastructure and utilities systems needed to adequately serve the land uses of the phase in question.

3.4.3 Site Development Standards and Regulations

Site Development Standards and Regulations that would govern development within the project site are outlined in Table 3-3, *Site Development Standards and Regulations*. These standards are in accordance with Section 17.12.030 (Land Use District Development Standards) of Chapter 17.12 (Commercial Districts) and Section 17.16.030 *(Land Use District Development Standards)* of Chapter 17.16 (Industrial Districts) of the City's Zoning Ordinance. However, modifications to certain development standards and regulations are provided in Table 3-3 to accommodate certain commercial and industrial uses that would be permitted in Planning Area 1. The development standards and regulations outlined in Table 3-3, as well as those contained in Sections 17.12.030 and 17.16.030, shall apply to all development projects and activities accommodated by the DLVSP.

Table 3-3 Site Development Standards and Regulations

Standards/Regulations	Planning Area (PA) and Land Use District	
	PA 1 Mixed Use	PA 2 Open Space/ Conservation
Gross Lot Area		
Commercial	2.5 to 25 acres (min. to max.)	—
Industrial	20,000 square feet	—
Individual lot area		
Commercial	5,000 square feet (min.)	—
Industrial	—	—
Maximum Building/Lot Coverage		
Commercial (building coverage)	35%	—
Industrial (lot coverage)	75%	—
Distance Between Buildings		
Commercial	20 feet	—
Industrial	—	—
Front Setback		
Commercial	10 feet	—
Industrial	20 feet	—
Rear Setback		
Commercial	Zero (except 10 feet adjacent to a street)	—
Industrial	10 feet	—
Side Setback		
Commercial	Zero (except 10 feet adjacent to a street)	—
Industrial	10 feet[1]	—
Maximum Building Height[2]		
Commercial	35 feet/2 stories[3]	—
Industrial	50 feet/2 stories	—
Hotel	75 feet/7 stories	—
Parking Spaces Required		
Commercial	See footnote[4]	—
Industrial	See footnote[4]	—
Medical marijuana cultivation facility	1 per 2,500 square feet for cultivation space and 1 per 250 square feet for administrative/office space	—
Floor Area Ratio[5]		
Commercial	0.5	—
Industrial	1.5	—

Source: Chapter 17.48 (Off-Street Parking Standards), Section 17.12.030 (Land Use District Development Standards) of Chapter 17.12 (Commercial Districts), and Section 17.16.030 (Land Use District Development Standards) of Chapter 17.16 (Industrial Districts) of the City's Zoning Ordinance.

Notes (Table 3-3):

1. Unless attached buildings are proposed, where no side yard would be required for the attached side—per Section 17.16.030 *(Land Use District Development Standards)* of the City's Zoning Ordinance.
2. Building height determinations shall be in accordance with the provisions of Section 17.40.160 *(Height Determination)* of the City's Zoning Ordinance.
3. The maximum building height for commercial uses is 35 feet; however, architectural features/elements (e.g., tower, arch, relief) may exceed the allowed building height by a maximum of 15 feet, for a maximum building height of 50 feet, subject to review and approval by the Director of Community Development or his/her designee.
4. Unless otherwise specified in this table, parking requirements for commercial and industrial uses shall be per those outlined in Chapter 17.48 *(Off-Street Parking Standards)* of the City's Zoning Ordinance. Parking areas shall be designed in accordance with the standards outlined in Section 17.48.060 *(Design Standards)* of the City's Zoning Ordinance.
5. Floor area ratios noted here are per those outlined in Table 3-1, *Land Use Development Summary.*

3.4.4 Circulation and Mobility

Under the DLVSP, the project site would be easily accessible both internally and externally, connecting to the local and regional roadway system. Parking accessibility and availability is also key to the mix of industrial and commercial uses that would make up the project site. The DLVSP's mobility plan focuses on establishing safe and efficient connections between the uses in each planning area, as well as facilitating access and circulation within, into, and out of the project site.

The primary modes of travel that serve the project site and make up the mobility plan (some to a greater extent than others) include:

- Vehicular Access and Circulation
- Pedestrian Access and Circulation
- Bicycle Access and Circulation
- Public Transit

Exhibit 3-8 shows the existing and proposed mobility and circulation elements for the project site and surrounding area including access to I-10. Exhibit 3-9 shows the circulation system within the proposed project site. As shown in these exhibits, the proposed Mobility Plan fits into, complements, and helps complete the mobility and circulation system surrounding the project site. One of the main elements of the Mobility Plan is the improvements to Varner Road, which is integral to the development of the DLVSP and larger I-10 Community Annexation Area. The following is a description of the mobility and circulation elements as they relate to the project site and its surroundings.

Vehicular Access and Circulation

Exhibit 3-2 shows existing conditions in the project site and surrounding area. Regional access to the project site is provided via I-10, with local access provided from Palm Drive and Varner Road, and to

a lesser extent, secondary access is provided from Mihalyo Road (an unpaved alignment). There is also a street, Thornton Road, shown on an early 20th century map that could also provide future secondary access at the southeast corner of the project site.

Varner Road is currently an unmarked, partially-paved un-maintained road that bisects the project site from east to west. The existing pavement is in a dilapidated condition. Varner Road connects to Palm Drive on the east and continues west to its existing terminus near Mission Creek, just west of the northwestern boundary of the project area. Under existing conditions, Varner Road could not carry the volume or type of vehicles that would be generated by the land uses within the DLVSP.

Mihalyo Road is an unpaved road that traverses the project site from southeast to northwest along the southern boundary. Within the project site, this unpaved road terminates near the northwestern portion of the project site, where it connects to the terminus of Varner Road. Beyond the project site, the road continues east towards Palm Drive, and beyond. Thornton Road is a dedicated paper drawn road, accepted by the County of Riverside for street and public utility purposes with the recordation of Parcel Map No. 15882. This paper drawn road extends west from Palm Drive to the southeast corner of the project site in an east-west alignment.

Finally, West Drive, an unpaved north-south trending road connecting Varner Road to Mihalyo Road, represents the easterly boundary of the project site.

As shown in Exhibit 3-9, the Mobility Plan includes a comprehensive vehicular access and circulation system, which contains a hierarchy of access points and roadways to dictate the function and character of each intersection and roadway. Access points in the project site are described as primary or secondary. All proposed roadways are public roads and each provides access to different parts of the project site.

Bicycle Access and Circulation

The DLVSP Mobility Plan calls for a ten-foot wide, parkway-separated multipurpose trail along the south side of Varner Road through the project site. The multipurpose trail would be available for use by cyclists and pedestrians. Patrons and employees in the project site traveling by bicycle would also be able to access the various uses and areas within the project site from the internal sidewalks and drive aisles, which would connect to the multipurpose trail proposed along Varner Road and West Drive.

Section 21100(h) of the California Vehicle Code allows bicycles to ride on sidewalks; therefore, patrons and employees would be able to ride along the internal sidewalks, and those beyond the project site, if and when they are provided.

The provision of bicycle parking and storage areas onsite would also assist in providing and encouraging an alternative mode of transportation for patrons and employees. Currently, bicycle infrastructure exists in the project site along Palm Drive which is improved with a Class II Bike Lane that extends north toward Desert Hot Springs and south of I-10 into Palm Springs. Along Varner Road

the provision of a ten-foot wide parkway-separated multipurpose trail along the south side of the portion of Varner Road through the project site would complete an employee route within designated bike lanes.

Pedestrian Access and Circulation

There is no pedestrian circulation system currently serving the project site or its surroundings. Along Palm Drive east of the project site, public sidewalks are limited to the frontage of the development pads of the gas stations and fast food restaurant near the intersection of Palm Drive and Mihalyo Road. Pedestrian access and circulation improvements are needed along Varner Road and the roads within the project site to serve the future uses of the DLVSP. Pedestrian access and circulation in the project site includes a system of sidewalks along all internal roads, and roads leading to the project site – Varner Road, Mihalyo Road and, future paper drawn Thornton Road.

Public Transit

Public Transit in Desert Hot Springs is provided by Sunline Transit Agency (Sunline), which also provides transit services to the greater Coachella Valley. Two Sunline transit lines provide service to the City: Route's 14 and 20. Within Desert Hot Springs, Sunline provides service along Palm Drive, east of the project site, via Route's 14 and 20. Both of these routes connect Palm Springs to the downtown core of Desert Hot Springs, however the nearest Route 20 bus stops in relation to the project site, are on the east and west sides of Palm Drive, near the Palm Drive/Two Bunch Palms intersection and in the downtown core area of the City. These stops are not within walking distance, as they are over four miles north of the project site.

The nearest Route 14 bus stops to the project site are on the east side of Palm Drive, north of Paul Road and south of Mihalyo Drive, and on the west side, between Paul Road and I-10 (see Exhibit 3-8). The Mobility Plan calls for the development of a pedestrian circulation system along the portion of Varner Road that lies within the project site. However, no pedestrian paths or sidewalks exist or are anticipated in the near future for the undeveloped areas surrounding the project site, including the portion of Varner Road outside of and east of the project site. Therefore, access to the Route 14 bus stops on Palm Drive would be difficult, if not impracticable, as pedestrians accessing the project site from Palm Drive and vice versa would have to walk along the edge of the portion of Varner Road outside the project site. Therefore, until future development occurs to the east (which would require developer responsibility and fulfillment in providing pedestrian sidewalks along Varner Road), the pedestrian circulation system for Varner Road would be incomplete.

3.4.5 Infrastructure, Utilities and Public Services

Water System

The project site consists of undeveloped desert land—no potable water infrastructure or systems exist on or immediately adjacent to the project site. The proposed project is located within the

northwestern edge of Coachella Valley Water District's (CVWD) service area; however, CVWD does not have an existing water system in the vicinity of the project site to serve development within the DLVSP. The closest CVWD water systems are the Date Palm System and the Sky Valley System (Lower ID 8), which are approximately 4 miles and 3.5 miles away from the project site, respectively. The southern boundary of Mission Spring Water District's (MSWD) service area terminates approximately 0.5 miles northwest of the project site, with the closest MSWD service line located approximately 1.0 mile to the northwest. Consequently, service by MSWD provides the most economically viable option to supply water service, subject to an interagency agreement with CVWD and/or some other form of Local Agency Formation Commission (LAFCO) approval (sphere of influence extension or annexation) to permit MSWD service in the project site.

Water service by MSWD would be provided from the existing 913 Pressure Zone, which includes reservoir storage and production wells, generally located northwest of the project site. Connection to the MSWD 913 Pressure Zone would be provided via a 24-inch proposed water pipeline extending from the project site to the existing MSWD 24-inch water main line located at the intersection of Little Morongo Road and 20th Avenue. There are two potential alignment options to connect the project site to MSWD's existing water facilities. The preferred option (Option A) is to connect from the northwest corner of the project site north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right of way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. The second option (Option B) is to connect from the project site east in the Varner Road right-of-way, north in the Palm Drive right-of-way and then west in the 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue.

Onsite water facilities would include a 24-inch water pipeline in Varner Road and 18-inch water mains branching off into the proposed project's internal roadway system to serve the development areas. Fire hydrants would also be installed at key locations within the project site and surrounding area, as required by the Desert Hot Springs Fire Department, to meet the hose-pull requirements and provide adequate fire access. Please note that pipe sizing is preliminary, and has been designed to accommodate the anticipated maximum required fire flow and peak daily demand. An on-site Water Facility Site, approximately 1.5 acres in size, would be set aside in the proposed project's northwest corner for a pressure reducing station and other potential future water facilities, including wells, water-treatment, reservoir, pump station and hydropneumatic tank facilities which could be utilized to serve the MSWD water system, including the project site. In the event that the proposed MSWD water line cannot be developed prior to proposed operation of the project site, the project proponent proposes development of the onsite Water Facility Site with a private will. The private well would serve development within the project site until such a time that the MSWD water line could be constructed. All public water facilities would be shown on improvement plans and would be designed and constructed in accordance with MSWD requirements and standards.

Refer to Exhibit 3-10, *Conceptual Utility Plan* and Exhibit 3-11, *Off-site Mission Springs Water District Facilities Alignment Options* for illustration of the project's onsite and off-site water systems.

Wastewater System

The project site and surrounding area consists of undeveloped desert land, and no wastewater infrastructure or systems exist on or in the vicinity of the project site. The proposed project lies within CVWD's service area. As with water infrastructure, CVWD has neither the infrastructure nor immediate plans to provide wastewater service to the project site or surrounding area in the near future. The southern boundary of MSWD's service area terminates approximately 0.5 miles northwest of the project site. MSWD has a planned Regional Wastewater Treatment Plant located approximately 1.0 mile northwest of the project site. MSWD Regional Wastewater Treatment Plant is currently being designed and anticipated to be constructed by late 2019. Consequently, service by MSWD provides the most economically viable option to supply wastewater service to development within the DLVSP subject to an interagency agreement with CVWD and/or LAFCO approval (sphere of influence extension or annexation) to permit MSWD service to the project site.

Ultimate wastewater service to the project site would be provided from the MSWD Regional Wastewater Treatment Plant, generally located at the northwest corner of Little Morongo Road and 20th Avenue. Connection to the Regional Wastewater Treatment Plant would be provided via a proposed 8-inch force-main sewer pipeline extending from the approximately 1.0-acre proposed wastewater facility site located in the proposed project's southeast corner. The wastewater facility site would provide a sewer lift station to pump wastewater from the project site to the MSWD Regional Wastewater Treatment Plant. There are two potential alignment options to connect the project site to MSWD's Regional Wastewater Treatment Plant. The preferred option (Option A) is to connect from the proposed project's wastewater facility site north in West Drive, west in Varner Road, north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. The second option (Option B) is to connect from the proposed project's wastewater facility site north in West Drive, east in Varner Road right-of-way, north in Palm Drive right-of-way, and then west in 20th Avenue right-of-way, to the point of connection near the intersection of Little Morongo Road and 20th Avenue. Other onsite sewer facilities would include 8-inch sewer pipelines, within the internal roadway system, connecting the development areas to an onsite wastewater facility site and sewer lift station. All public wastewater facilities would be shown on improvement plans and would be designed and constructed in accordance with MSWD requirements and standards.

Until the MSWD Regional Wastewater Treatment Plant facility is in operation, and/or during early development phases when project wastewater demands are minimal with only marijuana cultivation uses in place, interim wastewater underground storage facilities may be used with periodic truck

transport to a regional wastewater treatment plant or sewage receiving facility to provide wastewater treatment. The proposed underground wastewater storage facilities would be located at either the onsite wastewater facility or within the development areas in the parking and circulation areas serving the cultivation facilities. Ultimately, these interim underground wastewater storage facilities would be abandoned and connected into the MSWD regional system once it is in place. Additionally, any underground wastewater facilities within the parking and circulation areas of the development pads would be used for discharge of recycled water that is used for the marijuana cultivation facilities irrigation systems, which is not able to be discharged to typical wastewater treatment facilities.

Refer to Exhibit 3-10, *Conceptual Utility Plan* and Exhibit 3-11, *Off-site Mission Springs Water District Facilities Alignment Options,* for illustration of the proposed project's onsite and offsite wastewater systems.

Mission Springs and Coachella Valley Water Districts Interagency Agreement

In order for the DLVSP to be served by MSWD, CVWD and MSWD would need to enter into an interagency agreement whereby CVWD relinquishes the right to serve the project area in favor of MSWD. This agreement would only affect the DLVSP and not necessarily other development projects in the area, due to its proximity to MSWD facilities and lower cost to provide infrastructure for service. The proposed project's entitlements will assume service by MSWD subject to a future interagency agreement with CVWD or an annexation into MSWD's service area through LAFCO (following entitlement).

Utilities

Dry utilities that would serve the project site include: electricity (Southern California Edison [SCE]), natural gas (Southern California Gas Company), telecommunications facilities (Frontier Communications), cable service (Charter Communications), and solid waste (Desert Valley Disposal). Under existing conditions, overhead power lines (12 kv and 33 kv) on wooden power poles run along the entire stretch of the southern boundary of the project site. Similar power lines (115 kv) traverse the central portion of the project site along the south side of Varner Road. Additionally, within the southern portion of the project site, two existing underground 30-inch diameter gas transmission lines traverse the site in a northwest-southeast alignment within a 40-foot wide Southern California Gas Company utility easement. No telecommunications, cable, or solid waste facilities or services are currently located within the project site.

Future development of the project site would include the provision of upgrading existing SCE electrical lines and facilities as well as providing new underground distribution lines along the proposed project's internal roadways, and the development of all other dry utilities within the project site. Additionally, Planning Area 2 would largely remain in its existing condition as undeveloped desert land and habitat within the Willow Hole Conservation Area, with the exception of permitted large-scale sustainable energy facilities (e.g., wind energy conversion systems [WECS], solar

generating facility and/or an electrical substation) for up to a maximum of 10 percent of the land coverage (approximately 3.9 acres) of the overall planning area acreage. Specifically, and as shown in Exhibit 3-6, the 3.9 acres set aside in the larger, northern portion of Planning Area 2 would accommodate the WECS, solar facility and/or substation needed to supply the energy/electrical needs of the DLVSP project site.

Due to the location of the gas utility easement and gas transmission lines, and in accordance with the Southern California Gas Company's *"General Design Parameters for Development Near Gas Transmission Facilities,"* permanent buildings and structures are not permitted in any portion of the easement. Furthermore, due to the depth of the gas lines, the Southern California Gas Company restricts the type and amount of landscaping that may be planted along the utility easement. In response to this constraint, the DLVSP provides creative solutions to ensure that access to the easement and underground gas transmission lines are maintained and not impacted, while at the same time allowing for some hardscape and landscape improvements to occur within the easement.

3.4.6 Hydrology and Drainage

The project site and surrounding vicinity are void of any storm drain infrastructure or improvements. The southern boundary of the project site is traversed by a natural storm runoff channel that forms part of the Mission Creek drainage system, which is just west of the northwestern boundary of the project site.

Currently, the project site and surrounding area are constrained by flooding and drainage conditions associated with Mission Creek and the Big Morongo Wash. The entire project site is within the 100-year flood plain with no base flood elevations determined as currently mapped by the Federal Emergency Management Agency (FEMA), for the Mission Creek and Big Morongo Wash watersheds. Because the project site is within the path of flow for stormwater runoff, it has experienced and is susceptible to flooding.

In response to the areas flooding and drainage conditions during major storm events, proposed drainage improvement plans have been developed as part of the proposed project's design. Solutions include raising the development pads above the area's flood zone level/line, and incorporating wide north-south drainage corridors with natural drainage swales and infiltration basins throughout the project site. These drainage corridors would function as engineering solutions to drainage and flooding problems while providing an aesthetically pleasing visual amenity for the project site and surrounding area. The infiltration basins would be designed and constructed for the retention of runoff and for water quality purposes. Specifically, the infiltration basins would be designed to contain 100 percent of the 100-year, 24-hour storm event runoffs in accordance with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance No. 1997-03). As shown in Exhibit 3-10, drainage swales and basins would be provided in key areas throughout the project site.

3.4.7 Public Services

Fire Protection

Fire protection and emergency medical services are provided to Desert Hot Springs - including the project site - by the Desert Hot Springs Fire Department. The City is served by Fire Station No. 37 located at 65958 Pierson Boulevard. The station is approximately 5.8 miles north of the project site. In the event of an emergency in the project site that would require more resources than Fire Station 37 could provide, the Desert Hot Springs Fire Department would then direct resources to the project site from other Riverside County Fire Department stations nearby and, if needed, would request assistance from other nearby fire departments.

Police Protection

The Desert Hot Springs Police Department (DHSPD) provides police protection services to Desert Hot Springs (including the DLVSP). DHSPD operates out of its facility located at 65950 Pierson Boulevard in Desert Hot Springs, approximately 5.8 miles north of the project site.

3.5 Required Discretionary Actions and Approvals

The City of Desert Hot Springs is the lead agency under CEQA and has principal approval authority over the proposed project. Implementation of the proposed project would require the following discretionary actions and approvals by the City:

- Adoption of a General Plan Amendment (GPA 01-16)
- Adoption of a Zoning Map Amendment (ZMA 01-16)
- Adoption of the Desert Land Ventures Specific Plan (SPA 01-16)
- Approval of Vesting Tentative Tract Map No. 37185 (VTTM 37185)
- Approval of a Development Agreement

For marijuana facility uses including cultivation, manufacturing, testing, distribution and dispensaries, individual applicants are required to obtain Conditional Use Permits (CUP) and a local Regulatory Permit (RP) pertaining to the operation of a marijuana facility.

In addition, implementation of the DLVSP would require approval from the following agencies:

- United States Army Corps of Engineers
    - 404 Permit for crossing of Mission Creek
        - Water and sewer facilities to serve the project
- State Water Resources Control Board Colorado River Basin Region (Region 7)
    - 401 Water Quality Certification
    - Construction Stormwater General Permit, Notice of Intent to Comply with Section 402 of the Clean Water Act
    - Construction Stormwater Pollution Prevention Plan (SWPPP)
    -

- South Coast Air Quality Management District
    - PM-10 Plan for compliance with Rule 403.1; Dust Control in the Coachella Valley.
- Coachella Valley Association of Governments (CVAG)
    - CVCC Joint Powers Review (JPR) application of Planning Area 2 for water/wastewater, WECS, solar and/or electrical substation facilities for adjacency issues.
    - Payment of fees for:
        - CVMSHCP – Payment of Fes
        - Transportation Uniform Mitigation Fee (TUMF)
- Riverside County
    - Department of Environmental Health
        - For restaurant and food services (if applicable)
        - Well Permitting (if applicable)
- Fire Department (Certified Unified Program Agency)
    - Review and approval of the various hazardous materials plans for each project within the DLVSP site where hazardous materials or waste would be handled, including Spill Prevention Countermeasures Contingency Plans (SPCC) and Hazardous Materials Business Emergency Plans (HMBEP)
- Interagency Agreement (Water and Sewer Service)
    - Water and sewer service by MSWD would be subject to a future interagency agreement with CVWD or an annexation into MSWD's service area through LAFCO.
- FEMA Floodplain Mapping Revisions – CLOMR & LOMR
    - To comply with the National Flood Insurance Program (NFIP) requirements, the project proponent would need to obtain revisions to the effective Flood Insurance Rate Map (FIRM) to remove the development pads out of the 100-year floodplain. Prior to issuance of any grading permit, a Conditional Letter of Map Revision (CLOMR) would need to be approved by FEMA as well as a Letter of Map Revision (LOMR) prior to issuance of any building permit.

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Regional Location
Desert Land Ventures Specific Plan EIR

Exhibit 3-1

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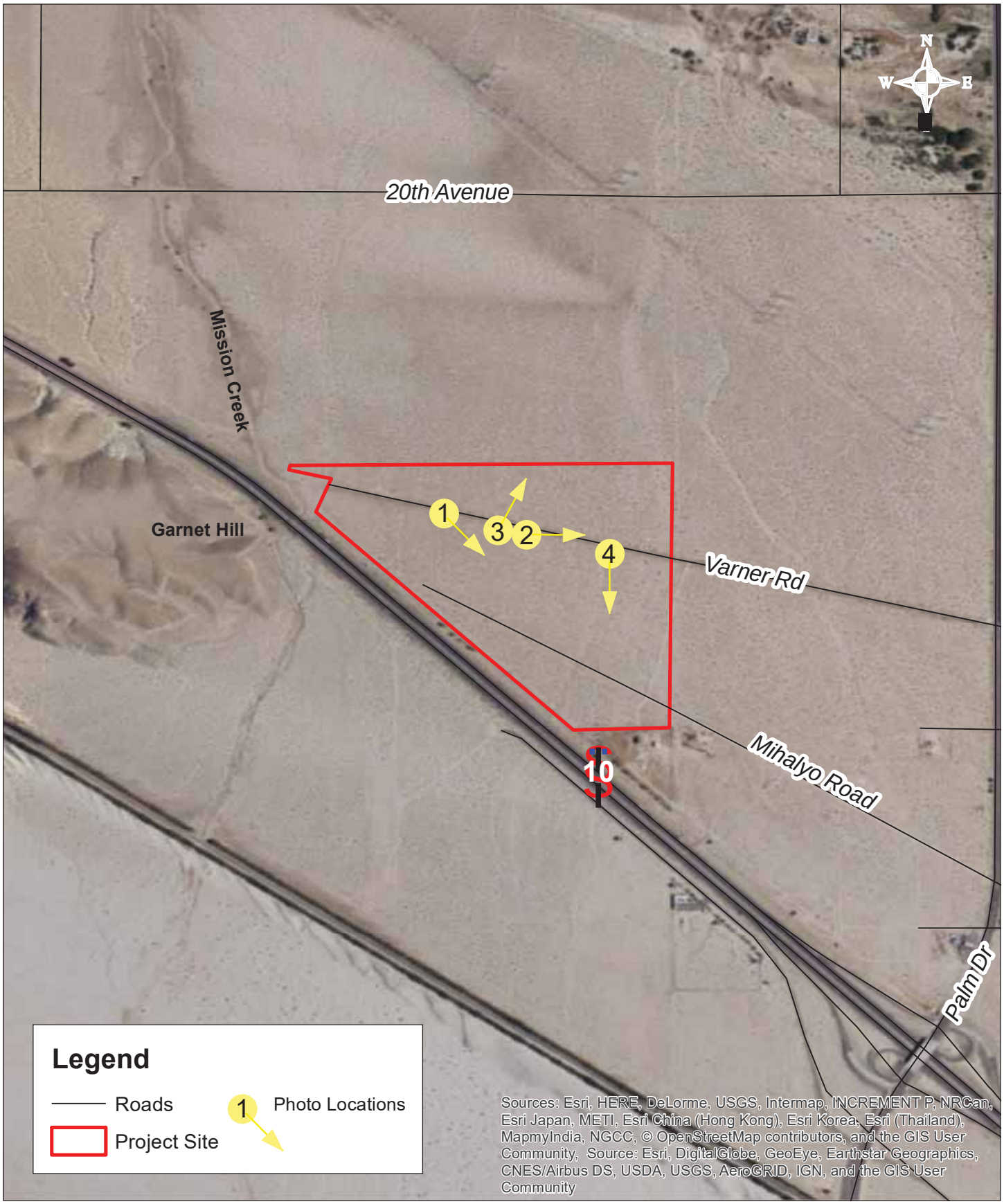

1 inch = 1,333 feet

The Altum Group

Project Vicintiy
Desert Land Ventures Specific Plan
EIR

Exhibit
3-2

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Site Photos
Desert Land Ventures Specific Plan EIR

Exhibit
3-3

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The Altum Group

Site Photos
Desert Land Ventures Specific Plan EIR

Exhibit
3-3

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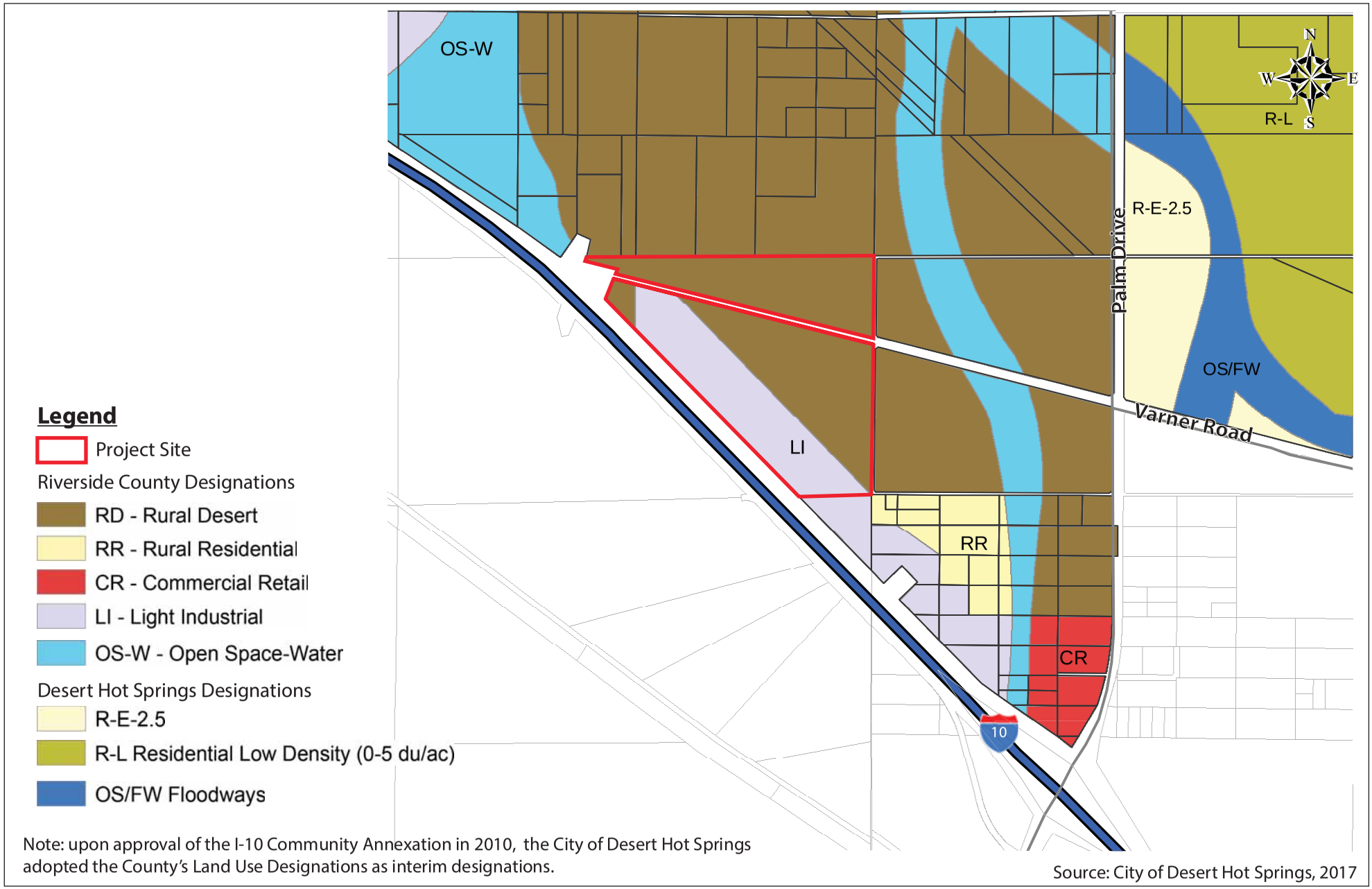

Note: upon approval of the I-10 Community Annexation in 2010, the City of Desert Hot Springs adopted the County's Land Use Designations as interim designations.

Source: City of Desert Hot Springs, 2017

The Altum Group

Existing General Plan Land Use and Zoning
Desert Land Ventures Specific Plan EIR

Exhibit 3-4

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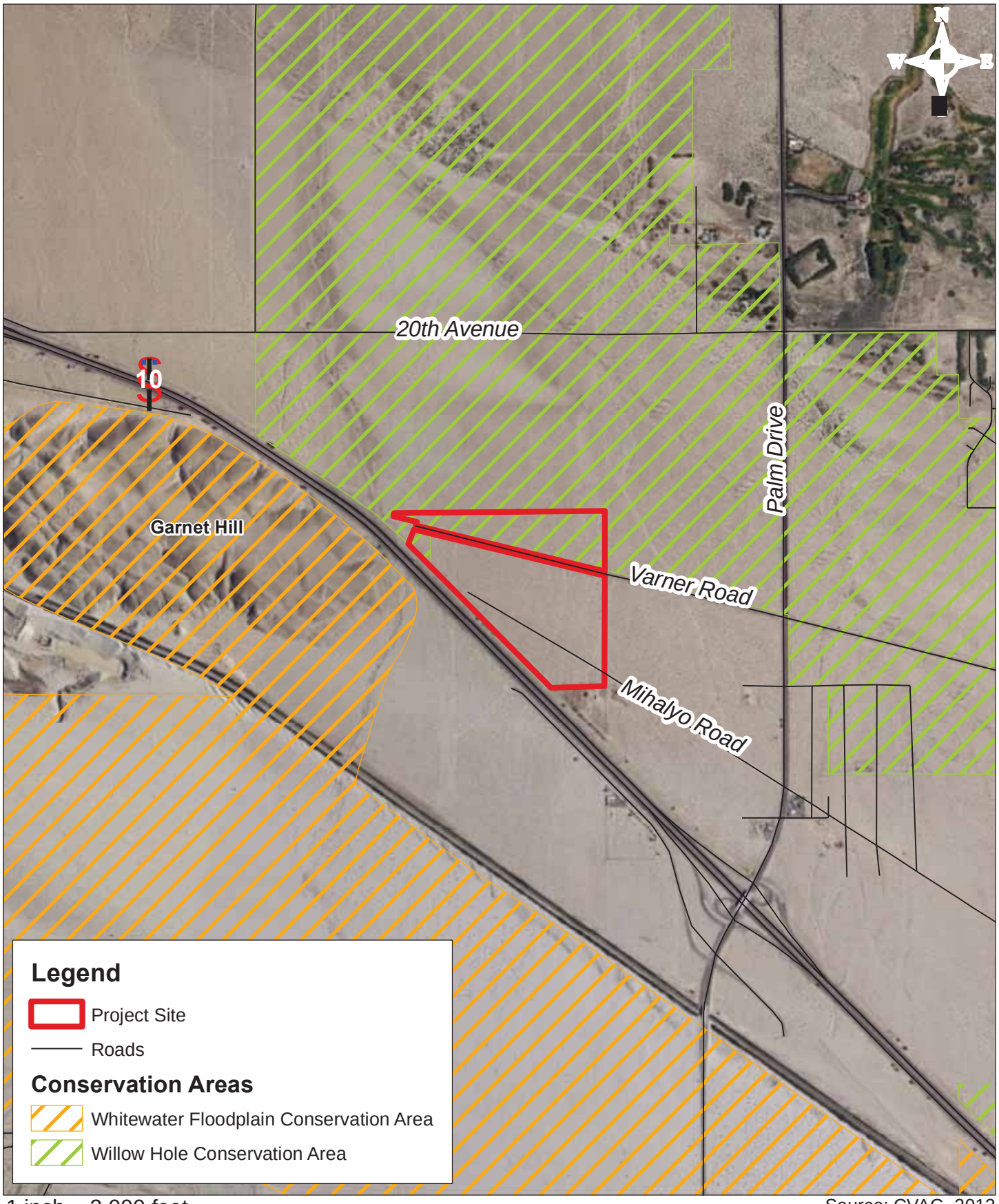

1 inch = 2,000 feet

Source: CVAG, 2013

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CVMSHCP Conservation Areas
Desert Land Ventures Specific Plan EIR

Exhibit 3-5

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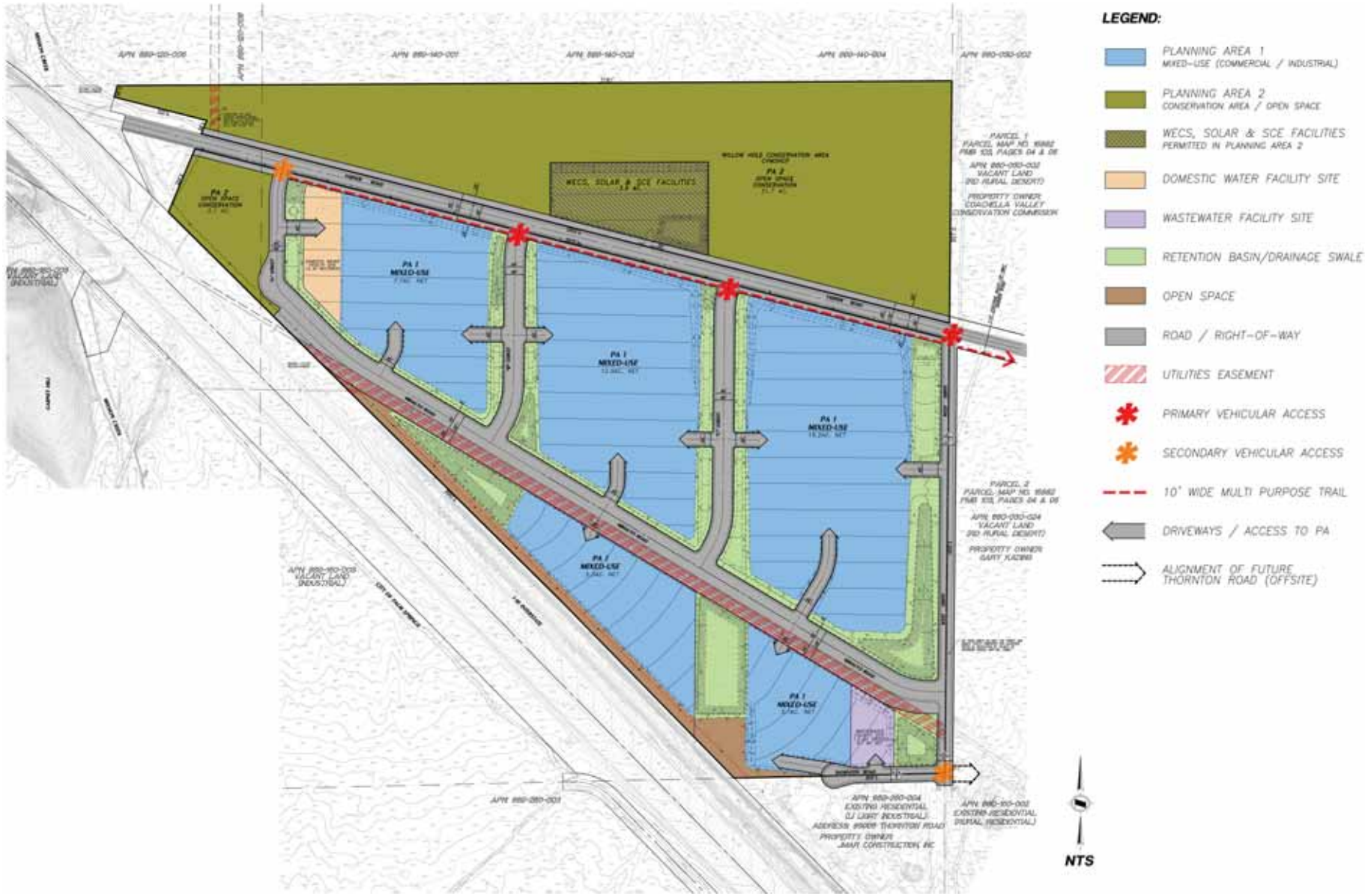

Source: Hunsaker & Associates, 2017

The Altum Group

Proposed Specific Plan Land Use Plan
Desert Land Ventures Specific Plan EIR

Exhibit 3-6

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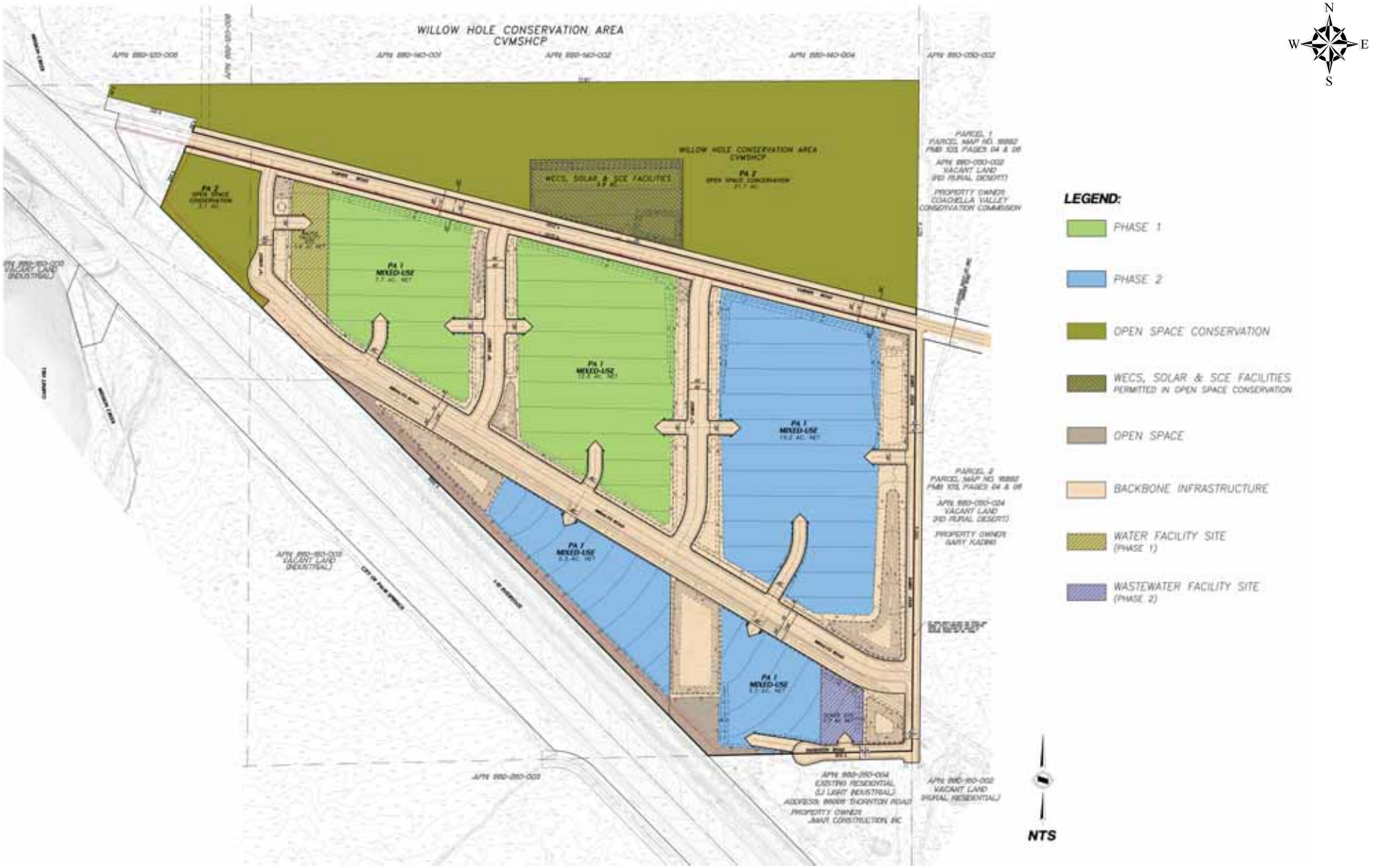

Source: Hunsaker & Associates, 2017

The Altum Group

Project Site Phasing Plan
Desert Land Ventures Specific Plan EIR

Exhibit 3-7

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Source: Placeworks, 2017

The Altum Group

Area-Wide Mobility Plan
Desert Land Ventures Specific Plan EIR

Exhibit 3-8

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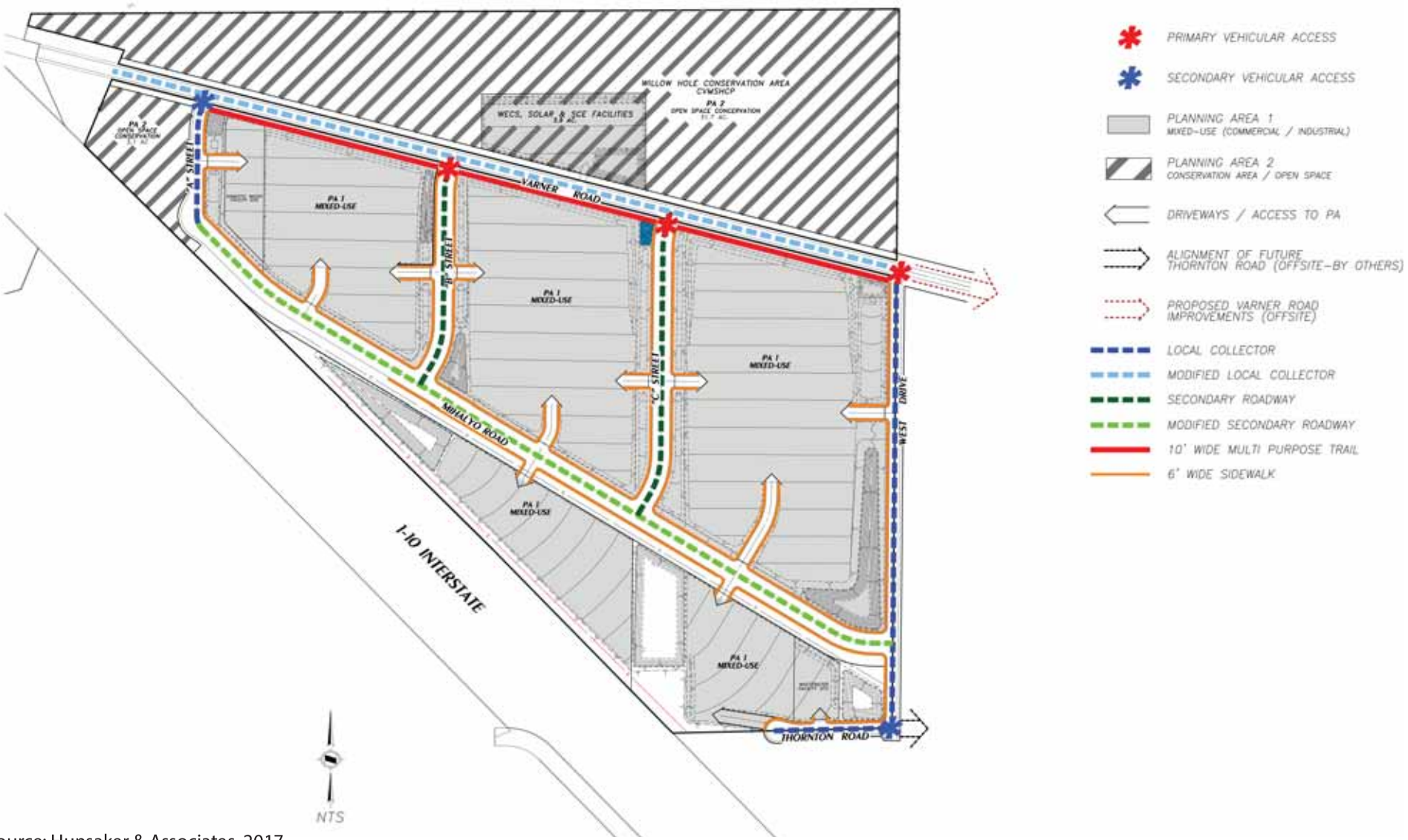

Source: Hunsaker & Associates, 2017

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Site-Specfic Conceptual Mobility Plan
Desert Land Ventures Specific Plan EIR

Exhibit 3-9

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Source: Hunsaker & Associates, 2017

The Altum Group

Conceptual Utility Plan
Desert Land Ventures Specific Plan EIR

Exhibit 3-10

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DILLON ROAD
LITTLE MORONGO ROAD
EXISTING MSWD
24" WATER MAIN
MSWD REGIONAL
REATMENT PLANT
PALM DRIVE
18th AVENUE
MOUNTAIN VIEW ROAD
PROPOSED SEWER
OPTION 'B'
20th AVENUE
PROPOSED SEWER
OPTION 'A'
PROPOSED WATER
OPTION 'A'
PROPOSED WATER
OPTION 'B'
SPECIFIC PLAN AREA
VARNER ROAD
MIHALYO ROAD
INTERSTATE 10
NTS
OPTION A
OPTION B
OPTION B

2017

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Chapter 4 Environmental Impact Analysis

4.0 Introduction

The EIR provides analysis of impacts for all environmental resource categories under CEQA. Sections 4.1 through 4.18 discuss the environmental impacts that may result with implementation of the DLVSP.

4.0.1 Resource Categories Addressed in the EIR

The following environmental categories are addressed in this chapter:

4.1 Aesthetics
4.2 Agriculture and Forestry
4.3 Air Quality
4.4 Biological Resources
4.5 Cultural and Paleontological Resources
4.6 Geology and Soils
4.7 Greenhouse Gas Emissions
4.8 Hazards and Hazardous Materials
4.9 Hydrology and Water Quality
4.10 Land Use and Planning
4.11 Mineral Resources
4.12 Noise
4.13 Population and Housing
4.14 Public Services
4.15 Recreation
4.16 Traffic and Circulation
4.17 Tribal Cultural Resources
4.18 Utilities and Service Systems

4.0.2 For each resource category, the following sections are included:

- Introduction
- Environmental Setting (existing conditions), including the Regulatory Setting
- Applicable Goals and Policies of the Desert Hot Springs Comprehensive General Plan 2000
- Impact Analysis, including Thresholds of Significance
- Cumulative Impacts
- Mitigation Measures and Regulatory Requirements
- Level of Significance After Mitigation

4.0.3 Thresholds of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA Guidelines Section 15091, which requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision makers approving a project to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences associated with implementation of the project.

The level of significance for each impact examined in the EIR was determined by considering the predicted magnitude of the impact against applicable significance criteria. Thresholds were developed using criteria from the CEQA Guidelines; State, federal, and local regulatory guidance; local/regional plans and ordinances; accepted practices; consultation with recognized experts; and other professional opinions.

The following adjectives are used specifically to define the degree of impact used in the Impact Analysis and Mitigation.

An "**adverse**" impact is any negative result of the project, however small. As a disclosure document, the finding of an impact as "adverse" merely indicates that the project would cause an impact to occur compared to existing conditions, even though that impact may be less than significant. For example, the removal of vegetation from a vacant site might be considered adverse (i.e., "negative") but it may not exceed a local threshold such as loss of native plants or plant communities. Therefore, an impact may be adverse without being significant.

A "**significant**" impact is considered a substantial negative effect if it exceeds a critical and accepted threshold for negative environmental effects. CEQA defines a significant effect on the environment as "*…a substantial or potentially substantial, adverse (i.e., negative) change in any of the physical conditions within the area by the project, including land, air, water, flora, fauna, ambient noise, and objects of historic or aesthetic significance…* (CEQA Guidelines, Section 15383). As recommended in the CEQA Guidelines, impacts are also identified as "**potentially significant**" prior to mitigation.

4.0.4 Cumulative Projects

A "**cumulative"** impact is a compilation of a project's impact when considered in concert with other approved projects, projects under consideration for entitlement, or recently completed projects, that when combined with the project being evaluated in the EIR could produce related or cumulative impacts (CEQA Guidelines Section 15130).

Table 4.0-1, *Cumulative Projects*, lists all related projects in the City of Desert Hot Springs, the City of Palm Springs and the County of Riverside. Exhibit 4.0-1 *Cumulative Project Locations,* shows the project site and other projects that combined are used to evaluate cumulative impacts.

Table 4.0-1 Cumulative Projects

ID	Project Name	Quantity	Units[1]
1	CUP 02-15 (Snider Interests)	180,900	
2	CUP 03-15 (Oxford Properties)	1,001,000	
3	CUP 04-15 (Coachella Valley Patients)	381,053	
4	CUP 05-15 (Xtreme Meds/Bunch Palm Trail)	57,907	
5	Cultivation Center /Pineapple Express)	23,250	
6	CUP 08-15 (Joji Dreyfus CS Pharms)	1,800	
7	CUP 09-15 (Cabot Building Partners)	72,000	
8	CUP 09-15 (San Jac Facilities)	40,000	
9	CUP 01-16 (DHS Therapeutics/ AB&D Holdings)	72,000	
10	CUP 02-16 (CANNDESCENT)	9,600	
11	CUP 03-16 (DHS Diversified)	5,038	
12	CUP 04-16 (Black Pepper Ventures III)	41,000	
13	CUP 05-16 (SRP RE)	45,360	
14	CUP 05-16 (SRP RE)	45,360	
15	CUP 07-16 (Kamran Aniranfar and Amir Fayazrad)	23,070	
16	CUP 08-16 (Kamran Aniranfar and Amir Fayazrad)	4,912	
17	CUP 09-16 (GFarmaLabs)	102,125	
18	& AB Wellness Holdings)	62,994	
19	CUP 11-16 (DHS Properties Investments)	30,550	
20	CUP 12-16 (MERJ)	312,324	
21	CUP 13-16 (Ocean Spring Tech)	6,600	
22	CUP 14-16 (Desert Hot Springs Green Horizons)	45,000	
23	CUP 15-16 (Rx DHS Herbery)	9,864	
24	CUP 16-16 (Brian Maddox)	13,120	
25	CUP 17-16 (Brian Maddox 2)	38,848	
26	CUP 18-16 (Cabot Building Partners)	36,000	
27	CUP 19-16 (DHS Therapeutics)	36,000	
28	CUP 23-16 (Bunch Palms Trail)	57,907	
29	CUP 25-15 (AgreenCulture)	29,000	
30	CUP 26-16 (Yucca Mesa Holdings)	50,210	
31	CUP 29-16 (Stark Investments Pulse Enterprises)	69,000	
32	CUP 06-17 (Canndescent II)	86,716	
33	DP 01-16 (Mojave River Academy)	4,000	
34	CUP 22-14 (Bodde Dispensary)	6,000	
35	CUP 24-16 (Taco Bell)	2,449	
36	Marbella Villa Residential	395	DU
37	The San Rafael Condos	8	DU
38	Pedregal	132	DU

Table 4.0-1 Cumulative Projects (continued)

ID	Project Name	Quantity	Units1
39	305 San Rafael	24	DU
40	Art Colony (Single Family Detached Residential) Commercial Retail Pass-By (34% PM) Service Station w/ Convenience Market & Car Wash Pass-By (62% AM, 56% PM, 56% Daily) Fast-Food Restaurant with Drive Thru Pass-By (49% AM, 50% PM, 50% Daily) Subtotal	84 23,342 12 1 	DU FP Site
41	Olivera Tract	5	DU
42	Boulders	45	DU
43	Serena Park	386	DU
44	750 Lofts	39	Rooms
45	Las Palmas Estates	17	DU
46	Virgin Hotel	142	Rooms
47	Andaz Hotel	150	Rooms
48	Palomino Midtown	6	DU
49	Downtown Block (Office) Commercial Retail Hotel Subtotal	32 96 290 	Rooms
50	Orchid Tree Resort/Church	52	Rooms
51	Azotea	14	Rooms
52	Palm Ridge (Skye)	40	DU
53	The Cameron (Townhomes) Shopping Center Subtotal	80 15 	DU
54	The Palm Canyon (Condominiums) Single-Family Detached Residential Subtotal	25 56 	DU DU
55	Dakota	39	DU
56	Belardo Hotel	66	Rooms
57	Horizon Hotel	24	Rooms

Total Other Development by Land Use Category		
Commercial and/or Industrial (SF)	**Residential (DU)**	**Hotel (Room)**
3,169.30	1,342.00	777.00

4.0.5 Mitigation Measures

In some cases, following the impact discussion, reference is made to State and federal regulations and agency policies that would fully or partially mitigate the impact. In addition, policies and programs from applicable local land use plans that partially or fully mitigate the impact may be cited. Finally, the DLVSP includes a number of development standards and design guidelines the

may be used to reduce potentially significant impacts. These would be required to be implemented during development of individual projects in planning areas.

Project-specific mitigation measures that may still be required after compliance with regulatory requirements and/or DLVSP development standards and design guidelines, are described using the format presented below:

AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact with which it is associated (AES-1 in this example).

A mitigation monitoring and reporting program will be developed, incorporating all mitigation measures presented within this EIR. All mitigation measures will be written with a means of monitoring or reporting on implementation and enforcement.

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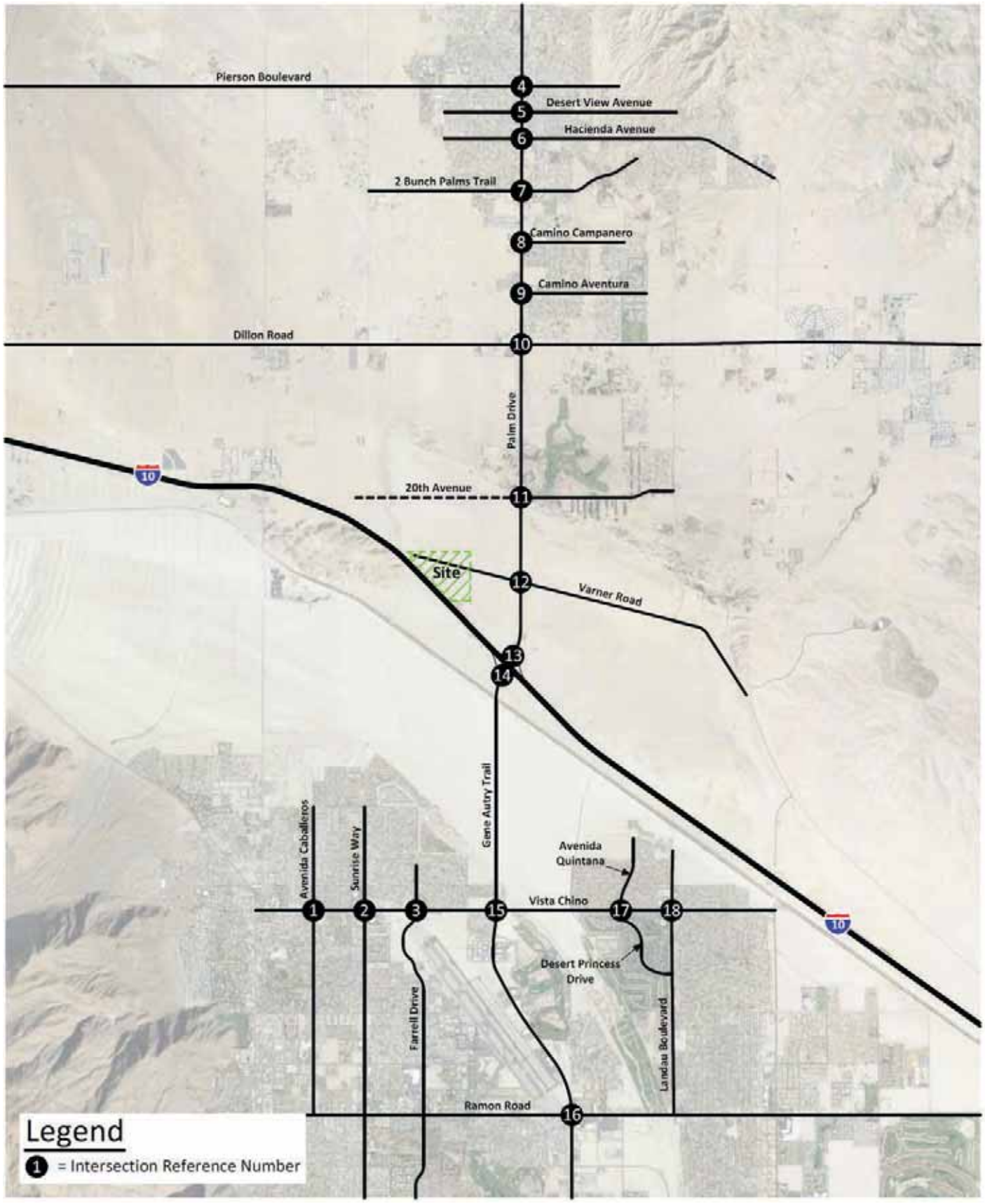

Source: Kunzman Associates, 2017.

The Altum Group

Cumulative Project Locations
Desert Land Ventures Specific Plan EIR

Exhibit
4.0-1

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4.1 Aesthetics

4.1.1 Introduction

This section describes the existing aesthetic qualities of the project site, discusses the potential impacts that may occur from implementation of the DLVSP and Zoning Map Amendment, and identifies mitigation measures to reduce potentially significant impacts to visual and scenic resources, and light and glare impacts. Sources used in the evaluation of potential impacts to Aesthetic resources are included in Chapter 8, *References,* at the end of this EIR.

4.1.2 Environmental Setting

Existing Conditions

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

Visual Character

Exhibit 3-3 in Chapter 3, *Project Description*, shows photos of existing site conditions; photo locations at the project site are shown in Exhibit 3-2. The project site is currently undeveloped and consists of desert land with shrubs and scattered boulders throughout the site, remnants of a rock house with only one remaining column standing, and discarded refuse found along Varner Road. Onsite vegetation consists mainly of Sonoran creosote brush scrub in areas not disturbed by existing roads that traverse the project site. Topographically, the project site is generally flat with a minor downward trending slope from the northwest to the southeast. Because of the project's alignment between the San Gorgonio and San Jacinto Mountains and being located downwind from the San Gorgonio Pass, the site is frequently subject to strong winds during Fall, Winter and Spring seasons.

Surrounding

As shown in Exhibit 3-2 in Chapter 3, *Project Description*, there is very little developed land surrounding the project site. The only exception is an existing occupied residence just beyond the southeastern end of the project site. In addition, two gas stations, the Arco AM/PM Station and minimart and a Chevron station with minimart and restaurant are located southeast of the project site on Palm Drive just north of the I-10/Palm Drive intersection. To the west, Mission Creek is located approximately 320 feet west of the project site's northwestern boundary and Garnet Hill is located approximately 1,000 west of the project, directly across I-10.

Regulatory Setting

State Scenic Highway

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program, provides guidance, and assists local government agencies, community organizations, and citizens with the process to officially designate scenic highways. The goal of the California Scenic Highway Program is to preserve and enhance the natural beauty of California. State highways nominated for scenic designation must first be on the statutory list of highways eligible for scenic designation in the State Scenic Highway System. These highways are identified in Section 263 of the Streets and Highways Code Caltrans evaluates the merits of a nominated highway on how much of the natural landscape a traveler sees and the extent to which visual intrusions impact the "scenic corridor." Visual intrusions may be natural or constructed elements, viewed from the highway, that adversely affect the scenic quality of a corridor. Adverse effects are characterized as minor, moderate, or major. County highways nominated for scenic designation that are believed to have outstanding scenic values are considered eligible and do not require any legislative action. Both State and county highway nominations follow the same process and have the same requirements. The nomination process for a State Scenic Highway includes a visual assessment by the local governing body, consultation with Caltrans, preparation of a Scenic Highway Proposal, and Caltrans review of the Scenic Highway Proposal.

If the Caltrans Director approves the scenic highway recommendation, the route becomes an official State Scenic Highway. In the case of a recommendation to designate a county highway, the Director authorizes the county to designate the highway as an official County Scenic Highway. State and County Scenic Highways are on the Caltrans scenic highway map and included with other information made available to the public.

City of Desert Hot Springs Municipal Code

Section 17.40.170(E) - Outdoor Lighting Standards

E. General Requirements.

1. Shielding. All exterior illuminating devices, except those exempt from this section and those regulated by subsection F of this section shall be fully or partially shielded as required in Table 17.40.170 of this section.
   a. “Fully shielded” means the fixture shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal.
   b. “Partially shielded” means the fixture shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal.

2. Filtration. Those outdoor light fixtures requiring a filter per Table 17.40.170, shall be equipped with a filter consisting of a glass, acrylic or translucent enclosure. Quartz glass does not meet this requirement.
3. Requirements for Shielding and Filtering. The requirements for shielding and filtering light emission from outdoor light fixtures shall be as set forth in Table 17.40.170.

Section 17.180.050(B) – Medical Marijuana Cultivation Facilities

B. Interior Only. Medical marijuana cultivation shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this chapter. No medical marijuana cultivation operations, including harvesting and growing plants at any stage, shall be visible from any public right-of-way.

Ordinance No. 635

Ordinance No. 635 was adopted by the Desert Hot Springs City Council on November 7, 2017, to amend Chapter 17.180 of the Municipal Code. Chapter 17.180 now applies to all marijuana facilities instead of medical marijuana facilities only, to be consistent with the Adult Use of Marijuana Act (AUMA) that will go into effect on January 1, 2018. Additionally, on December 12, 2017, the City Council will review an urgency ordinance that will convert all existing medical marijuana CUPs (dispensaries and cultivation operations) to medical and recreational use.

4.1.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Aesthetic resources that would apply to the DLVSP:

Commercial Goals, Policies and Programs

Policy 2

Development standards for commercial land uses shall include setbacks, pad elevations, massing and height limitations, and other requirements, which provide adequate visibility and accessibility, while preserving the scenic viewsheds from adjoining properties and public rights-of-ways.

Industrial Goals, Policies and Programs

Policy 6

The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.

Program 6A

As an integral part of industrial park planning, the City shall require thoughtful site planning and extensive use of landscaping to enhance the appearance of industrial areas.

Open Space and Conservation Goals

GOAL 1

Open space areas which protect environmental resources, guard against environmental hazards, provide recreational opportunities and enhanced aesthetic character of the City.

GOAL 2

A land use pattern which preserves the City's resort residential atmosphere, including scenic resources such as hillside and mountain vistas, waterways, and native desert communities.

Community Design Goal, Policies and Programs

Policy 10

Lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification in residential, commercial and industrial development, taking every reasonable measure to preserve the community's night skies.

Program 10A

Develop a lighting standards ordinance as part of the Zoning Ordinance, which sets specific standards for lighting levels, acceptable types of lighting and fixtures, and location of lighting control in relation to adjoining and nearby properties and public rights-of-way. The ordinance shall include a lighting retirement program, which establishes finite periods by which existing non-conforming lighting and fixtures shall be replaced.

4.1.4 Project Impact Analysis

Thresholds of Significance

The criteria for establishing the significance of potential impacts on visual resources came from Appendix G of the State CEQA guidelines and apply to the DLVSP. A significant impact would occur if the proposed project:

a. Has a substantial adverse effect on a scenic vista.
b. Substantially damages scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
c. Substantially degrades the existing visual character or quality of the site and its surroundings.
d. Creates a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

a. Substantial Adverse Effect on Scenic Vistas

For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. In addition, some scenic vistas are officially designated by public agencies, or informally designated by tourist guides. A substantial adverse effect to such a scenic vista is one that degrades the view from such a designated view spot.

As shown in Table 5-2, *Development Standards and Regulations*, of the DLVSP, commercial development within Phase 1 would allow for a building height maximum of 35 feet (2 stories), hotel development to allow for a building height maximum of 75 feet (7 stories), and Industrial development to allow for a building height maximum of 50 feet (2 stories).

The project site borders the north side of I-10. Due to the fast moving vehicles on the freeway, the DLVSP would not significantly impact the views of the San Bernardino Mountains north of the project site. Nonetheless, *Design Guidelines and Standards* developed for the DLVSP and structural height provisions acquired from the City's Zoning Ordinance (Section 17.40.160, *Height determination (structures))*, would ensure that the proposed project is consistent with City requirements in regard to the design, placement, pad height, articulation, massing, roof treatment, spacing, and height for each building proposed within the project site. Additionally, the proposed project is not in close proximity to any mountains in the region and the project is proposed in an area with minimal development nearby. Therefore, development of the proposed project would not be a dominant feature in the overall local landscape.

Planning Area 2 would largely remain in its existing condition as undeveloped desert land and habitat within the Willow Hole Conservation Area, with the exception of permitted large-scale sustainable energy facilities (e.g., wind energy conversion systems [WECS], solar generating facility and/or an electrical substation) for up to a maximum of 10 percent of the land coverage (approximately 3.9 acres) of the overall planning area acreage. Specifically, 3.9 acres set aside in the larger, northern portion of Planning Area 2 would accommodate the proposed energy facilities needed to supply the energy/electrical needs of the project site. The project proponent has not yet decided where or how to develop the area north of Varner Road with proposed energy facilities to supply energy/electrical demand for the project site. Several alternative energy projects already exist within a one-mile radius of the project site. Due to the minimal developable area (approximately 3.9 acres) north of Varner Road, any energy development would be minimal and it would be consistent in character to other energy development within the surrounding area.

Therefore, the proposed project would maintain consistency with *Goal 2* of the City's General Plan (*Open Space and Conservation Goals*) in preserving scenic resources and impacts to scenic vistas would be less than significant.

b. Substantial Adverse Effect on Scenic Resources

Scenic Resources includes trees, rock outcroppings, and historic buildings that are visible from a State scenic highway, or locally significant scenic resources such as the 10,831 foot, north face escarpment of Mount San Jacinto. Currently, there are no State scenic highways that run through or near the DLVSP's project boundary. The nearest officially designated State scenic highway is State Highway 62 located approximately five miles northwest of the project site. Highway 62 is the main corridor gateway to Joshua Tree National Park and the main arterial roadway for the communities of Yucca Valley, Joshua Tree and Twenty-Nine Palms. The project site would not be visible from Highway 62 and no impacts to the State Scenic Highway are anticipated. Based on the analysis of Scenic Vistas above, in Section 4.1.a, the proposed project would not cause a substantial impact to scenic resources.

c. Substantial Degradation to Visual Character or Quality of the Site

Currently the project site is undeveloped. Desert land with shrubs and scattered boulders comprise the majority of the project site. A nearly decomposed rock house with one remaining column standing and discarded trash refuse were found along Varner Road. Very little developed land surrounds the project site. The only exception is an existing occupied residence southeast of the project site.

The proposed project would create a noticeable environment with a new development surrounded primarily by undeveloped, open space desert. Any type of architectural design incorporated into the construction of onsite structural buildings would nonetheless, be visible to motorist traffic along I-10. The project site is not directly adjacent to the I-10. A Southern California Edison easement is located on the south side of the project site, with existing above-ground power lines running the length of the easement. Therefore, the landscape north of the I-10 is already impacted by above-ground power lines that would still be visible once the proposed project is developed. Nonetheless, to soften the change in visual character to the surrounding vicinity, the DLVSP provides Site *Design Guidelines* and *Standards* (Section 6) that not only include Site *Design Guidelines and Standards* and *Architectural Design Guidelines and Standards* (Sections 6.3 and 6.4 respectively) that are pertinent to distant view, but also include *Outdoor Common Area Design, Public Art Design* and *Landscape Design* guidelines (Sections 6.7, 6.8, 6.9 respectively) that are pertinent to up close onsite view of the proposed project. These recommended guidelines specific to outdoor gathering areas, arcades, courtyards, public art sculptures and 'Contemporary Desert' theme landscaping, would be relevant to the site's visual onsite character. These guidelines, as reiterated in Discussion 4.1.2a, would provide City staff, the Planning Director, Planning Commission and City Council with the necessary review guidelines for consistency with City requirements.

Project design consistent with the *Site Design Guidelines and Standards and Architectural Design Guidelines and Standards* through implementation of Regulatory Requirement RR-1, would ensure consistency with *Policy 2* of the City's General Plan (*Commercial Goals, Policies and Programs*) to provide adequate visibility, consistency with *Policy 6* of the City's General Plan (*Industrial Goals, Policies and*

Programs) to assure aesthetically acceptable industrial developments, and consistency with *Program 6A,* requiring extensive use of landscaping to enhance the appearance of industrial areas. Therefore impacts associated with degradation to visual character would be reduced to less than significant.

d. Create a New Source of Light and Glare

Light and glare impacts would be associated with implementation of the DLVSP. Development of the site, regardless of proposed land uses (resort commercial light-industrial, cultivation) will require compliance with Zoning Ordinance Section 17.40.170, *Outdoor Lighting Standards.* The purpose of this Ordinance is to:

> *Maintain ambient lighting levels as low as possible in order to enhance the City's community character and charm and maintain dark skies; provide for good visibility while maintaining minimum glare and spillage onto other properties or into the sky; and maintain safety, utility, security and productivity while enhancing nighttime enjoyment of property and the night skies.*

Table 17.40.170 of the Zoning Ordinance (*Requirements for Shielding and Filtering of Outdoor Lighting*) provides specific shielding and filtering requirements guidelines based on the type (i.e., High pressure sodium) and intensity (i.e., Incandescent greater than 160 watts) for outdoor lighting uses that are applicable to the proposed project. Section 17.40.170.F, *Prohibited Lighting*, also lists prohibited types of outdoor lighting that are also applicable to the proposed project (i.e., illuminated awnings, outdoor building/landscaping without shielding). Not only is the City's *Outdoor Lighting Standards* applicable to developable areas within the project site, but also the requirement for outdoor lighting to be shielded from spilling glare onto the adjacent Willow Hole Conservation Area within Planning Area 2 to the north.

Section 6.5, *Lighting Design,* contained within the DLVSP includes guidelines to assist in reducing lighting and glare. The guidelines include the requirement for shielding outdoor lighting, consideration of implementing International Dark-Sky Association (IDA) approved lighting fixtures, consideration of timer control switch or sensor lighting to dime and brighten lighting levels when necessary, and for outdoor lighting to be in accordance with the provisions of Section 17.40.170F.

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

4.1.5 Cumulative Impacts

The DLVSP applies to only the 123.4-acre project site. The potential impacts on Aesthetics associated with development of the proposed project from an undeveloped, vacant swathe of land to a master-

planned industrial and technology business park would only be applicable to the City's southern half as part of the I-10 Community Annexation Area. The northern, main hub of the City would not be affected by the implementation of the DLVSP. Therefore, impacts to scenic resources and the visual character or quality of the project site are considered local and do not contribute to a cumulative impact.

The analysis of the proposed project and the potential adverse and/or significant impacts associated with implementation of the DLVSP were found to be less than significant (scenic vistas, visual character) with adherence to the DLVSP's *Design Guidelines and Standards* and adherence to structural height provisions incorporated from the City's Zoning Ordinance (Section 17.40.160, *Height determination* (*structures*)).

Light and glare produced from the project site would be cumulative towards the City's overall contribution of light and glare emitted from existing developed land use activities. However, Section 17.40.170 of the City's Zoning Ordinance (*Outdoor Lighting Standards*), provides lighting restrictions (specific shielding and filtering requirements guidelines) to ensure that the City's dark, night-time skies are maintained. Therefore, development consistent with the City's municipal code, implemented through Regulatory Requirement RR-3, would result in a less than significant impact from new sources of light and glare.

4.1.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

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

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

4.1.7 Level of Significance After Mitigation

Not Applicable.

4.2 Agricultural Resources and Forestry Resources

4.2.1 Introduction

This section describes the existing agricultural and forest resources and potential effects from implementation of the DLVSP. Descriptions and analysis in this section are based on information contained in the Farmland Mapping and Monitoring Program (FMMP) developed by the California Department of Conservation (2010), the Land Cover Mapping and Monitoring Program (LCMMP) conducted by the California Department of Forestry and Fire Protection between 1992 and 2002, and the Williamson Act Program (2007). Sources used in the preparation of this section are identified in Chapter 8, *References,* at the end of this EIR.

4.2.2 Environmental Setting

Existing Conditions

According to the DLVSP, the project site consists of vacant land and is void of any physical structures. The entire project site consists of desert land, with shrubs, boulders and rocks scattered throughout the site. Onsite vegetation consists mainly of Sonoran Creosote Brush Shrub in areas not disturbed by roads that traverse the project site. The surrounding area consists of undeveloped desert land. Two gas stations and a fast-food restaurant are located southeast of the project site, on Palm Drive just north of the 1-10/Palm Drive intersection.

The Existing General Plan and Zoning Designations within the 123.4-acre project site are Light Industrial (LI) and Rural Desert (RD) (See Exhibit 3-4, Existing General Plan and Zoning Land Use Designations). The RD and LI designations are representative of Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L). No parcels in the project site are under active Williamson Act contract. The FMMP designates the project site as Other Land which is characterized as vacant land and non-agricultural land.

Regulatory Setting

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (the Williamson Act, Government Code Sections 51200 through 51297.4) encourages the preservation of agricultural lands through tax incentives due to the increasing trend toward the conversion of agricultural lands to urban uses. The act enables counties and cities to designate agricultural preserves (Williamson Act lands) and within these preserves, offer preferential taxation to agricultural landowners based on the agricultural income producing value of

the property. Essentially, this approach ties real estate tax rates to the agricultural value of the land rather that the market rate, which can escalate rapidly as areas around a farm or dairy convert to urban uses. In return for the preferential tax rate, the landowner is required to sign a contract with the county or city agreeing not to develop the land with non-agricultural uses for a minimum of 10 years. On the ten-year anniversary, the date of the contract it is renewed automatically, unless a notice of non-renewal or petition for cancellation is filed.

State Farmland Mapping and Monitoring Program

The California Department of Conservation (CDC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982. The FMMP is a non-regulatory program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Prime agricultural land is rated according to soil quality and irrigation status and identified by the following categories, collectively referred to as Farmland, Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of local Importance, Urban and Built-Up Land and Other Land. Descriptions of the categories are described below:

Prime Farmland

Prime farmland is considered as land that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance

Farmland of statewide importance is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agriculture production at some time during the four years prior to the mapping date.

Unique Farmland

Unique farmland consists of lesser quality soils used for the production of the State’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Unique Importance

Farmland of Unique Importance includes soils that are listed as prime or statewide importance that are not irrigated, and soils growing in dryland crops, such as grains, beans, or dryland apricots.

Grazing Land

Grazing land is land on which existing vegetation is suited to the grazing of livestock.

Urban and Built Up Land

Urban and Built Up Land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf course, sewage treatment, and water control structures.

Other Land

Other Land is defined as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than forty acres is mapped as Other Land. The project site is designated Other Land in the 2016 FMMP Important Farmland Map.

4.2.3 Applicable Goals and Policies

Due to the lack of agricultural resources within the project site, there are no applicable goals and policies of the City of Desert Hot Springs General Plan.

4.2.4 Project Impact Analysis

Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, implementation of the DLVSP would have significant impacts to agricultural resources if it would:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

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

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

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

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

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland)

According to the FMMP map (2010), the project site is designated as Other Land. As described in Section 4.2.2, *Environmental Setting*, the FMMP defines Other Land as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than forty acres. In addition, areas surrounding the project site are also designated as Other Land. Consequently, the implementation of the DLVSP would not interfere with any existing or proposed Prime Farmland, Unique Farmland, and Farmland of Statewide Importance on, or designated farmland in close proximity of the project site. Implementation of the DLVSP would not result in any new conversion of farmland not previously identified and analyzed by the California Department of Conservation (CDC). Therefore, implementation of the DLVSP would not convert farmland to a non-agricultural use.

b. Conflict with Existing Zoning for Agricultural Use, or a Williamson Act Contract

Currently, the project site is governed by the Desert Hot Springs General Plan, which has zoned the site as two land use designations—Rural Desert (RD) and Light Industrial (LI). A General Plan Amendment was initiated concurrent with the DLVSP to ensure consistency between the specific plan and the Desert Hot Springs General Plan. Specifically, the General Plan Amendment involved a change in land use designations from LI and RD to LI and Commercial Retail (CR), in order to allow for more intense development envisioned by the DLVSP. The City of Desert Hot Springs does not have any current zoning ordinances that designate land for agricultural use, nor are there any existing agricultural land use designations within the Desert Hot Springs General Plan. Additionally, according to the Riverside County Williamson Act Lands Map from the Williamson Act Program (2007), there are no sites within the project site that are under a Williamson Act Land Conservation Contract. Therefore, there are no impacts to existing zoning for agricultural use and a Williamson Act Land Conservation contract.

c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production

The City of Desert Hot Springs does not have any existing zoning ordinances that pertain to forest land, timberland, or timberland zoned Timberland Production. The City of Desert Hot Springs has no existing land designated as forest land, timberland, or timberland zoned Timberland zoned Timberland Production. Therefore, the implementation of the DLVSP would not conflict with existing

zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production resulting in no impact.

d. Loss of Forest land or conversion of forest land to non-forest use

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

e. 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

The City of Desert Hot Springs does not have any zones pertaining to Farmland, nor forest land because both land use types are absent within the City. As described previously, the project site consists of vacant land, is void of any physical structures, and consists of desert land, with shrubs, boulders and rocks scattered throughout the site. The immediate surrounding area consists of undeveloped desert land and one residential dwelling unit. Therefore, any changes in the existing environment which, due to their location or nature, could not result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. Hence, the implementation of the DLVSP has no impact to agricultural and forestry resources.

4.2.5 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

No regulatory requirements are required.

4.2.6 Level of Significance after Mitigation

Not applicable.

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4.3 Air Quality

4.3.1 Introduction

This section describes the existing air quality setting and potential impacts that would result from implementation of the DLVSP. Information for this section was obtained from the Air Quality Assessment entitled, *Desert Land Ventures III LLC Property Air Quality and Global Climate Change Impact Analysis,* prepared by Kunzman Associates, July 2017 (Appendix B). Sources used in the preparation of this section are included in Chapter 8, *References,* at the end of this EIR.

4.3.2 Environmental Setting

Existing Conditions

Air quality conditions are the result of geographic setting and local and regional activities. Local development and growth, traffic, construction activities, and various site disturbances in the City of Desert Hot Springs and surrounding region result in the emission of air pollutants that affect the local air quality. Although air pollution is emitted from various sources locally, regional air quality emissions also have an effect on the local air quality. The DLVSP is located within the Salton Sea Air Basin (SSAB). Air quality conditions are administered by the South Coast Air Quality Management District (SCAQMD).

Air quality in a given location is a function of the amount of pollutants emitted and dispersed, as well as the local climatic and geographic conditions, which may reduce or enhance the formation of pollutants. The SSAB portion of Riverside County is separated from the South Coast Air Basin region by the San Jacinto Mountains and from the Mojave Desert Air Basin to the east by the Little San Bernardino Mountains. During the summer, the SSAB is generally influenced by a Pacific Subtropical High Cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating. The SSAB is rarely influenced by cold air masses moving south from Canada and Alaska, as these systems are weak and diffuse by the time they reach the desert. Most desert moisture arrives from infrequent warm, moist and unstable air masses from the south. The region averages between 3 and 7 inches of precipitation per year.

The Coachella Valley is a geographically and meteorologically unique area wholly contained within the SSAB. The region is currently impacted by significant air pollution levels caused by the transport of pollutants from coastal air basins to the west, primarily ozone, and locally generated particulate matter (PM_{10}). The mountains surrounding the regions isolate the Coachella Valley from coastal influences and create a hot and dry low lying desert. As the desert heats up it draws cooler coastal air through the narrow San Gorgonio Pass, generating strong and sustained winds that cross the fluvial (water caused) and Aeolian (wind) erosion zones in the Valley. These strong winds suspend and transport large

quantities of sand and dust, reducing visibility, damaging property, and constituting a significant health threat.

The City of Desert Hot Springs, in relation to other areas in Southern California, has relatively good air quality. In the past few decades, however, noticeable deterioration of air quality has occurred due to increased development and population growth, traffic, construction activity, and various site disturbances. Air Quality in Desert Hot Springs is also affected by the wind transporting sand and dust. It is apparent that although air pollution is emitted from various sources in the Coachella Valley, substantial degradation of air quality may be attributed primarily to sources outside of the Valley, such as pollutants originating from the South Coast Air Basin. For this reason, the South Coast Air Quality Management District (SCAQMD) regulates air quality in the project site.

Regulatory Setting

Air Quality is addressed through the efforts of federal, State, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, regulations, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality are briefly discussed here.

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for atmospheric pollutants. It regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives. The NAAQS pollutants were identified using medical evidence and are shown in Table 4.3-1, *State and Federal Criteria Pollutant Standards.*

As part of its enforcement responsibilities, the EPA requires each state with federal nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the national standards. The SIP must integrate federal, state, and local components and regulations to identify specific measures to reduce pollution, using a combination of performance standards and market-based programs within the timeframe identified in the SIP.

Table 4.3-1 State and Federal Criteria Pollutant Standards

Air Pollutant	Concentration / Averaging Time		Most Relevant Effects
	California Standards	Federal Primary Standards	
Ozone (O_3)	0.09 ppm/1-hour 0.07 ppm/8-hour	0.070 ppm/8-hour	(a) Decline in pulmonary function and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e) Vegetation damage; and (f) Property damage.
Carbon Monoxide (CO)	20.0 ppm/1-hour 9.0 ppm/8-hour	35.0 ppm/1-hour 9.0 ppm/8-hour	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and (d) Possible increased risk to fetuses.
Nitrogen Dioxide (NO_2)	0.18 ppm/1-hour 0.03 ppm/annual	100 ppb/1-hour 0.053 ppm/annual	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration.
Sulfur Dioxide (SO_2)	0.25 ppm/1-hour 0.04 ppm/24-hour	75 ppb/1-hour 0.14 ppm/24-hour	(a) Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma.
Suspended Particulate Matter (PM_{10})	50 µg/m^3/24-hour 20 µg/m^3/annual	150 µg/m^3/24-hour	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; (c) Increased risk of premature death from heart or lung diseases in elderly.
Suspended Particulate Matter ($PM_{2.5}$)	12 µg/m^3 / annual	35 µg/m^3/24-hour 12 µg/m^3/annual	
Sulfates	25 µg/m^3/24-hour	No Federal Standards	(a) Decrease in ventilatory function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardio-pulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; (f) property damage.
Lead	1.5 µg/m^3/30-day	0.15 µg/m^3/3-month rolling	(a) Learning disabilities; (b) Impairment of blood formation and nerve conduction.
Visibility Reducing Particles	Extinction coefficient of 0.23 per kilometer-visibility of 10 miles or more due to particles when humidity is less than 70 percent.	No Federal Standards	Visibility impairment on days when relative humidity is less than 70 percent.

Source: Inc. Air Quality & Global Climate Change Impact Analysis, Table 3, Kunzman Associates, July 2017

As indicated in Table 4.3-2, *Salton Sea Air Basin Attainment Status,* the Coachella Valley-portion of the SSAB has been designated by the EPA as a non-attainment area for ozone (O_3) and suspended particles (PM_{10}). Currently, the SSAB is in attainment with the ambient air quality standards for carbon monoxide (CO), lead, sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and particulate matter ($PM_{2.5}$). On December 14, 2012, the EPA revised the primary annual $PM_{2.5}$ NAAQS from 15 μg/m^3 to 12 μg/m^3 and retained the 24 hour $PM_{2.5}$ standard at 35 μg/m^3 in order to provide increased protection for children, older adults, persons with pre-existing heart and lung disease and other at risk populations.

Table 4.3-2 Salton Sea Air Basin Attainment Status

Pollutant	State Status[1]	National Status[2]
Ozone	Nonattainment	Nonattainment
Carbon monoxide	Attainment	Attainment
Nitrogen dioxide	Attainment	Unclassified/Attainment
Sulfur dioxide	Attainment	Attainment
PM10	Nonattainment	Nonattainment
PM2.5	Attainment	Unclassified/Attainment

Source: Inc. Air Quality & Global Climate Change Impact Analysis, Table 4, Kunzman Associates, March 2016

Notes:

1. Source of State status: California Air Resources Board December 2015.

Criteria Pollutants

The following air pollutants are collectively known as criteria air pollutants and are defined as those pollutants for which established air quality standards have been adopted by federal and State governments. The following provides a summary description of each criteria pollutant:

Ozone (O_3)

Ozone is a gas formed when byproducts of the internal combustion engine and other urban processes, particularly nitrogen oxide (NO_x) and volatile organic compounds (VOC), react in the presence of ultraviolet sunlight. It is a pungent, colorless, toxic gas commonly referred to as smog.

Carbon Monoxide (CO)

Carbon monoxide is produced from the partial combustion of fossil fuels. EPA estimates that 85-95 percent of all CO emissions come from motor vehicle exhaust. Carbon monoxide contributes to the production of methane, ozone, and carbon dioxide. It is a colorless, odorless, and tasteless toxic gas that at high concentrations can contribute to heart disease, anemia, and impaired psychological behavior.

Nitrogen Oxide (NO_x)

Nitric oxide (NO) and Nitrogen Dioxide (NO_2) are the primary oxides of nitrogen that are considered criteria pollutants. NO_x emissions are byproducts from the operation of motor vehicles, power plants, and off-road equipment. Short-term exposure to nitrogen dioxide can result in airway constriction, diminished lung capacity, and is highly toxic by inhalation.

Sulfur Oxide (SO_x)

Sulfur oxides occur naturally from volcanic activity, and are generated as a result of various industrial processes. The most common sulfur oxide compound is Sulfur dioxide (SO_2), which results from the combustion of high-sulfur content fuels, such as coal and petroleum. Sources include motor vehicle fuel combustion, fossil fuel power plants, chemical manufacturing plants, and sulfur recovery plants. Sulfur dioxide acts as an acid, can result in the formation of acid rain, and is a colorless, odorous gas.

Particulate Matter

Particulate matter of ten microns or smaller in diameter are referred to as PM_{10}, whereas $PM_{2.5}$ consists of particles smaller than 2.5 microns. Particulate matter (PM) may be from soil and dust, soot and smoke, or aerosols, and is a byproduct of fuel combustion, tire wear, and wind erosion. Particles less than ten microns in diameter can enter the throat, nose, and lungs. Fine particulate matter poses a significant threat to public health and can cause increased respiratory infections, asthma attacks, and lung cancer.

Lead (Pb)

Lead occurs in the atmosphere from the manufacturing of batteries, paint, ink, and ammunition. Excessive exposure to airborne lead can lead to anemia, kidney disease, gastrointestinal dysfunction, and neuromuscular and neurological disorders.

Volatile Organic Compounds (VOC)

Volatile Organic Compounds (VOC) are also known as Reactive Organic Gas (ROG). This class of pollutants have no state or federal ambient air quality standards and are not classified as criteria pollutants, however they are regulated because they are responsible for contributing to the formation of ozone. They also contribute to higher PM_{10} levels because they transform into organic aerosols when released into the atmosphere.

Other Pollutants

Toxic Air Contaminants

In addition to the above-listed criteria pollutants, toxic air contaminants (TACs) are another group of pollutants of concern. Sources of toxic air contaminants include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important of these toxic air contaminants, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1, 3-butadiene, and acetaldehyde. Public exposure to toxic air contaminants can result from emissions from normal operations as well as from accidental releases. Health effects of toxic air contaminants include cancer, birth defects, neurological damage, and death.

Toxic air contaminants are less pervasive in the urban atmosphere than criteria air pollutants, however they are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. There are hundreds of different types of toxic air contaminants with varying degrees of toxicity.

According to the 2005 California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs can be attributed to relatively few compounds, the most important of which is diesel particulate matter (DPM). DPM is a subset of $PM_{2.5}$ because the size of diesel particles are typically 2.5 microns and smaller. The identification of DPM as a toxic air contaminant in 1998 led the CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-fueled Engines and Vehicles in September 2000. The plan's goals are a 75-percent reduction in diesel particulate matter by 2010 and an 85-percent reduction by 2020 from the 2000 baseline. Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are known as particulate matter or PM, which includes carbon particles or "soot." Diesel exhaust also contains a variety of harmful gases and over 40 other cancer-causing substances. California's identification of diesel particulate as a toxic air contaminant was based on its potential to cause cancer, premature deaths, and other health problems. Exposure to diesel particulate matter is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. Overall, diesel engine emissions are responsible for the majority of California's potential airborne cancer risk from combustion sources.

Asbestos

Asbestos is listed as a TAC by the CARB and as a Hazardous Air Pollutant by the EPA. Asbestos occurs naturally in mineral formations and crushing or breaking these rocks, through construction or other means, can release asbestiform fibers into the air. Asbestos emissions can result from the sale or use of asbestos-containing materials, road surfacing with such materials, grading activities, and surface mining. The risk of disease is dependent upon the intensity and duration of exposure. When inhaled, asbestos fibers may remain in the lungs and with time may be linked to such diseases as asbestosis, lung cancer,

and mesothelioma. Naturally occurring asbestos is not present in Riverside County. The nearest likely locations of naturally occurring asbestos, as identified in the *General Location Guide for Ultramafic Rocks in California* prepared by the California Division of Mines and Geology, is located in Santa Barbara County. Due to the distance to the nearest natural occurrences of asbestos, the project site is not likely to be affected by or contain asbestos.

State

California Air Resources Board

The California Air Resources Board (CARB), which is part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and State air pollution control programs within California. In this capacity, CARB conducts research, sets the California Ambient Air Quality Standards (CAAQS), (shown in Table 4.3-1) compiles emission inventories, develops suggested control measures, provides oversight of local programs, and prepares the State Implementation Plan (SIP). Additionally, CARB establishes emission standards for motor vehicles sold in California, consumer products (i.e., hairspray, aerosol paints, and barbeque lighter fluid), and various types of commercial equipment. CARB also sets fuel specifications to further reduce vehicular emissions.

The Coachella Valley has been designated by CARB as a non-attainment area for ozone and PM_{10}. Currently, the Coachella Valley is in attainment with the ambient air quality standards for CO, lead, SO_2, NO_2, $PM_{2.5}$, and sulfates and is unclassified for visibility reducing particles and Hydrogen Sulfide.

On June 20, 2002, CARB revised the PM_{10} annual average standard to 20 $\mu g/m^3$ and established an annual average standard for $PM_{2.5}$ of 12 $\mu g/m^3$. These standards were approved by the Office of Administrative Law in June 2003 and are now effective. On September 27, 2007 CARB approved the *South Coast Air Basin and Coachella Valley 2007 Air Quality Management Plan for Attaining the Federal 8-hour Ozone and $PM_{2.5}$ Standards*. The plan projected attainment for the 8-hour Ozone standard by 2024 and the $PM_{2.5}$ standard by 2015. As shown in Table 4.3-2, the area is in attainment under State rules.

On December 12, 2008, CARB adopted Resolution 08-43, which limits NO_x, PM_{10} and $PM_{2.5}$ emissions from on-road diesel truck fleets that operate in California. On October 12, 2009 Executive Order R-09-010 was adopted and codified Resolution 08-43 into Section 2025, Title 13 of the California Code of Regulations. This regulation requires that by the year 2023 all commercial diesel trucks that operate in California shall meet model year 2010 (TIER 4) or latter emission standards. In the interim period, this regulation provides annual interim targets for fleet owners to meet. This regulation also provides a few exemptions including a one-time per year 3-day pass for trucks registered outside of California.

CARB is also responsible for regulations pertaining to toxic air contaminants. The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in 1987 as a means to establish

a formal air toxics emission inventory risk quantification program. AB 2588, as amended, requires stationary sources to report the types and quantities of certain substances routinely released into the air. The data is ranked by high, intermediate, and low categories, which are determined by: the potency, toxicity, quantity, volume, and proximity of the facility to nearby receptors.

Regional

South Coast Air Quality Management District (SCAQMD)

SCAQMD is the agency principally responsible for comprehensive air pollution control in the Coachella Valley. To that end, as a regional agency, SCAQMD works directly with the Southern California Association of Governments (SCAG), county transportation commissions, and local governments and cooperates actively with federal and state agencies. SCAQMD defines a "sensitive receptor" as a land use such as residences, schools, child care centers, athletic facilities, playgrounds, retirement homes and convalescent homes.

SCAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emission sources, and enforces such measures through educational programs or fines, when necessary. SCAQMD is directly responsible for reducing emissions from stationary, mobile, and indirect sources. It has responded to this requirement by preparing a sequence of Air Quality Management Plans (AQMP). In March 2017 CARB approved SCAQMD's 2016 AQMP. The 2016 AQMP is a regional blueprint for achieving the federal air quality standards and healthful air. The U.S. EPA is currently reviewing the 2016 AQMP.

The 2016 AQMP includes both stationary and mobile source strategies to ensure that rapidly approaching attainment deadlines are met, that public health is protected to the maximum extent feasible, and that the region is not faced with burdensome sanctions if the NAAQS are not met on time. As with every AQMP, a comprehensive analysis of emissions, meteorology, atmospheric chemistry, regional growth projections, and impact of existing control measures is updated with the latest data and methods. The most significant air quality challenge in the South Coast Air Basin, which applies to the SSAB as well, is to reduce nitrogen oxide (NO_x) emissions sufficiently to meet the upcoming ozone standard deadlines, as NO_x is a precursor for the generation of ozone. The primary goal of the 2016 AQMP is to meet clean air standards and protect public health, including ensuring benefits to environmental justice and disadvantaged communities. Now that the 2016 AQMP has been approved by CARB, it has been forwarded to the EPA for review. If approved by the EPA, the 2016 AQMP becomes federally enforceable.

During construction and operation, development within the DLVSP must comply with applicable rules and regulations as discussed below:

SCAQMD Rule 402 prohibits a person from discharging from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

SCAQMD Rule 403 governs emissions of fugitive dust during construction and operation activities. Compliance with this rule is achieved through application of standard Best Management Practices (BMP), such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour (mph), sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites.

Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site.

SCAQMD Rule 481 applies to all spray painting and spray coating operations and equipment.

SCAQMD Rule 1108 governs the sale, use, and manufacturing of asphalt and limits the volatile organic compound (VOC) content in asphalt used in the South Coast Air Basin.

SCAQMD Rule 1113 governs the sale, use, and manufacturing of architectural coating and limits the VOC content in paints and paint solvents.

SCAQMD Rule 1143 governs the manufacture, sale, and use of paint thinners and solvents used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content.

SCAQMD Rule 1186 limits the presence of fugitive dust on paved and unpaved roads and sets certification protocols and requirements for street sweepers that are under contract to provide sweeping services to any federal, state, county, agency or special district such as water, air, sanitation, transit, or school district.

SCAQMD Rule 1303 governs the permitting of re-located or new major emission sources, requiring Best Available Control Measures and setting significance limits for PM_{10} among other pollutants.

SCAQMD Rule 1401, New Source Review of Toxic Air Contaminants, specifies limits for maximum individual cancer risk, cancer burden, and non-cancer acute and chronic hazard index from new permit units, relocations, or modifications to existing permit units, which emit toxic air contaminants.

SCAQMD Rule 2022, On-Road Motor Vehicle Mitigation Options, is to provide employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with

Federal and State Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the Federal Clean Air Act. It applies to any employer who employs 250 or more employees on a full or part-time basis at a worksite for a consecutive six-month period calculated as a monthly average.

Southern California Association of Governments (SCAG)

SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino and Imperial counties and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG is the federally designated Metropolitan Planning Organization (MPO) for the majority of southern California region and is the largest MPO in the nation. With respect to air quality planning, SCAG adopted the latest Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and Regional Transportation Improvement Plan (RTIP), which addresses regional development and growth forecasts. These plans form the basis for the land use and transportation components of the AQMP, which are utilized in the preparation of air quality forecasts and in consistency analysis included in the AQMP. The RTP/SCS, RTIP, and AQMP are based in part on projections originating with city and county general plans throughout the region.

Coachella Valley Model Dust Control Ordinance (see also SCAQMD Rule 403.1)

The Coachella Valley Dust Control Ordinance was designed to establish minimum requirements for construction and demolition activities and other specified sources in order to reduce man-made fugitive dust and corresponding PM_{10} emissions. The Ordinance establishes rules associated with reducing fugitive dust emissions:

Local – City of Desert Hot Springs

Local jurisdictions, such as the City of Desert Hot Springs, have the authority and responsibility to reduce air pollution through its police power and decision-making authority. It is the responsibility of the SCAQMD, Coachella Valley Association of Governments (CVAG), and the City of Desert Hot Springs to monitor pollutant levels and regulate air pollution sources.

Monitored Air Quality

The air quality at any site is dependent on the regional air quality and local pollutant sources. Regional air quality is determined by the release of pollutants throughout the air basin. Estimates of the existing emissions in the South Coast Air Basin provided in the *Final 2016 Air Quality Management Plan,* prepared by SCAQMD indicate that collectively, mobile sources account for 60 percent of the VOC, 90 percent of the NO_x emissions, 95 percent of the CO emissions and 34 percent of directly emitted $PM_{2.5}$, with another 13 percent of $PM_{2.5}$ from road dust.

EPA and CARB designate air basins where ambient air quality standards are exceeded as "nonattainment" areas. If standards are met, the area is designated as an "attainment" area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified". National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards. Each standard has a different definition, or 'form' of what constitutes attainment, based on specific air quality statistics. For example, the Federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring value exceeds the threshold per year. In contrast, the Federal annual $PM_{2.5}$ standard is met if the three-year average of the annual average $PM_{2.5}$ concentration is less than or equal to the standard. Attainment status is shown in Table 4.3-2.

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the project site. For evaluation purposes, SCAQMD has divided the South Coast Air Basin into 36 Source Receptor Areas (SRAs), operating monitoring stations in most of the areas. These SRAs are designated to provide a general representation of the local meteorological, terrain, and air quality conditions within the particular geographical area. The project site is within SRA 30, Coachella Valley. SCAQMD operates two air monitoring stations in SRA 30, one in Indio approximately 21.08 miles southeast of the project site and the other in Palm Springs approximately 3.1 miles southwest of the project site. The Palm Springs monitoring station was used to collect monitoring data.

Table 4.3-3, *Air Quality Monitoring Summary,* summarizes 2014 through 2016 published monitoring data, which is the most recent 3-year period available. The data shows that during the past few years, ozone and PM_{10} standards have been exceeded for the project site and surrounding area. However, it should be noted that due to the air monitoring station distance from the project site, recorded air pollution levels reflect varying degrees of accuracy. Ozone and PM_{10} are the air pollutants of primary concern.

Ozone

During the 2014 to 2016 monitoring period, the State 1-hour concentration standard for ozone was exceeded between three and nine days each year at the Palm Springs Station. The State 8-hour ozone standard has been exceeded between 48 and 61 days each year over the past three years at the Palm Springs Station. The federal 8-hour ozone standard was exceeded between 46 and 55 days each year over the past three years at the Palm Springs Station.

Ozone is a secondary pollutant as it is not directly emitted. Ozone is the result of chemical reactions between other pollutants, most importantly hydrocarbons and NO_2, which occur only in the presence of bright sunlight. Pollutants emitted from upwind cities react during transport downwind to produce the oxidant concentrations experienced in the area. Many areas of the SCAQMD contribute to the ozone levels experienced at the monitoring station, with the more significant areas being those directly upwind.

Carbon Monoxide

CO is another important pollutant that is due mainly to motor vehicles. The Palm Springs Station did not record an exceedance of the State or federal 8-hour CO standard for the last three years.

Nitrogen Dioxide

The Palm Springs Station did not record an exceedance of the State or federal NO_2 standards for the last three years.

Table 4.3-3 Air Quality Monitoring Summary

	Year		
Pollutant (Standard)[1]	**2014**	**2015**	**2016**
Ozone:			
Maximum 1-Hour Concentration (ppm)	0.108	0.102	0.103
Days > CAAQS (0.09 ppm)	**9**	**3**	**6**
Maximum 8-Hour Concentration (ppm)	0.093	0.093	0.092
Days > NAAQS (0.070 ppm)	**55**	**47**	**46**
Days > CAAQS (0.070 ppm)	**61**	**51**	**48**
Carbon Monoxide:			
Maximum 8-Hour Concentration (ppm)	*	*	*
Days > CAAQS (9 ppm)	0	0	0
Days > NAAQS (9 ppm)	0	0	0
Nitrogen Dioxide:			
Maximum 1-Hour Concentration (ppm)	0.0463	0.0415	0.0426
Days > CAAQS (0.18 ppm)	0	0	0
Inhalable Particulates (PM_{10}):			
Maximum 24-Hour Concentration ($\mu g/m^3$)	313.8	199.0	447.2
Days > NAAQS (150 $\mu g/m^3$)	**1**	**1**	**1**
Days > CAAQS (50 $\mu g/m^3$)	**2**	**2**	*****
Annual Average ($\mu g/m^3$)	25.4	20.9	23.1
Ultra-Fine Particulates ($PM_{2.5}$):			
Maximum 24-Hour Concentration ($\mu g/m^3$)	15.5	22.7	14.7
Days > NAAQS (35 $\mu g/m^3$)	0	0	0
Annual Average ($\mu g/m^3$)	*	*	5.4

Source: Air Quality & Global Climate Change Impact Analysis, Table 5, Kunzman Associates, July 2017

Notes:

1 CAAQS = California Ambient Air Quality Standard; NAAQS = National Ambient Air Quality Standard; ppm = parts per million

2 Data from Palm Springs station

*means there was insufficient data available to determine value

Particulate Matter

The State 24-hour concentration standards for PM_{10} have been exceeded two days each year in 2014 and 2015 at the Palm Springs Station. Over the past three years the federal 24-hour standard for PM_{10} has been exceeded one day each year at the Palm Springs Station.

The federal 24-hour standard for $PM_{2.5}$ was not exceeded over the past three years at the Palm Springs Station. There does not appear to be a noticeable trend for PM_{10} or $PM_{2.5}$ in either maximum particulate concentrations or days of exceedances in the area. Particulate levels in the area are due to natural sources, grading operations, and motor vehicles.

Odor Impacts

The SCAQMD CEQA Handbook states that an odor impact would occur if a proposed project creates an odor nuisance pursuant to SCAQMD Rule 402, which states:

> *A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.*
>
> *The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.*

If a proposed project results in violation of Rule 402 with regards to odor impacts, then the proposed project would create a significant odor impact.

Section 5.50.150 Odor Control of the City of Desert Hot Springs's Municipal Code requires that facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the facility, anywhere on adjacent property or public right-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other area available for common use by tenants or the visiting public, or within any other unit located within the same building as the facility.

4.3.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Air Quality resources that would apply to the development of the DLVSP:

Air Quality Goals, Policies, and Programs

GOAL 1

Good regional air quality preserved and enhanced for the protection of the health and welfare of the community as a whole.

Policy 1

The City shall coordinate and cooperate with CVAG and SCAQMD in the ongoing monitoring and management of major pollutants affecting the City and region, with particular focus on PM_{10}, and shall provide all required reporting to be included in SCAQMD's annual report.

Program 1A

Participate, through CVAG and SCAQMD, in the monitoring of all air pollutants of regional concern on a continuous basis, and maintain records of trends in regional air quality.

Program 1B

The City shall make available its Air Quality Management manual to encourage and facilitate self-regulation to the greatest extent practical. Coordinate with developers and encourage the phasing and staging of development to assure the lowest construction-related pollutant levels emission practical. The City shall impose mitigation measures, including the use of water trucks and temporary irrigation systems, as well as other measures, which will effectively limit fugitive dust emissions resulting from construction or other site disturbance.

Policy 2

The General Plan Land Use Element shall be developed and maintained to locate air pollution point sources, such as manufacturing facilities, at an appropriate distance from residential areas and other sensitive receptors.

Policy 3

The City shall promote the development of pedestrian-oriented retail centers, as well as community-wide multi-use trails and bike paths, dedicated bike lanes and other desirable alternatives to motor vehicle traffic.

Policy 4

The City shall promote the appropriate and cost-effective development and coordination of mass transit/shuttle service linking residential, shopping, resort and commercial centers of the City, and participate with CVAG, SCAG and public and private service providers to improve and optimize regional transportation services.

Policy 5

The City shall encourage the use of clean alternative energy sources for transportation, heating and cooling whenever practical.

Program 5A

The City shall continue to expand the use of CNG and electric powered vehicles, as well as other alternative and/or renewable energy sources to the extent practical.

Program 5B

Wherever practical, the City shall use cost effective alternative energy sources for transportation.

Policy 6

All development proposals brought before the City will be reviewed for potential adverse effects on air quality and will be required to mitigate significant impacts.

Program 6A

The City shall conduct an initial study and, as appropriate, require detailed air quality analyses for all applications, which have the potential to adversely affect air quality.

Program 6B

Projects with the potential to generate significant levels of air pollutants, such as manufacturing facilities and site development operations, shall be required by the City to incorporate air pollution mitigation in their design and operation, and to utilize the most advanced technological methods feasible.

Program 6C

The City may monitor the effectiveness of transportation management programs of employers, which may include coordinated carpooling, off-peak shift times, employee flextime and other components. As future demand warrants, promote and support the development of a Park-and Ride program to decrease existing and future traffic levels within the community.

Open Space and Conservation Goals, Policies, and Programs

Program 7A

The City shall develop and adopt a comprehensive grading ordinance that protects hillsides and other open space and natural resource conservation areas sensitive in terms of visibility

Southern California Association of Governments (SCAG) Sustainable Communities Strategy

In April of 2016, SCAG adopted the 2016-2040, RTPSCS (April 2016) with a set of Goals and Guiding Policies. Since its adoption, the 2016-2040 RTPSCS has gone through two amendments, neither of which are relevant to the DLVSP. The April 2016 RTPSCS was used to evaluate the DLVSP.

The following Goals and Guiding Policies relevant to the proposed project are set forth in the 2016-2040 RTP/SCS:

2016 RTP-SCS Goals

1. *Align the plan investments and policies with improving regional economic development and competitiveness.*
2. *Maximize mobility and accessibility for all people and goods in the region.*
3. *Ensure travel safety and reliability for all people and goods in the region.*
4. *Preserve and ensure a sustainable regional transportation system.*
5. *Maximize the productivity of our transportation system.*
6. *Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).*
7. *Actively encourage and create incentives for energy efficiency, where possible.*
8. *Encourage land use and growth patterns that facilitate transit and active transportation.*
9. *Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies. Note: SCAG does not yet have an agreed-upon security performance measure.*

2016 RTP-SCS Guiding Policies

1. *Transportation investments shall be based on SCAG's adopted regional Performance Indicators.*
2. *Ensuring safety, adequate maintenance and efficiency of operations on the existing multimodal transportation system should be the highest RTP/SCS priorities for any incremental funding in the region.*
3. *RTP/SCS land use and growth strategies in the RTP/SCS will respect local input and advance smart growth initiatives.*
4. *Transportation demand management (TDM) and active transportation will be focus areas, subject to Policy 1.*
5. *HOV gap closures that significantly increase transit and rideshare usage will be supported and encouraged, subject to Policy 1.*
6. *The RTP/SCS will support investments and strategies to reduce non-recurrent congestion and demand for single occupancy vehicle use, by leveraging advanced technologies.*
7. *The RTP/SCS will encourage transportation investments that result in cleaner air, a better environment, a more efficient transportation system and sustainable outcomes in the long run.*
8. *Monitoring progress on all aspects of the Plan, including the timely implementation of projects, programs, and strategies, will be an important and integral component of the Plan.*

Desert Land Ventures Specific Plan

The DLVSP provides the following *Land Use Principles*, *Goals* and *Objectives* that are relevant to Air Quality resources:

Goals and Objectives

- *Implement the vision, goals and policies of the Desert Hot Springs General Plan for the Specific Plan area, as well as the objectives of City of Desert Hot Springs I-10 Community Annexation.*
- *Serve as a model for the application of sustainable and green development practices throughout the City and greater Coachella Valley.*

4.3.4 Project Impact Analysis

Thresholds of Significance

The following thresholds or criteria are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential impact. The significance determination is based on the recommended criteria set forth in Section 15064 of the CEQA Guidelines. For analysis purposes, implementation of the DLVSP would have a significant effect on air quality if it is determined that the proposed project would:

a. Conflict with or obstruct implementation of the applicable air quality plan.
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
d. Expose sensitive receptors to substantial pollutant concentrations.
e. Create objectionable odors affecting a substantial number of people.

Air Quality Standards

Regional Air Quality

Many air quality impacts that derive from dispersed mobile sources, which are the dominate pollution generators in the basin, often occurs hours later and miles away after photochemical processes have converted primary exhaust pollutants into secondary contaminants such as ozone. The incremental regional air quality impact of an individual project is generally very small and difficult to measure. Therefore, SCAQMD has developed significance thresholds based on the volume of pollution emitted rather than on actual ambient air quality because the direct air quality impact of a project is not quantifiable on a regional scale. The SCAQMD CEQA Handbook states that any project in the South Coast Air Basin with daily emissions that exceed any of the identified significance thresholds should be considered as having an individually and cumulatively significant air quality impact. For the purposes of this air quality impact analysis, a regional air quality impact would be considered significant if emissions exceed the SCAQMD significance thresholds as identified in Table 4.3-4, *SCAQMD Air Quality Significance Thresholds for Coachella Valley.*

Table 4.3-4 SCAQMD Air Quality Significance Thresholds for Coachella Valley

Mass Daily Thresholds		
Pollutant	**Construction (lbs/day)[1]**	**Operation (lbs/day)**
NOx	100	100
VOC	75	75
PM10	150	150
PM2.5	55	55
SOx	150	150
CO	550	550
Lead	3	3
Toxic Air Contaminants, Odor and GHG Thresholds		
TACs	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index > 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	3,000 MT/yr CO2e for all land uses.	
Ambient Air Quality Standards		
Pollutant	SCAQMD Standards	
NO2 -1-hour average	0.18 ppm (338 µg/m^3)	
PM10 -24-hour average Construction Operations	 10.4 µg/m^3 2.5 ug/m^3	
PM2.5 -24-hour average Construction Operations	 10.4 µg/m^3 2.5 µg/m^3	
SO2 1-hour average 24-hour average	 0.25 ppm 0.04 ppm	
CO 1-hour average 8-hour average	 20 ppm (23,000 µg/m^3) 9 ppm (10,000 µg/m^3)	
Lead 30-day average Rolling 3-month average Quarterly average	 1.5 µg/m^3 0.15 µg/m^3 1.5 µg/m^3	

Source: Air Quality & Global Climate Change Impact Analysis, Table 6, Kunzman Associates, July 2017

Note:

1. Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea Air Basin). For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

Local Air Quality

Project-related construction air emissions may have the potential to exceed the State and federal air quality standards at the project site, even though those pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. In order to assess local air quality

impacts, SCAQMD developed Localized Significant Thresholds (LSTs) to assess project-related air emissions in the project site and surrounding area. SCAQMD has also provided Final Localized Significant Threshold Methodology (LST Methodology), June 2003, which details the methodology to analyze local air emission impacts. The LST Methodology concluded that the primary emissions of concern are NO_2, CO, PM_{10}, and $PM_{2.5}$.

The significance thresholds for the local emissions of NO_2 and CO are determined by subtracting the highest background concentration from the last three years of these pollutants that are outlined in the Localized Significant Thresholds. Table 4.3-4 shows the ambient air quality standards for NO_2, CO, and PM_{10} and $PM_{2.5}$.

a. Conflict with Implementation of Applicable Air Quality Plan

CEQA requires a discussion of inconsistencies between a proposed project and applicable General and Regional Plans (CEQA Guidelines Section 15125). The regional plan that applies to the Specific Plan includes the SCAQMD AQMP. Therefore, this section discusses potential inconsistencies of the proposed project with the AQMP.

The purpose of this discussion is to set forth the issues regarding consistency with the assumptions and objectives of the AQMP and analyze whether the DLVSP would interfere with the region's ability to comply with Federal and State air quality standards. If the analysis within this EIR determines that the DLVSP is inconsistent with the AQMP, the lead agency may consider modifications or mitigation to eliminate the inconsistency.

The SCAQMD CEQA Handbook states that, *New or amended General Plan Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP.* A Specific Plan should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The pollutant reducing mechanisms in the AQMP are based, in part, on urban growth projections estimated by SCAG. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

1. Whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether the project would exceed the assumption of the AQMP in 2016 or increments based on the year of project build-out phase.

Criterion 1 – Increase in the Frequency or Severity of Violations

Based on the air quality modeling analysis contained in the *Air Quality and Global Climate Change Analysis* (Appendix B), even with mitigation, short-term project-related construction activities would result in significant air quality impacts based on the SCAQMD regional thresholds of significance for NO_x.

In addition, with mitigation, long-term project operations would also result in significant air quality impacts based on the SCAQMD regional thresholds of significance for NO_x and ROG.

Therefore, implementation of the DLVSP would contribute to the exceedance of air pollutant concentration standards and is found to be inconsistent with the AQMP for Criterion 1.

Criterion 2 – Exceed Assumptions in the AQMP

Consistency with the AQMP assumptions is determined by performing an analysis of the DLVSP with the assumptions in the AQMP. The emphasis of this criterion is to ensure that analyses conducted for the DLVSP are based on the same forecasts as the AQMP. SCAG's 2016-2040 RCS/SCS includes chapters on: the challenges in a changing region, creating a plan for our future, and the road to greater mobility and sustainable growth. These chapters currently respond directly to federal and State requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For the proposed project, the City of Desert Hot Springs Land Use Plan defines the assumptions that are represented in the AQMP.

The DLVSP site is currently designated as Commercial with a Mixed-Use Overlay and Rural Desert Residential with a Multiple Species Habitat Conservation Area Overlay on the preferred Land use map in the General Plan. In addition, the General Plan existing land use map under the DHS I-10 Community Annexation Land Use designates the project site as Rural Desert (RD) and Light Industrial (LI). The proposed project includes a general plan amendment to change the DLVSP's current designation of RD and LI to LI and Commercial Retail (CR). In addition, a zoning map amendment is also required to change the current land use/zoning district from RD and LI to Specific Plan. With the General Plan and Zoning Map amendments, the DLVSP would not result in an inconsistency with the land use designation in the City's General Plan. Therefore, the DLVSP is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the Criterion 2. However, based on the failure of Criterion 1 above, the DLVSP would result in an inconsistency with the SCAQMD AQMP, which is considered a significant impact.

b. Violate Air Quality Standard or Contribute Substantially to Existing Violation

Short Term Construction

Construction activities associated with development of the project site would have the potential to generate air emissions, toxic air contaminant emissions, and odor impacts. Assumptions for construction were obtained from the project proponent. Construction activities associated with the proposed project are anticipated to include: grading of approximately 88.54 acres; construction of approximately 1,538,757 square feet of light industrial uses (a maximum of 1,154,068 square feet of the industrial use can be that of marijuana cultivation) and 359,042 square feet of commercial retail uses (commercial use square footage can include a 150 room/key hotel and a maximum of 115,407 square feet of marijuana

dispensary retail space), approximately 40.7 acres of reservoir site, water well site, sanitary sewer treatment plant, solar and Southern California Edison facilities, open space conservation, retention basin, and gas easement (lots 6 through 9 and A through C), and approximately 17.8 acres of retention basins/drainage swales (within the gross area of lots 1-5); paving of approximately 3.54 acres for parking lots (remainder of acreage within lots 1 through 5) and approximately 17.8 acers of onsite streets; applications of architectural coatings; and off-site improvements. Off-site improvements are to include approximately 143,000 square feet of roadway improvements on Varner Road (from the eastern boundary of the project site to Palm Drive).

Although the proposed project is anticipated to be in six phases, to be consistent with the *Traffic Impact Analysis* prepared for the DLVSP and analyze a worst-case scenario, the proposed project has been modeled as one phase beginning no sooner than January 2018, taking approximately 24 months to complete. Grading is anticipated to include approximately 194,440 cubic yards of import.

Development within the project site would be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions, implemented through Regulatory Requirement RR-3. SCAQMD Rules 403 and 403.1 establish these procedures. Compliance with these rules is achieved through application of standard best management practices in construction and operation activities, such as application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved road to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent and stabilizing ground cover on finished sites.

In addition, any operator applying for a grading permit, or a building permit for an activity with a disturbed surface area of more than 5,000 square feet, shall not initiate any earth-moving operations unless a Fugitive Dust Control Plan has been prepared pursuant to the provisions of the Coachella Valley Fugitive Dust Control Handbook and approved by the City of Desert Hot Springs. Developers proposing construction within the project site must obtain and prepare the required Fugitive Dust Control Plan. Furthermore, because the area anticipated for grading exceeds 50 acres, a Dust Control Supervisor that has completed the AQMD Coachella Valley Fugitive Dust Control Class and been issued a Certificate of Completion is required to be on site or available within 30 minutes of contact during grading and construction activities. Additionally, any project greater than 10 acres is required to prepare and submit a Site-Specific Fugitive Dust Control Plan prior to any earth moving activities. Therefore, the development projects within the DLVSP meeting these requirements would be required to prepare and implement a Site-Specific Fugitive Dust Control Plan pursuant to SCAQMD Rule 403.1.

SCAQMD's Rule 403 and 403.1 minimum requirements require that the application of the best available dust control measures are used for all grading operations and include the application of water or other soil stabilizers in sufficient quantity to prevent the generation of visible dust plumes. Adherence to SCAQMD Rules 403 and 403.1 would maintain consistency with the City's General Plan *Program 7A (Open Space and Conservation Goals, Policies and Programs)* regarding adopting a comprehensive

grading ordinance that protects open space and natural resource conservation areas sensitive in terms of visibility. Compliance with Rules 403 and 403.1 would require the use of water trucks during all phases where earth moving operations would occur.

Per SCAQMD Rule 1113 as amended on June 3, 2011, the architectural coatings applied to buildings after January 1, 2014 will be limited to an average of 50 grams per liter or less.

The phases of the construction activities which have been analyzed below are: (1) grading, (2) building construction, (3) paving, and (4) application of architectural coatings. The timing and construction equipment used are available in Appendix B of the *Air Quality and Global Climate Change Analysis* (Appendix B).

Project Impacts

The unmitigated construction-related criteria pollutant emissions for each phase and the off-site improvements are shown below in Table 4.3-5, *Unmitigated Regional Construction-Related Pollutant Emissions.* Table 4.3-5 shows that the unmitigated emissions would exceed the SCAQMD regional emissions thresholds for NO_x during grading, building construction, and when the off-site improvements occur during grading of the project site; therefore, mitigation is required.

Mitigated construction-related criteria pollutant emissions are detailed in Table 4.3-6, *Mitigated Regional Construction-Related Pollutant Emissions*. Table 4.3-6 shows that even with incorporation of Mitigation Measure 1 (AQ-1), which limits architectural coatings applied to buildings to 10 grams per liter VOC and paint striping to 100 g/L VOC, and Mitigation Measure 2 (AQ-2), which states that the project proponent would require the construction contractor to use construction equipment that have Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that impart a 20 percent reduction in emissions; the proposed project would still exceed the SCAQMD regional emissions thresholds for NO_x. Incorporation of Mitigation Measure AQ-2 would maintain consistency with the City's General Plan *Policy 1 and Program 1B (Air Quality Goals, Policies and Programs)* regarding compliance with SCAQMD Rules and Regulations. Therefore, even with mitigation, a potentially significant regional air quality impact would occur from implementation of the DLVSP.

Table 4.3-5 Unmitigated Regional Construction-Related Pollutant Emissions

	Pollutant Emissions (pounds/day)[1]					
Activity	**ROG**	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Grading						
Onsite[2]	5.09	59.52	35.09	0.06	5.64	3.79
Off-Site[3]	2.29	96.60	13.86	0.27	6.73	2.09
Subtotal	7.38	156.13	48.94	0.34	12.37	5.88
Building Construction						
Onsite[2]	2.68	23.39	17.58	0.03	1.50	1.41
Off-Site[3]	16.40	111.19	129.08	0.48	30.72	8.93
Subtotal	19.08	134.58	146.66	0.50	32.22	10.34
Paving						
Onsite[2]	2.70	15.24	14.66	0.02	0.82	0.76
Off-Site[3]	0.08	0.05	0.66	0.00	0.17	0.05
Subtotal	2.78	15.30	15.33	0.02	0.99	0.80
Architectural Coating[4]						
Onsite[2]	45.71	1.84	1.84	0.00	0.13	0.13
Off-Site[3]	2.43	1.54	19.60	0.05	4.96	1.34
Subtotal	48.14	3.38	21.45	0.05	5.09	1.46
Total of Overlapping Phases[5]	**69.99**	**153.25**	**183.43**	**0.58**	**38.30**	**12.61**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	No	Yes	No	No	No	No
Off-Site Improvements						
	Pollutant Emissions (pounds/day)[1]					
Activity	**VOC**	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Grading						
Onsite[2]	2.77	30.67	16.58	0.03	4.07	2.74
Off-Site[3]	0.09	0.06	0.74	0.00	0.17	0.05
Subtotal	2.86	30.73	17.31	0.03	4.24	2.78
Paving						
Onsite[2]	2.68	23.39	17.58	0.03	1.50	1.41
Off-Site[3]	16.40	111.19	129.08	0.48	30.72	8.93
Subtotal	19.08	134.58	146.66	0.50	32.22	10.34
Architectural Coating[4]						
Onsite[2]	2.51	2.01	1.85	0.00	0.15	0.15
Off-Site[3]	0.07	0.05	0.59	0.00	0.13	0.04
Subtotal	2.58	2.05	2.44	0.00	0.28	0.19
Total of Overlapping Phases[6]	**9.96**	**186.86**	**66.26**	**0.37**	**16.61**	**8.67**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	No	Yes	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 7, Kunzman Associates, July 2017

Notes:

1. Source: CalEEMod Version 2016.3.2
2. Onsite emissions from equipment operated onsite that is not operated on public roads.
3. Off-site emissions from equipment operated on public roads.
4. Architectural coatings limited to 10 g/L VOC for buildings and 100 g/L for traffic markings.
5. Construction, painting and paving phases may overlap.
6. Construction of off-site improvements are anticipated overlap with the grading phase

Table 4.3-6 Mitigated Regional Construction-Related Pollutant Emissions

	Pollutant Emissions (pounds/day)[1]					
Activity	**ROG**	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Grading						
Onsite[2]	0.76	2.64	33.00	0.62	3.03	1.38
Off-Site[3]	2.29	96.60	13.86	0.27	6.73	2.09
Subtotal	3.05	99.24	46.85	0.89	9.75	3.48
Building Construction						
Onsite[2]	0.33	1.79	17.46	0.03	0.01	0.01
Off-Site[3]	16.40	111.19	129.08	0.48	30.72	8.93
Subtotal	16.72	112.98	146.54	0.50	30.72	8.94
Paving						
Onsite[2]	1.52	0.97	17.30	0.02	0.01	0.01
Off-Site[3]	0.08	0.05	0.66	0.00	0.17	0.05
Subtotal	1.61	1.02	17.96	0.02	0.17	0.06
Architectural Coating[4]						
Onsite[2]	45.47	0.10	1.83	0.00	0.00	0.00
Off-Site[3]	2.43	1.54	19.60	0.05	4.96	1.34
Subtotal	47.90	.65	21.44	0.05	4.96	1.34
Total of Overlapping Phases[5]	**66.23**	**115.65**	**185.93**	**0.58**	**35.86**	**10.33**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	No	Yes	No	No	No	No
Off-Site Improvements						
	Pollutant Emissions (pounds/day)[1]					
Activity	**VOC**	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Grading						
Onsite[2]	0.36	1.26	17.75	0.03	2.53	1.32
Off-Site[3]	0.09	0.06	0.74	0.00	0.17	0.05
Subtotal	0.45	1.32	18.49	0.03	2.69	1.36
Paving						
Onsite[2]	0.70	0.76	13.53	0.02	0.00	0.00
Off-Site[3]	0.12	0.08	0.98	0.00	0.22	0.06
Subtotal	0.82	0.84	14.52	0.02	0.23	0.06
Architectural Coating[4]						
Onsite[2]	2.24	0.10	1.83	0.00	0.00	0.00
Off-Site[3]	0.07	0.05	0.59	0.00	0.13	0.04
Subtotal	2.31	0.15	2.42	0.00	0.13	0.04
Total of Overlapping Phases[6]	**5.37**	**100.56**	**65.34**	**0.93**	**12.44**	**4.84**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	No	Yes	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 8, Kunzman Associates, July 2017

Notes:

1. Source: CalEEMod Version 2016.3.2
2. Onsite emissions from equipment operated onsite that is not operated on public roads.
3. Off-site emissions from equipment operated on public roads.
4. Architectural coatings limited to 10 g/L VOC for buildings and 100 g/L for traffic markings.
5. Construction, painting and paving phases may overlap.
6. Construction of off-site improvements are anticipated overlap with the grading phase.

Construction-Related Toxic Contaminant Impacts

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of development projects within the project site. The construction equipment would emit diesel particulate matter (DPM), which is a carcinogen. However, the DPM emissions are short-term in nature. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk." "Individual Caner Risk" is the likelihood that a person exposed to concentrations of TACs for over a 30 year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Construction activities for the proposed project would be intermittent and limited to a period of approximately two years. Thus, duration of construction activities would represent a fraction of the 30-year exposure period used as the basis for assessing the significant of carcinogenic risk exposure and, therefore, would not represent a source of sustained DPM emissions. Furthermore, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do not exceed any local or regional thresholds. Therefore, no significant short-term construction-related TAC impacts would occur as a result of development of the project site.

Long Term Operation

The on-going operation of the projects within the project site would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions during the life of the projects within the DLVSP. An analysis of potential long-term air quality impacts due to on-going operations is provided below.

Operations-Related Regional Air Quality Emissions

Criteria Pollutant Analysis

The operations-related criteria air quality emissions created by implementation of the DLVSP were analyzed using the CalEEMod model and are based on the Year 2019.

Mobile Sources

Mobile sources include emissions from the vehicle miles generated from the projects within the DLVSP project site. The vehicle trips associated with the DLVSP were analyzed by inputting the vehicular trips evaluated in the *Traffic Impact Analysis* (Appendix H) prepared for the proposed project. The *Traffic Impact Analysis* found that the light industrial portion of the project site would create 8,430 automobile round trips, 858 2-axle truck round trips, 418 3-axle truck round trips, and 1,019 4+-axle truck round trips per day. The *Traffic Impact Analysis* identified a total of 10,725 daily vehicle trips with a trip generation rate of 6.97 trips per thousand square feet per day for the proposed light industrial use. In addition, a total of 15,588 daily vehicle trips with a trip generation rate of 42.08 trips per thousand square feet per

day (includes the PM diverted trip reduction of 34 percent) was determined for the proposed commercial retail use.

Area Sources

Area sources include emissions from hearths, consumer products, landscape equipment and architectural coatings. Landscape maintenance includes fuel combustion emissions from equipment such as lawn mowers, rototillers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers, as well as air compressors, generators, and pumps. Because specifics were not known about the landscaping equipment fleet, CalEEMod defaults were used to estimate emissions from landscaping equipment. Per SCAQMD Rule 1113 as amended on June 3, 2011, the architectural coatings that would be applied after January 1, 2014 will be limited to an average of 50 grams per liter or less. The VOC content was mitigated to 10g/L VOC for buildings and 100g/L VOC for traffic striping.

Energy Usage

Energy usage includes emissions from the generation of electricity and natural gas used onsite. The DLVSP includes sustainability features such as solar panels on the rooftops of all non-cannabis cultivation industrial buildings and carport shade structures and a solar field covering up to approximately 3.9 acres within Planning Area 2. These features are expected to generate approximately 10 percent of the electricity required to operate the proposed land uses within the DLVSP. The use of these sustainability features maintains the DLVSP's consistency with the City's General Plan *Policy 5 and Program 5A (Air Quality Goals, Policies and Programs)* regarding the use of alternative energy sources. According to the *Air Quality and Global Climate Change Impact Analysis* (see Appendix B) 2016 Title 24 commercial standards are approximately 5 percent more efficient than 2013 Title 24 Standards (used as the baseline for emissions calculations in CalEEMod). No other changes were made to the default energy usage parameters.

Operational Impacts

The worst-case summer and winter ROG, NO_x, CO, SO_2, PM_{10}, and $PM_{2.5}$ emissions created from long-term operations were calculated and summarized in Table 4.3-7, *Unmitigated Regional Operational Pollutant Emissions.* The results show that project operations at buildout would exceed SCAQMD regional thresholds for both ROG and NO_x. Therefore, a potentially significant regional air quality impact would occur from project operations and mitigation measures are required to be implemented to reduce ROG and NO_x emissions.

Mitigation Measures AQ-3 through AQ-11 are provided to reduce operational emissions. However, the data in Table 4.3-8, *Mitigated Regional Operational Pollutant Emissions*, shows that with incorporation of mitigation measures, emissions from the operations would still exceed SCAQMD operational

thresholds for both ROG and NO_x. Therefore, even with mitigation, a potentially significant regional air quality impact would occur due to operations emissions from projects within the project site.

Table 4.3-7 Unmitigated Regional Operational Pollutant Emissions[1]

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO2	PM10	PM2.5
Area Sources[2]	51.85	0.00	0.20	0.00	0.00	0.00
Energy Usage[3]	1.50	13.64	11.46	0.08	1.04	1.04
Mobile Sources[4]	53.76	423.97	480.02	1.83	112.33	31.68
Total Emissions	**107.11**	**437.61**	**491.68**	**1.91**	**113.37**	**32.72**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Threshold?	**Yes**	**Yes**	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 13, Kunzman Associates, July 2017

Notes:

1. Source: CalEEMod Version 2016.3.2.
2. Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.
3. Energy usage consists of emissions from generation of electricity and onsite natural gas usage.
4. Mobile sources consist of emissions from vehicles and road dust.

Table 4.3-8 Mitigated Regional Operational Pollutant Emissions[1]

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO2	PM10	PM2.5
Area Sources[2]	40.06	0.00	0.20	0.00	0.00	0.00
Energy Usage[3]	1.50	13.64	11.46	0.08	1.04	1.04
Mobile Sources[4]	48.63	359.60	339.17	1.24	67.97	19.25
Total Emissions	**90.19**	**373.25**	**350.83**	**1.32**	**69.01**	**20.29**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Threshold?	**Yes**	**Yes**	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 14, Kunzman Associates, July 2017

Notes:

1. Source: CalEEMod Version 2016.3.2.
2. Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.
3. Energy usage consists of emissions from generation of electricity and onsite natural gas usage.
4. Mobile sources consist of emissions from vehicles and road dust.

c. Cumulatively Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is in Non-attainment Under Federal or State Ambient Air Quality Standard

See Section 4.3.5 for discussion of cumulative Air Quality Impacts.

d. Expose Sensitive Receptors to Substantial Pollutant Concentrations

Local Air Quality Impacts from Construction

Construction-related air emissions may have the potential to exceed the State and federal air quality standards in the project site and surrounding area, even though these pollutant emissions may not be significant enough to create a regional impact to the Salton Sea Air Basin. The proposed project has been analyzed for potential local air quality impacts created from construction-related fugitive dust and diesel emissions; toxic air contaminants; and from construction-related odor impacts.

SCAQMD has published a *Fact Sheet for Applying CalEEMod to Localized Significance Thresholds* (South Coast Air Quality Management District 2011b). CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily disturbance activity possible for each piece of equipment. As shown in Table 4.3-9, *Maximum Number of Acres Disturbed Per Day,* the maximum number of acres disturbed in a day would be five (5) acres. In order to compare CalEEMod reported emissions against the localized significance threshold lookup tables, a project should include the following as design features or mitigation measures:

1. The off-road equipment list (including type of equipment, horsepower, and hours of operation) assumed for the day of construction activity with the maximum emissions.
2. The maximum number of acres disturbed on the peak day.
3. Any emission control devices added onto off-road equipment.
4. Specific dust suppression techniques used on the day of construction activity with maximum emissions.

The local air quality emissions from construction were analyzed using the SCAQMD's Mass Rate Localized Significant Threshold (LST) Look-up Tables and the methodology described in *Localized Significance Threshold Methodology*, prepared by SCAQMD, revised July 2008. The Look-up Tables were developed by the SCAQMD to readily determine if the daily emissions of CO, NO_x, PM_{10}, and $PM_{2.5}$ from the proposed project could result in a significant impact to the local air quality. The emission thresholds were calculated based on the Coachella Valley source receptor area (SRA) 30 and a disturbance of five acres per day. The nearest sensitive receptor is the existing rural residential land use located approximately 120 feet from the project site; therefore SCAQMD Look-up Tables for 23 meters was used. Table 4.3-10, *Unmitigated Local Construction Emissions at the Nearest Receptors,* shows the onsite emissions from the CalEEMod model for different construction phases and the calculated LST emissions

thresholds. Construction emissions from the proposed project are detailed in Table 4.3-10 and are considered worst-case scenario.

Table 4.3-9 Maximum Number of Acres Distributed Per Day

Activity	Equipment	Number	Acres/8hr-day	Total Acres
Proposed Project				
Site Grading	Graders	1	0.5	0.5
	Rubber Tired Dozers	1	0.5	0.5
	Scrapers	2	1	1
	Excavators	2	0.5	2
	Tractors/Loaders/Backhoes	2	0.5	1
Total per phase		-	-	**5**
Off-Site Improvements				
Site Grading	Graders	1	0.5	0.5
	Rubber Tired Dozers	1	0.5	0.5
	Excavators	1	0.5	0.5
	Tractors/Loaders/Backhoes	3	0.5	1.5
Total per phase		-	-	**3**

Source: Air Quality & Global Climate Change Impact Analysis, Table 8, Kunzman Associates, March 2017

The data provided in Table 4.3-10 shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds at the nearest sensitive receptor (Table 4.3-11 shows mitigated values, [for informational purposes] during construction because mitigation is already required to lessen regional construction impacts). Therefore, a less than significant local air quality impact would occur from implementation of the DLVSP.

Table 4.3-10 Unmitigated Local Construction Emissions at the Nearest Receptors

Construction Phase	Onsite Pollutant Emissions (pounds/day)			
	NOx	CO	PM10	PM2.5
Mass Grading	59.52	35.09	5.64	3.79
Building Construction	23.39	17.58	1.50	1.41
Paving	15.24	14.66	0.82	0.76
Architectural Coating	1.84	1.84	0.13	0.13
SCAQMD Thresholds	**321**	**2,746**	**28**	**9**
Exceeds Threshold?	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 13, Kunzman Associates, March 2017

Local Air Quality Impacts from Onsite Operations

Project operation air emissions may have the potential to exceed the State and federal air quality standards in the DLVSP vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the SSAB. Implementation of the DLVSP has been analyzed for potential local

CO emission impacts from project-generated vehicular trips and from the potential local air quality impacts from onsite operations. The following analyzes the vehicular CO emissions and local impacts from onsite operations.

Table 4.3-11 Mitigated Local Construction Emissions at the Nearest Receptors

Construction Phase	Onsite Pollutant Emissions (pounds/day)			
	NOx	CO	PM10	PM2.5
Mass Grading	2.64	33.00	3.03	1.38
Building Construction	1.79	17.46	0.01	0.01
Paving	0.97	17.30	0.01	0.01
Architectural Coating	0.10	1.83	0.00	0.00
SCAQMD Thresholds	**321**	**2,746**	**28**	**9**
Exceeds Threshold?	No	No	No	No

Source: Air Quality & Global Climate Change Impact Analysis, Table 14, Kunzman Associates, March 2017

Local CO Emission Impacts from Project-Generated Vehicular Trips

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the federal and State CO standards which were presented in Table 4.3-1.

To determine if development the DLVSP could cause emission levels in excess of the CO standards, a sensitivity analysis is typically conducted to determine the potential for CO "hot spots" at a number of intersections in the general vicinity of the project site. Because of reduced speeds and vehicle queuing, "hot spots" potentially can occur at high traffic volume intersections with a Level of Service E or worse.

The DLVSP's analysis prepared for CO attainment in the South Coast Air Basin by SCAQMD can be used to assist in evaluating the potential for CO exceedances in the South Coast Air Basin. CO attainment was thoroughly analyzed as part of SCAQMD's 2003 Air Quality Management Plan (2003 AQMP) and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan). As discussed in the 1992 CO Plan, peak CO concentrations in the South Coast Air Basin are due to unusual meteorological and topographical conditions, and not due to the impact of particular intersections. Considering the region's unique meteorological conditions and increasingly stringent CO emissions standards, CO modeling was performed as part of the 1992 CO Plan and subsequent plan updates and air quality management plans. In the 1992 CO Plan, a CO hot spot analysis was conducted for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included: Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). These analyses did not predict a violation of CO standards. The busiest intersection

evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day. The Los Angeles County Metropolitan Transportation Authority evaluated the Levels of Service in the vicinity of the Wilshire Boulevard/Veteran Avenue intersection and found it to be Level of Service E during the morning peak hour and Level of Service F during the afternoon peak hour.

The *Traffic Impact Analysis* (Appendix H) prepared for the DLVSP estimated that the DLVSP development projects would generate a maximum of 26,313 trips per day. The intersection with the highest traffic volume is located at Palm Drive and Varner Road and has Year 2035 With Project evening peak hour volume of 2,151 vehicles. As stated above, the 1992 CO Plan showed that an intersection which has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. Therefore, as both the intersection and average daily traffic volumes fall short of 100,000 vehicles per day, no CO "hot spot" modeling was performed and no significant long-term air quality impact is anticipated on local air quality due to the on-going operations of projects within the project site.

Local Air Quality Impacts from Onsite Operations

Project-related air emissions from onsite sources such as architectural coatings, landscaping equipment, onsite usage of natural gas appliances, as well as operation of vehicles onsite may have the potential to exceed the federal and State air quality standards in the project site and surrounding area, even though these pollutant emissions may not be significant enough to create a regional impact to the Salton Sea Air Basin. The nearest sensitive receptor that could be impacted by the proposed project is the residential use southeast of the project site.

The local air quality emissions from onsite operations were analyzed according to the methodology described in *Localized Significance Threshold Methodology*, prepared by SCAQMD, revised July 2008. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily emissions of CO, NO_x, PM_{10}, and $PM_{2.5}$ from the implementation of the DLVSP could result in a significant impact to the local air quality. The largest site available on the SCAQMD Look-up Tables is that of 5-acres; however, larger sites would have proportionally higher thresholds. Per SCAQMD staff, the 5-acre Look-up Table can be used a conservative screening analysis for onsite operational emissions to determine whether more-detailed dispersion modeling would be necessary. The proposed project was analyzed based on the Coachella Valley source receptor area (SRA) 30 and used the thresholds for a five-acre project site.

The PM_{10} and $PM_{2.5}$ emissions associated with operation of the proposed project would be primarily from mobile sources. Per LST methodology, mobile emissions include only onsite sources which equate to approximately 10 percent of the project-related new mobile sources. Mitigation Measures AQ-3 through AQ-11 have been incorporated to reduce regional operations emissions, and those measures would also reduce PM_{10} and $PM_{2.5}$ emissions at a local level. The mitigated emission are shown in Table 4.3-12, *Mitigated Local Operational Emissions at the Nearest Receptors.*

Table 4.3-12 Mitigated Local Operational Emissions at the Nearest Receptors

Onsite Emission Source	Onsite Pollutant Emissions (pounds/day)[1]			
	NOx	CO	PM_{10}	$PM_{2.5}$
Area Sources[2]	0.00	0.20	0.00	0.00
Energy Usage[3]	13.64	11.46	1.04	1.04
Vehicle Emissions[4]	35.96	33.92	6.80	1.93
Total Emissions	**49.60**	**45.58**	**7.83**	**2.96**
SCAQMD Thresholds[5]	**321**	**2,746**	**7**	**2**
Exceeds Threshold?	**No**	**No**	**Yes***	**Yes***

Source: Air Quality and Global Climate Change Impact Analysis, Table 16, Kunzman Associates, October 2017.

Notes:

1. Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for five acres in Coachella Valley (SRA 30).
2. Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.
3. Energy usage consists of emissions from on-site natural gas usage.
4. Per LST methodology, mobile source emissions do not need to be included except for land use emissions and on-site vehicle emissions. It is estimated that approximately 10% of mobile emissions would occur on the project site.
5. The nearest sensitive receptor lies approximately 120 feet (~37 meters) from the southeastern property line; the SCAQMD LSTs for operation were interpolated to 37 meters using the 25 meter and 50 meter 5-acre thresholds.

* Dispersion modeling was performed for PM. Please see results in the report.

The data in Table 4.3-12 shows that even with incorporation of mitigation, emissions from the operation of the proposed project would still exceed SCAQMD local operational screening thresholds for PM_{10} and $PM_{2.5}$. Therefore, more detailed dispersion modeling for PM emissions was conducted to assess project specific emissions.

Dispersion modeling uses mathematical formulation to characterize the atmospheric processes that disperse a pollutant emitted by a source, and can be used to predict concentrations at sensitive receptors downwind from the source. The dispersion modeling was conducted using the SCAQMD's recommended methodology for estimating 24-hour PM_{10} concentrations and followed SCAQMD's AERMOD Modeling Guidance. The project engineer for the proposed project stated that the commercial uses would have a negligible number of daily trucks as deliveries were anticipated on a weekly, not daily basis. Therefore, the PM_{10} concentration from onsite mobile truck sources from the light industrial uses was used in the dispersion modeling. At the boundary closest to the nearest sensitive receptor the PM_{10} concentration from onsite mobile truck sources from the light industrial uses is 0.02 $\mu g/m^3$ over a 24-hour period. The SCAQMD operational LST threshold for PM_{10} (and $PM_{2.5}$) is 2.5 $\mu g/m^3$. As the PM_{10} mobile source concentrations do not exceed the SCAQMD operation LST threshold at the interface between the project boundary and the sensitive receptor property line, the $PM_{2.5}$ mobile source concentrations would also not exceed thresholds.

Therefore, the previously proposed mitigation measures to reduce local operational emissions will suffice, and no additional mitigation is required. With implementation of Mitigation Measures AQ-3 through AQ-11, local operational emissions are considered to be less than significant.

Toxic Air Contaminants

Industrial uses permitted within the DLVSP include, but are not limited to, medical marijuana cultivation, warehousing and distribution, light manufacturing facilities, and mixed use office/industrial. As shown in *Traffic Impact Analysis*, the industrial land uses are anticipated to generate approximately 2,295 truck trips per day. The CARB recommends not siting distribution centers with more than 100 truck trips per day within 1,000 feet of a sensitive receptor. A single-family detached residential dwelling unit is located approximately 120 feet to the southeastern corner of the project site. Typically, exposure to air toxics from industrial truck trips to a sensitive receptor located within 200 feet would require a Health Risk Assessment to be prepared to analyze potential health risks to sensitive receptors. However, because the project is a Specific Plan, and the exact location and types of industrial uses are not currently determined, Mitigation Measure AQ-11 requires a HRA to be prepared if a distribution center with more than 100 daily truck trips is to be constructed within 1,000 feet from the property line of the existing detached residential unit located southeast of the project site. Additionally, in-lieu of the HRA, warehouse and/or distribution center-type uses would not be allowed in Lots 4 and 5 and the southern-most portions of Lots 2 and 3, which are located closest to existing receptive receptors (See Exhibit 3-7, *Project Site Phasing Plan,* Lots identified by circled numbers). Therefore, with incorporation of mitigation, the proposed project would not expose sensitive receptors to significant levels of toxic air contaminants.

e. Create Objectionable Odors

SCAQMD recommends that odor impacts be addressed in a qualitative manner. Such an analysis shall determine whether the implementation of the DLVSP would result in excessive nuisance odors, as defined under the California Health and Safety Code, and thus would constitute a public nuisance related to air quality.

Land uses typically associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. Potential sources of operational odors generated by implementation of the DLVSP would include plant blossom odors and disposal of miscellaneous commercial refuse. As required by the City of Desert Hot Springs's Municipal Code Chapters 5.50 and 17.180, botanical cultivation activities are permitted only within enclosed facilities and its operations shall not be visible from the exterior of the facilities. Furthermore, botanical cultivation facilities shall provide the necessary odor control, ventilation, and filtration systems such that odors are not detectable outside of the cultivation facilities, or within the common use and office areas of the facilities. Consistent with City requirements, all refuse generated on the project site would be stored in covered containers

and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse onsite. Moreover, SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. Therefore, with adherence to regulations, potential objectionable operational-source odor impacts are considered to be less than significant.

4.3.5 Cumulative Impacts

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

The region is out of attainment for ozone and in 2014 was out of attainment for PM_{10}. Construction and operation of cumulative projects would further degrade the local air quality, as well as the air quality of the Salton Sea Air Basin. The greatest cumulative impact on the quality of the regional air cell would be the incremental addition of pollutants from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with construction of projects. Air quality would be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant, and do not add to the overall cumulative impact. However, with respect to long-term emissions, even with incorporation of mitigation, implementation of the DLVSP would create significant cumulative impacts to air quality.

4.3.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

Construction Measures

All development within the project site must adhere to SCAQMD Rules 403 and 403.1 for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.

AQ-1 Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content.

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

Operational Measures

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

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

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

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

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

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

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

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

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

Regulatory Requirements

RR-3 All development within the project site must adhere to SCAQMD Rules 403 and 403.1 for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.

4.3.7 Level of Significance After Mitigation

Despite implementation of mitigation measures, significant unavoidable impacts would occur in regard to the DLVSP's contribution to the exceedance of air pollutant concentration (Criterion 1) and in exceedance with regional emissions thresholds. Therefore, a Statement of Overriding Considerations must be prepared regarding the benefits associated with implementation of the DLVSP and how they outweigh the proposed project's air quality impacts.

4.4 Biological Resources

4.4.1 Introduction

This section is based on the findings of the *General Biological Resources Assessment, Jurisdictional Delineation and Land Use Consistency Review for the Vesting Tentative Tract Map No. 37185 and Specific Plan Applications Desert Land Ventures III LLC,* prepared by Jericho Systems, Inc., July 2017, and the *General Biological Assessment,* Jurisdictional Determination and *Land Use Consistency Review for the Desert Land Ventures III Off-site Sewer Alignment*, prepared by Jericho Systems, Inc., December 2017. This subsequent report is an assessment of two proposed alignments for the proposed new sewer and water lines from the project site to the nearby Mission Springs Water District water and wastewater treatment plants. These reports are included as Appendix C of this EIR. Both describes the biological resources known within the project site and surrounding area including the proposed water and sewer line alignments, and assess impacts on the resources associated with proposed land uses. It also provides mitigation measures to reduce significant impacts to biological resources to below a level of significance. Sources used in the preparation of this section are included in Chapter 8, *References*, at the end of this EIR.

4.4.2 Environmental Setting

Existing Conditions

The Desert Hot Springs area is subject to both seasonal and annual variations in temperature and precipitation. Average annual maximum temperatures typically peak at 108 degrees Fahrenheit (F˚) in July, and fall to an average annual minimum temperature of 43˚F in December. Average annual precipitation is greatest from December through March and reaches a peak in January (1.27 inches on average). Precipitation is lowest in the month of June (0.05 inches on average). Annual precipitation averages 4.62 inches.

Hydrologically, Desert Hot Springs is located within the Garnet Hill Hydrologic Sub-Area which comprises a 48,375-acre drainage area within the larger Whitewater River Watershed. The Whitewater River is the major hydro geomorphic feature within the Whitewater River Watershed. Carsitas gravelly sand, Carsitas fine sand, and Carsitas cobbly sand are all present throughout the project site (See Exhibit 4.7-1 in Section 4.7, *Geology and Soils)*.

In addition to the development of the project site, the project proponent is also proposing to connect to the MSWD for water and sewer/wastewater treatment service. Water service would be provided from the existing 913 Pressure Zone, which includes reservoir storage and production wells near the northwest corner of Dillon Road and Little Morongo Road. Wastewater treatment would be at a

proposed MSWD Regional Wastewater Treatment Plant located approximately 1.0 mile northwest of the project site at the intersection of Little Morongo Road and 20th Avenue. There are two alignment options to water service to and sewer service from the project site. The preferred option (Option A) is to connect from the project's wastewater facility site north in West Drive, west in Varner Road, north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. Alignment Option B is to connect from the proposed project's wastewater facility site north in West Drive, east in Varner Road right-of-way, north in Palm Drive right-of-way, and then west in 20th Avenue right-of-way, to the point of connection near the intersection of Little Morongo Road and 20th Avenue (see Exhibit 3-11 in Chapter 3, *Project Description*, for the alignment options).

The project site and surrounding area consists primarily of undeveloped vacant land, existing paved and unpaved roads, and a transportation corridor to the south (I-10). Additionally, there is a private residence adjacent the southernmost boundary of the DLVSP. The project site, including the proposed sewer and water line alignments, consists of flat to gently-sloped terrain within the broad alluvial plain that comprises the northern portion of the Coachella Valley, between the San Bernardino and Little Sand Bernardino Mountains to the north and the San Jacinto Mountains to the south. The topography of the project site and surrounding area is mostly uniform throughout. Habitat on site and within the area surrounding the project site is best described as Sonoran creosote bush scrub.

Assessment Methodology

Data regarding biological resources on the project site and surrounding area provided in the two Biological Resources Assessment reports (Appendix C) were obtained through literature review and field investigations. Prior to performing the surveys, available databases and documentation relevant to the project site and surrounding area, including the area around the water and sewer line alignments, were reviewed for documented occurrences of sensitive species in the large surrounding area. The USFWS threatened and endangered species occurrence data overlay, as well as the most recent versions of the California Natural Diversity Database (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) databases, were searched for sensitive species data on the *Desert Hot Springs, Seven Palms Valley, Palm Springs* and *Cathedral City* United States Geological Survey (USGS) 7.5-minute series quadrangles.

The project site, including the water and sewer line alignments, is situated in the southeastern portion of the *Desert Hot Springs USGS* quad. The project site's proximity to the *Seven Palms Valley, Palm Springs,* and *Cathedral City* USGS quads lead to their inclusion in the review. These databases contain records of reported occurrences of State- and federally-listed species or otherwise sensitive species and habitats that may occur within the surrounding area of the project site. Other available technical information on the biological resources of the larger surrounding area was also reviewed including previous surveys and findings.

A biological resources field assessment was conducted for the proposed project on February 28 and March 1, 2017. A biological resources field assessment was conducted for the proposed water and sewer line alignments on November 10, 2017. Each study area encompassed the entirety of the project sites and included 100 percent coverage with transects spaced 30 meters apart. Wildlife species were detected during field surveys by sight, calls, tracks, scat, or other signs. In addition to species observed, expected wildlife usage of the site was determined per known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The focus of the faunal species surveys was to identify potential habitat for special status wildlife within each of the study areas.

The jurisdictional delineation of the proposed project was conducted on March 2, 2017, on foot and evaluated the project site study area for the presence of riverine/riparian/wetland habitat and jurisdictional waters, such as Waters of the U.S. as regulated by the United States Army Corps of Engineers (USACE) and RWQCB, and/or jurisdictional streambed and associated riparian habitat as regulated by the CDFW. The jurisdictional delineation of the proposed water and sewer line alignments was conducted on November 21, 2017. For each delineation, prior to the field visit, historical aerial photographs were examined to gain an understanding of the impact of land-use on natural drainage patterns in the area. Each study area was carefully assessed for indicators of active surface flow (presence of hydrophytic vegetation, staining, cracked soil, ponding, etc.). Potential wetland areas were assessed by searching for hydrophytes and depressions/ponded areas where water would likely collect. Features previously indicated on aerial photographs (dark/saturated areas, associated riparian vegetation, etc.) were field verified during the site visit. Plant species were identified and given an indicator status as prescribed in the 2016 National Wetland Plant List (Arid West Region).

Existing Biological Resources

Habitat

Habitat within each of the study areas is similar and consists primarily of Sonoran creosote brush scrub. Native plant species identified within the study areas include hairy sand verbena (*Abronia villosa*), frost mat (*Achyronychia cooperi*), annual burrweed (*Ambrosia acanthicarpa*), burrobush (*A. dumosa*), fourwing saltbush (*Atriplex canescens*), sweetbush (*Bebbia juncea*), pale yellow sun cup (*Camissoniopsis pallida*), Fremont pincushion (*Chaenactis fremontii*), clavate fruited primrose (*Chylismia claviformis*), desert croton (*Croton californicus*), cryptantha (*Cryptantha* ssp.), coyote gourd (*Cucurbita palmata*), brittlebush (*Encelia farinosa*), desert tea (*Ephedra californica*), Mojave rabbitbrush (*Ericameria paniculata*), Thomas eriogonum (*Eriogonum thomasii*), desert sandmat (*Euphorbia polycarpa*), desert sunflower (*Geraea canescens*), white rhatany (*Krameria bicolor*), creosote bush (*Larrea tridentata*), desert dandelion (*Malacothrix glabrate*), bladderpod (*Peritoma arborea*), turtleback (*Psathyrotes ramosissima*), Mojave indigo bush (*Psorothamnus arborescens*), desert chicory (*Rafinesquia neomexicana*), wire lettuce (*Stephanomeria pauciflora*) and Palmer's coldenia (*Tiquilia palmeri*). Non-native, invasive plant species identified within the project site include Saharan mustard (*Brassica*

tournefortii), foxtail brome (*Bromus madritensis*), Russian thistle (*Salsola tragus*) and common Mediterranean grass (*Schismus barbatus*).

Wildlife Species

No amphibian species were observed or otherwise detected within the study areas and none are expected. The only reptiles observed within the study areas were zebra-tailed lizard (*Callisaurus draconoides*) and desert iguana (*Dipsosaurus dorsalis).* Other common reptile species expected to occur within the study area include Great Basin whiptail (*Aspidoscellis tigris tigris)*, Mojave shovel-nose snake (*Chionactis occipitalis occipitalis),* desert banded gecko (*Coleonyx variegatus variegatus),* California kingsnake (*Lampropeltis californiae),* long-nosed snake (*Rhinocheilus lecontei)* and western side-blotched lizard (*Uta stansburiana elegans).* Avian species observed on the project site include red-tailed hawk (*Buteo jamaicensis)*, Costa's hummingbird (*Calypte costae),* Wilson's warbler (*Cardellina pusilla),* common raven (*Corvus corax)*, and mourning dove (*Zenaida macroura).* Identification of mammals within the study areas was generally determined by physical evidence rather than direct visual identification due to the fact that many of the mammal species that potentially occur on the study areas are nocturnal and would not have been active during the survey, and no mammal trapping was performed. The only mammal species observed was black-tailed jackrabbit (*Lepus californicus).* Other common species expected to occur within the study areas include coyote (*Canis latrans),* Merriams' kangaroo rat (*Dipodomys merriami),* and desert cottontail (*Sylvialgus audubonii).*

Sensitive Species and Habitats

Per the CNDDB, CNPSEI, and other relevant literature and databases, 60 sensitive species (28 plant species, 32 animal species) and three sensitive habitats have been documented in the *Desert Hot Springs, Seven Palms Valley, Palm Springs* and *Cathedral City* USGS quads. This list of sensitive species and habitats includes any State- and/or federally-listed threatened or endangered species, California Fully Protected species, CDFW designated SSC, and otherwise Special Animals. "Special Animals" is a general term that refers to all the animals the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species". CDFW considers the animals on this list to be those of greatest conservation need.

Of the 11 State- and/or federally-listed species documented within the *Desert Hot Springs, Seven Palms Valley, Palm Springs,* and *Cathedral City* quads, the following five State- and/or federally-listed species have been documented in the project vicinity (within approximately 5 miles):

- Peninsular bighorn sheep (*Ovis Canadensis nelsoni)*
- Coastal California gnatcatcher (*Polioptila californica californica*)
- Coachella Valley fringe-toed lizard (*Uma inornata*)
- Least Bell's vireo (*Vireo bellii pusillus*)
- Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*)

However, the habitat requirements for Peninsular bighorn sheep, Coastal California gnatcatcher and Least Bell's vireo are absent from the study areas. Therefore, no further discussion of these species is warranted.

Although not State- or federally-listed as a threatened or endangered species, burrowing owl (BUOW) is considered a State SSC and is a migratory bird protected by the international treaty under the MBTA and by State law under the California Fish and Game Code (CDFG Code 3513 & 3503.5). There is suitable habitat for this species within the project site and BUOW have been documented in the vicinity of the project sites. Per the literature review for the water and sewer alignments, the nearest documented BUOW occurrence (2007) was approximately 0.4 mile northwest of the intersection of 20th Avenue and Little Morongo Road. There are no BUOW occurrences documented in the project site and no suitable habitat was found onsite. Therefore, BUOW were included in the impacts discussion below.

An analysis of the likelihood for occurrence of all CNDDB sensitive species documented in the *Desert Hot Springs, Seven Palms Valley, Palm Springs* and *Cathedral City* quads is provided in Table 4.4-1, *CNDDB Documented Sensitive Species*. The analysis considered species range as well as documentation within the both project site and surrounding area and included the habitat requirements for each species and the potential for their occurrence within the study area based on required habitat elements and range relative to the current project site conditions.

Jurisdictional Delineation

The project sites are within the Garnet Hill Hydrologic Sub-Area which comprises a 48,375-acre drainage area within the larger Whitewater River Watershed. This watershed is primarily within Riverside County with a small portion within San Bernardino County. The Whitewater River Watershed is bound on the north by the Santa Ana and Southern Mojave Watersheds, on the southeast by the Salton Sea Watershed, on the south by the San Felipe Creek Watershed and on the southwest by the San Jacinto and Santa Margarita Watersheds. The Whitewater River Watershed encompasses a portion of the San Bernardino and Little San Bernardino Mountains to the north and the San Jacinto Mountains to the south and is approximately 1,500 square miles in area. The Whitewater River is the major hydrogeomorphic feature within the Whitewater River Watershed. The project sites are situated north and outside of the historic Whtiewater River floodplain, between Mission Creek to the west and Morongo Wash to the east, which are both tributary to Whitewater River.

Waters of the US

No drainages or other water features were identified within the project site that would meet the definition of Waters of the US by the US Army Corps of Engineers (USACE). The project site is near Mission Creek (to the west) and Morongo Wash (to the east), which are both intermittently-flooded, intermittent streams that flow generally north to south, adjacent the project site. These intermittent streams are tributary to Whitewater River, which originates in the San Bernardino Mountains and

terminates at the Salton Sea. The Salton Sea is a Traditional Navigable Water (TNW). Therefore, Whitewater River and its tributaries are considered to have a significant nexus to a TNW, and would be considered jurisdictional Waters of the US. However, no drainages or other water features were identified within the project site that would meet the definition of Waters of the US. The field study was conducted following significant rainfall in the region and although there were some areas within the project site that appeared to have received temporary surface flow, there was no indication that these flows were tributary to either Mission Creek or Morongo Wash, as they appeared to percolate on site.

USACE Wetlands

No jurisdictional features subject to the Clean Water Act under the jurisdictions of the USACE or Regional Water Quality Control Board (RWQCB), exist within the project site. The project site is located entirely outside of any jurisdictional areas and no permanent or temporary impacts to jurisdictional features will result from the project. Therefore, no permits or authorizations from the USACE or RWQCB will be required.

State Lake/Streambed

The project site is situated on flat to gently-sloped terrain consisting of Larrea tridentata Shrubland Alliance and there are no drainages or other water features that have a definable bed and bank or associated riparian vegetation that would be subject to the Fish and Game Code (FGC) under the jurisdiction of the CDFW.

Water and Sewer Line Alignment

Three drainage features that traverse 20th Avenue, the northerly portion of the water and sewer line alignment - Drainage A, Drainage B, and Drainage C - would meet the USACE definition of Waters of the US. The 20th Avenue alignment is near Mission Creek (to the west) and Morongo Wash (to the east), which are both intermittently-flooded, intermittent streams that flow generally north to south, crossing 20th Avenue. Exhibit 4.4-2, *Jurisdictional Delineation, Drainage A and Drainage B*, and Exhibit 4.4-3, *Jurisdictional Delineation, Drainage C*, show the jurisdictional drainages that would be affected by the water and sewer line alignment.

USACE Wetlands

Areas meeting all three parameters would be designated as USACE wetlands. None of the three required parameters, hydrophitic vegetation, hydric soils and/or wetland hydrology, are present within the project site. Therefore, no wetlands were identified in the study area during this investigation based of the absence of hydrophitic vegetation, hydric soil indicators and/or wetland hydrology.

State Lake/Streambed

The project site along 20th Avenue is situated on flat to gently-sloped terrain consisting of *Larrea tridentata Shrubland* Alliance and the three drainage features that have a definable bed and bank or

associated riparian vegetation that would be subject to the FGC under the jurisdiction of the CDFW. Table 4.4-2 details the impacts to each jurisdictional features.

Regulatory Setting

Federal Endangered Species Act (FESA)

The U.S. Fish and Wildlife Service (USFWS) administers the FESA of 1973. The FESA provides a legal mechanism for listing species as either threatened or endangered, and a process of protection for those species listed. Section 9 of the FESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. "Take" can include adverse modification of habitats used by a threatened or endangered species during any portion of its life history. Under the regulations of the FESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act. Take authorization can be obtained under Section 7 or Section 10 of the FESA.

California Endangered Species Act (CESA)

The California Department of Fish and Wildlife (CDFW), formerly California Department of Fish and Game, administers the State CESA. The State of California considers an endangered species one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is one present in such small numbers throughout its range that it is likely to become an endangered species soon, in the absence of special protection or management. A rare species refers to California native plant species present in such small numbers throughout its range that it may become endangered if its present environment worsens. Further, all raptors and their nests are protected under Section 3503.5 of the California Fish and Game Code (FGC). Species that are fully protected include those protected by special legislation for various reasons, such as the California condor. Species of Special Concern (SSC) is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW. In order for a species to become listed as endangered or threatened, a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant must be formally noticed by the Fish and Game Commission as being under review by the CDFW for which the Commission has published a notice of proposed regulation to add the species to either list.

Migratory Bird Treaty Act (MBTA)

Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA prohibits take of nearly all native birds. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by

implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)

The CVMSHCP is a joint regional planning effort of the USFWS, the CDFW, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and the National Park Service (NPS), as well as Riverside County and most jurisdictions in the Coachella Valley, including the City of Desert Hot Springs. The DLVSP is within the planning area for the CVMSHCP. This regional multi-agency conservation plan provides for the long-term conservation of approximately 240,000 acres of open space and 27 plant and animal species in the Coachella Valley. The stated overall goal of the CVMSHCP is, "…to enhance and maintain the biological diversity and ecosystem processes while allowing future economic growth." The CVMSHCP balances environmental protection and economic development objectives in the Plan area and simplifies compliance with endangered species laws.

The CVMSHCP is subdivided according to specific resource conservation goals that have been organized according to geographic areas defined as Conservation Areas that serve as natural habitat for covered species. These areas are identified as Core, Essential, or Other Conserved Habitat for special-status plant, invertebrate, amphibian, reptile, bird, and mammal species, Essential Ecological Process Areas, and Biological Corridors and Linkages. The CVMSHCP area is divided into Conservation Areas based on a combination of ecological and jurisdictional factors. Per the CVMSHCP, 90 percent of the land within the Conservation Area is to remain open space and 10 percent may be developed. For each Conservation Area, Conservation Objectives and required measures are articulated for conserving Core Habitat for covered species, Essential Ecological Processes necessary to maintain habitat viability, Biological Corridors and Linkages as needed, and the less common Conserved Natural Communities. Planning Area 2 (39.7 acres) of the DLVSP is located within the Willow Hole Conservation Area, as shown in Exhibit 3-6 in Chapter 3, *Project Description.* As shown in Exhibit 4.4-1, *Willow Hole Conservation Area Boundary,* the Conservation Area is comprised of 5,600 acres.

Conservation Goals are managed within the Conservation Areas as a Reserve System. The Conservation Goals of the CVMSHCP Reserve System are:

- Represent native ecosystem types or natural communities across their natural range of variation in a system of conserved areas.
- Maintain or restore self-sustaining populations or metapopulations of the species included in the Plan to ensure permanent Conservation so that Take Authorization can be obtained for currently

Listed Species (animal species) and Non-listed Species can be covered in case they are listed in the future.

- Sustain ecological and evolutionary processes necessary to maintain the functionality of the conserved natural communities and Habitats for the species included in the Plan.
- Maximize connectivity among populations and avoid Habitat fragmentation within Conservation Areas to conserve biological diversity, ecological balance, and connected populations of Covered Species.
- Minimize adverse impacts from Off Highway Vehicle (OHV) use, illegal dumping, edge effects, exotic species, and other disturbances in accordance with the Management and Monitoring Programs.
- Manage the Conservation Areas adaptively to be responsive to short-term and long-term environmental change and new science.

Under the CVMSHCP, a Take Authorization, except for three of the covered species, is allowed for covered activities in accordance with the federal ESA and the California Natural Community Conservation Planning Act. Covered activities include development permitted or approved by local permittees, which includes new projects approved pursuant to county and city general plans. Take activities are limited within Conservation Areas.

Mitigation for the impacts of development on the covered species and their habitats is through payment of a fee to the applicable individual jurisdiction, in this case City of Desert Hot Springs, which is in turn used by the Coachella Valley Conservation Commission (CVCC) to minimize and mitigate impacts of the taking and provide for conservation of the covered and non-covered species through the acquisition and maintenance of habitat.

Table 4.4-1 CNDDB Documented Sensitive Species

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Abronia villosa var. *aurita*	chaparral sand-verbena	None/ None	G5T2T3; S2; CNPS: 1B.1	Chaparral, coastal scrub, desert dunes. Sandy areas. 60-1570 m.	There is suitable habitat for this species within the project area and this species has been documented approx. 3 miles SW of the project site. Occurrence potential is **moderate**.
Acmispon haydonii	pygmy lotus	None/ None	G3; S3; CNPS: 1B.3	Sonoran desert scrub, pinyon and juniper woodland. Creosote bush scrub to pinyon-juniper woodland; rocky sites. 180-1280 m.	There is some suitable habitat for this species within the project area. However, the only documented occurrence (1930) for this species is approx. 4.3 miles SW of the project site. Occurrence potential is **low**.
Aimophila ruficeps canescens	southern California rufous-crowned sparrow	None/ None	G5T3; S3; CDFW: WL	Resident in Southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Almutaster pauciflorus	alkali marsh aster	None/ None	G4; S1S2; CNPS: 2B.2	Meadow and seeps. Alkaline. 240-800 m.	The habitats this species is associated with are not present within the project area. Occurrence potential is **low**.
Ambrosia monogyra	singlewhorl burrobrush	None/ None	G5; S2; CNPS: 2B.2	Chaparral, Sonoran desert scrub. Sandy soils. 5-475 m.	There is some suitable habitat for this species within the project area. However, the only documented occurrence (1922) for this species is approx. 6 miles SW of the project site. Occurrence potential is **low**.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Aquila chrysaetos	golden eagle	None/ None	G5; S3; CDFW: FP	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	No suitable nesting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Astragalus lentiginosus var. *coachellae*	Coachella Valley milk-vetch	Endangered/ None	G5T1; S1; CNPS: 1B.2	Sonoran desert scrub, desert dunes. Sandy flats, washes, outwash fans, sometimes on dunes. 35-695 m.	There are several documented occurences for this species within 1 mile of the project site. However, this species occurs primarily on loose aeolian or alluvial sands located on dunes or flats, and along disturbed margins of sandy washes. Whereas the soils on site consist mostly of cobbly sand that is has become stabilized due to a moderately-dense vegetation cover, including non-native grasses. Occurrence potential is **low**.
Astragalus tricarinatus	triple-ribbed milk-vetch	Endangered/ None	G2; S2; CNPS: 1B.2	Joshua tree woodland, Sonoran desert scrub. Hot, rocky slopes in canyons and along edge of boulder-strewn desert washes, with *Larrea* and *Encelia*. 455-1525 m.	The project area is outside the elevation range for this species and the habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Athene cunicularia	burrowing owl	None/ None	G4; S3; CDFW: SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	There is suitable habitat for this species within the project area. However, this species has not been documented within the project site and focused survey for this species (2017) was negative. This species is considered **absent** from the project site.
Atriplex parishii	Parish's brittlescale	None/ None	G1G2; S1; CNPS: 1B.1	Vernal pools, chenopod scrub, playas. Usually on drying alkali flats with fine soils. 5-1420 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Ayenia compacta	California ayenia	None/ None	G4; S3; CNPS: 2B.3	Mojavean desert scrub, Sonoran desert scrub. Sandy and gravelly washes in the desert; dry desert canyons. 60-1830 m.	The microhabitats this species is associated with are not present within the project area. Occurrence potential is **low**. Therefore, this species is considered absent from the project area.
Bombus crotchii	Crotch bumble bee	None/ None	G3G4; S1S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia,* and *Eriogonum.*	The plant food for this species is not present within the project area. Occurrence potential is **low**. Therefore, this species is considered absent from the project area.
Calileptoneta oasa	Andreas Canyon leptonetid spider	None/ None	G1; S1	Known only from the type locality, Andreas Canyon, Palm Springs, Riverside County.	This species is only known to occur from one area approx. 9 miles SW of the project site. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Caulanthus simulans	Payson's jewelflower	None/ None	G4; S4; CNPS: 4.2	Chaparral, coastal scrub. Frequently in burned areas, or in disturbed sites such as streambeds; also on rocky, steep slopes. Sandy, granitic soils. 90-2200 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Chaetodipus fallax pallidus	pallid San Diego pocket mouse	None/ None	G5T34; S3S4; CDFW: SSC	Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	There is suitable habitat for this species within the project area. However, the nearest documented occurrence for this species is approx. 4.7 miles SW of the project site. Occurrence potential is **moderate**.
Chorizanthe parryi var. *parryi*	Parry's spineflower	None/ None	G3T2; S2; CNPS: 1B.1	Coastal scrub, chaparral, cismontane woodland, valley and foothill grassland. Dry slopes and flats; sometimes at interface of two vegetation types, such as chaparral and oak woodland. Dry, sandy soils. 90-1220 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Chorizanthe xanti var. *leucotheca*	white-bracted spineflower	None/ None	G4T3; S3; CNPS: 1B.2	Mojavean desert scrub, pinyon and juniper woodland, coastal scrub (alluvial fans). Sandy or gravelly places. 365-1830 m.	The project area is outside the elevation range for this species. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Corynorhinus townsendii	Townsend's big-eared bat	None/ None	G3G4; S2; CDFW: SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	No suitable roosting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Crotalus ruber	red-diamond rattlesnake	None/ None	G4; S3; CDFW: SSC	Chaparral, woodland, grassland, & desert areas from coastal San Diego County to the eastern slopes of the mountains. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.	There is some suitable habitat for this species within the project area. However, the project area is near the range limit for this species. Occurrence potential is **moderate**.
Cypseloides niger	black swift	None/ None	G4; S2; CDFW: SSC	Coastal belt of Santa Cruz and Monterey counties; central & southern Sierra Nevada; San Bernardino & San Jacinto mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Desert Fan Palm Oasis Woodland	Desert Fan Palm Oasis Woodland	None/ None	G3; S3.2		This habitat does not exist within the project site. Therefore, this species is considered absent from the project area.
Dinacoma caseyi	Casey's June beetle	Endangered/ None	G1; S1	Found only in two populations in a small area of southern Palm Springs. Found in sandy soils; the females live underground and only come to the ground surface to mate.	This species is only known to occur approx. 6 miles SW of the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Dodecahema leptoceras	slender-horned spineflower	Endangered/ Endangered	G1; S1; CNPS: 1B.1	Chaparral, cismontane woodland, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes; associates include *Encelia, Dalea, Lepidospartum,* etc. Sandy soils. 200-765 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Euphorbia arizonica	Arizona spurge	None/ None	G5; S3; CNPS: 2B.3	Sonoran desert scrub. Sandy soils. 150-900 m.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence for this species is approx. 7.4 miles E of the project site. Therefore, this species is considered absent from the project area.
Euphorbia misera	cliff spurge	None/ None	G5; S2; CNPS: 2B.2	Coastal bluff scrub, coastal scrub, Mojavean desert scrub. Rocky sites. 3-430 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Euphorbia platysperma	flat-seeded spurge	None/ None	G3; S1; CNPS: 1B.2	Mojavean desert scrub, desert dunes. Sandy places or shifting dunes. Possibly a waif in California; more common in Arizona and Mexico. 60-960 m.	There is some suitable habitat for this species within the project area. However, the only documented occurrence (1926) for this species is approx. 9 miles SE of the project site. Occurrence potential is **low**.
Falco mexicanus	prairie falcon	None/ None	G5; S4; CDFW: WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	No suitable nesting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Gopherus agassizii	desert tortoise	Threatened/ Threatened	G3; S2S3	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence (1997) for this species is approx. 7 miles NW of the project site. Occurrence potential is **low**.
Heuchera hirsutissima	shaggy-haired alumroot	None/ None	G3; S3; CNPS: 1B.3	Subalpine coniferous forest, upper montane coniferous forest. Often near large rocks. Granitic substrate. 1065-3200 m.	The project area is outside the elevation range for this species and the habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Imperata brevifolia	California satintail	None/ None	G4; S3; CNPS: 2B.1	Coastal scrub, chaparral, riparian scrub, Mojavean desert scrub, meadows and seeps (alkali), riparian scrub. Mesic sites, alkali seeps, riparian areas. 3-1495 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Lanis ludovicianus	loggerhead shrike	None/ None	G4; S4; CDFW: SSC	Broken woodlands, savannah pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence for this species (2010) is approx. 7.3 miles W of the project site. Occurrence potential is **moderate.**
Lasiurus xanthinus	western yellow bat	None/ None	G5; S3; CDFW: SSC	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	No suitable roosting habitat for this species exists in the project area. Occurrence potential is **low**.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Lilium parryi	lemon lily	None/ None	G3; S3; CNPS: 1B.2	Lower montane coniferous forest, meadows and seeps, riparian forest, upper montane coniferous forest. Wet, mountainous terrain; generally in forested areas; on shady edges of streams, in open boggy meadows & seeps. 625-2930 m.	The project area is outside the elevation range for this species and the habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Linanthus jaegeri	San Jacinto linanthus	None/ None	G2; S2; CNPS: 1B.2	Subalpine coniferous forest, upper montane coniferous forest. Dry rocky granitic outcrops; sheer, vertical habitat. 2195-3050 m.	The project area is outside the elevation range for this species and the habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Linanthus maculatus ssp. *maculatus*	Little San Bernardino Mtns. linanthus	None/ None	G2T2; S2; CNPS: 1B.2	Desert dunes, Sonoran desert scrub, Mojavean desert scrub, Joshua tree woodland. Sandy places. Usually in light-colored quartz sand; often in wash or bajada. 140-2075 m.	There is some marginally-suitable habitat for this species within the project area and this species has been documented approx. 2.7 miles E of the project site. Occurrence potential is **low – moderate**.
Macrobaenetes valgum	Coachella giant sand treader cricket	None/ None	G1G2; S1S2	Known from the sand dune ridges in the vicinity of Coachella Valley. Population size regulated by amount of annual rainfall; some spots favor permanent habitation where springs dampen sand.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Mentzelia tricuspis	spiny-hair blazing star	None/ None	G4; S2; CNPS: 2B.1	Mojavean desert scrub. Sandy or gravelly slopes and washes. 150-1280 m.	There is some suitable habitat for this species within the project area. However, the only documented occurrence (1876) for this species is approx. 7.2 miles NW of the project site. Occurrence potential is **low**.
Mesquite Bosque	Mesquite Bosque	None/ None	G3; S2.1		This habitat does not exist within the project site.
Nemacaulis denudata var. *gracilis*	slender cottonheads	None/ None	G3G4T3?; S2; CNPS: 2B.2	Coastal dunes, desert dunes, Sonoran desert scrub. In dunes or sand. 50-400 m.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence (1948) for this species is approx. 4.8 miles W of the project site. Occurrence potential is **low – moderate**.
Neotoma lepida intermedia	San Diego desert woodrat	None/ None	G5T3T4; S3S4; CDFW: SSC	Coastal scrub of Southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Nyctinomops femorosaccus	pocketed free-tailed bat	None/ None	G4; S3; CDFW: SSC	Variety of arid areas in Southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, desert riparian, etc. Rocky areas with high cliffs.	No suitable roosting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Nyctinomops macrotis	big free-tailed bat	None/ None	G5; S3; CDFW: SSC	Low-lying arid areas in Southern California. Need high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	No suitable roosting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Ovis canadensis nelsoni	desert bighorn sheep	None/ None	G4T4; S3; CDFW: FP	Widely distributed from the White Mountains in Mono Co. to the Chocolate Mountains in Imperial Co. Open, rocky, steep areas with available water and herbaceous forage.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Ovis canadensis nelsoni pop. 2	Peninsular bighorn sheep DPS	Endangered/ Threatened	G4T3Q; S1; CDFW: FP	Eastern slopes of the Peninsular Ranges below 4,600 ft. elevation. This DPS of the subspecies inhabits the Peninsular Ranges in southern California from the San Jacinto Mountains south to the US-Mexico International Border. Optimal habitat includes steep walled canyons and ridges bisected by rocky or sandy washes, with available water.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Perognathus longimembris bangsi	Palm Springs pocket mouse	None/ None	G5T2; S2; CDFW: SSC	Desert riparian, desert scrub, desert wash and sagebrush habitats. Most common in creosote-dominated desert scrub. Rarely found on rocky sites. Occurs in all canopy coverage classes.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence (1999) for this species is approx. 6.7 miles NW of the project site. Occurrence potential is **low – moderate**.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Phrynosoma blainvillii	coast horned lizard	None/ None	G3G4; S3S4; CDFW: SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	There is some suitable habitat for this species within the project area. However, the project area is near the range limit for this species and the nearest documented occurrence is approx. 7.5 miles NW of the project site. Therefore, this species is considered absent from the project area.
Phrynosoma mcallii	flat-tailed horned lizard	None/ None	G3; S2; CDFW: SSC	Restricted to desert washes and desert flats in central Riverside, eastern San Diego, and Imperial counties. Critical habitat element is fine sand, into which lizards burrow to avoid temperature extremes; requires vegetative cover and ants.	There is some suitable habitat within the project area and this species has been documented approx. 0.8 miles SW of the project site. However, there are non-native, invasive plant species, including non-native grasses throughout much of the site. Occurrence potential is **low – moderate**.
Polioptila californica californica	coastal California gnatcatcher	Threatened/ None	G4G5T2Q; S2; CDFW: SSC	Obligate, permanent resident of coastal sage scrub below 2,500 ft. in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Polioptila melanura	black-tailed gnatcatcher	None/ None	G5; S3S4; CDFW: WL	Primarily inhabits wooded desert wash habitats; also occurs in desert scrub habitat, especially in winter. Nests in desert washes containing mesquite, Palo Verde, ironwood, acacia; absent from areas where salt cedar introduced.	No suitable nesting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Rana draytonii	California red-legged frog	Threatened/ None	G2G3; S2S3; CDFW: SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Rana muscosa	southern mountain yellow-legged frog	Endangered/ Endangered	G1; S1; CDFW: WL	Federal listing refers to populations in the San Gabriel, San Jacinto and San Bernardino mountains (southern DPS). Northern DPS was determined to warrant listing as endangered, Apr 2014, effective Jun 30, 2014. Always encountered within a few feet of water. Tadpoles may require 2 - 4 yrs. to complete their aquatic development.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Saltugilia latimeri	Latimer's woodland-gilia	None/ None	G3; S3; CNPS: 1B.2	Chaparral, Mojavean desert scrub, pinyon and juniper woodland. Rocky or sandy substrate; sometimes in washes, sometimes limestone. 120-2200 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Selaginella eremophila	desert spike-moss	None/ None	G4; S2S3; CNPS: 2B.2	Sonoran desert scrub, chaparral. Shaded sites, gravelly soils; crevices or among rocks. 200-900 m.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence (1995) for this species is approx. 4.3 miles SW of the project site. Occurrence potential is **low – moderate**.
Southern Riparian Forest	Southern Riparian Forest	None/ None	G4; S4		This habitat does not exist within the project site.
Stemodia durantifolia	purple stemodia	None/ None	G5; S2; CNPS: 2B.1	Sonoran desert scrub. Sandy soils; mesic sites. 35-385 m.	The microhabitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Stenopelmatus cahuilaensis	Coachella Valley jerusalem cricket	None/ None	G1G2; S1S2	Inhabits a small segment of the sand and dune areas of the Coachella Valley, in the vicinity of Palm Springs. Found in the large, undulating dunes piled up at the north base of Mt San Jacinto.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Streptanthus campestris	southern jewelflower	None/ None	G3; S3; CNPS: 1B.3	Chaparral, lower montane coniferous forest, pinyon-juniper woodland. Open, rocky areas. 900-2300 m.	The project area is outside the elevation range for this species and the habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Thelypteris puberula var. *sonorensis*	Sonoran maiden fern	None/ None	G5T3; S2; CNPS: 2B.2	Meadows and seeps. Along streams, seepage areas. 50-610 m.	The habitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.
Toxostoma crissale	Crissal thrasher	None/ None	G5; S3; CDFW: SSC	Resident of southeastern deserts in desert riparian and desert wash habitats. Nests in dense vegetation along streams/washes; mesquite, screwbean mesquite, ironwood, catclaw, acacia, arrowweed, willow.	No suitable nesting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Toxostoma lecontei	Le Conte's thrasher	None/ None	G4; S3; CDFW: SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	No suitable nesting habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Uma inornata	Coachella Valley fringe-toed lizard	Threatened/ Endangered	G1Q; S1	Limited to sandy areas in the Coachella Valley, Riverside County. Requires fine, loose, windblown sand (for burrowing), interspersed with hardpan and widely-spaced desert shrubs.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.

Table 4.4-1 CNDDB Documented Sensitive Species (continued)

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
Vireo bellii pusillus	least Bell's vireo	Endangered/ Endangered	G5T2; S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, *Baccharis*, mesquite.	No suitable habitat for this species exists in the project area. Therefore, this species is considered absent from the project area.
Xerospermophilus tereticaudus chlorus	Palm Springs round-tailed ground squirrel	None/ None	G5T2Q; S2; CDFW: SSC	Restricted to the Coachella Valley. Prefers desert succulent scrub, desert wash, desert scrub, alkali scrub, and levees. Prefers open, flat, grassy areas in fine-textured, sandy soil. Density correlated with winter rainfall.	There is some suitable habitat for this species within the project area. However, the nearest documented occurrence (1916) for this species is approx. 4.5 miles SW of the project site. Occurrence potential is **low – moderate**.
Xylorhiza cognata	Mecca-aster	None/ None	G2; S2; CNPS: 1B.2	Sonoran desert scrub. Steep canyon slopes, in sandstone and clay. 20-305 m.	The microhabitats this species is associated with are not present within the project area. Therefore, this species is considered absent from the project area.

Source: Biological Resource Assessment & Land Use Consistency Review, Table 2, Jericho Systems Inc., July 2017

Notes:

E = Endangered T = Threatened C = Candidate FP = Fully Protected SSC = Species of Special Concern R = Rare

State Species of Special Concern: An administrative designation given to vertebrate species that appear to be vulnerable to extinction because of declining populations, limited acreages, and/or continuing threats. Raptor and owls are protected under section 3502.5 of the California Fish and Game code: "It is unlawful to take, possess or destroy any birds in the orders Falconiformes or Strigiformes or to take, possess or destroy the nest or eggs of any such bird."

State Fully Protected: The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Global Rankings (Species or Natural Community Level):

G1 = Critically Imperiled – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

G2 = Imperiled – At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.

G3 = Vulnerable – At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5 = Secure – Common; widespread and abundant.

Subspecies Level: Taxa which are subspecies or varieties receive a taxon rank (T-rank**)** attached to their G-rank. Where the G-rank reflects the condition of the entire species, the T-rank reflects the global situation of just the subspecies. For example: the Point Reyes mountain beaver, *Aplodontia rufa* ssp. *phaea* is ranked G5T2. The G-rank refers to the whole species range i.e., *Aplodontia rufa.* The T-rank refers only to the global condition of ssp. *phaea*.

State Ranking:
S1 = Critically Imperiled – Critically imperiled in the State because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.
S2 = Imperiled – Imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the State.
S3 = Vulnerable – Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the State.
S4 = Apparently Secure – Uncommon but not rare in the State; some cause for long-term concern due to declines or other factors.
S5 = Secure – Common, widespread, and abundant in the State.
California Rare Plant Rankings (CNPS List):
1A = Plants presumed extirpated in California and either rare or extinct elsewhere.
1B = Plants rare, threatened, or endangered in California and elsewhere.
2A = Plants presumed extirpated in California, but common elsewhere.
2B = Plants rare, threatened, or endangered in California, but more common elsewhere.
3 = Plants about which more information is needed; a review list.
4 = Plants of limited distribution; a watch list.
Threat Ranks:
1 = Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
2 = Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
3 = Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Special Status Species

Species which are considered threatened or endangered under FESA or CESA are called special status species. No State- and/or federally-listed threatened or endangered species, or other sensitive species were observed on site during the reconnaissance-level field surveys for the project site. However, there is some habitat within the project site, as well as the surrounding area, that may be suitable for several sensitive species identified in Table 4.4-1 and several sensitive species have been documented near the project sites. In addition to the general biological resources assessments, focused protocol-level surveys were conducted within the project site for BUOW. However, for the proposed water and sewer alignment, field surveys showed that there is no suitable habitat within the alignment for any State or federally listed species. Field surveys also concluded that although BUOW have been documented within 0.4 mile northwest of the proposed alignment, there is no suitable habitat within the proposed water and sewer line alignment; therefore, protocol-level focused surveys for this species are not recommended.

Special-Status Plant Species

Chaparral sand-verbena – CNPS 1B.1

Chaparral sand-verbena (*Abronia villosa* var. *aurita*) also known as desert sand verbena or hairy sand verbena is an annual herb native to southern California, as well as northern Mexico and the Baja coast. Chaparral sand verbena belongs to the Nyctaginaceae family and is normally found in Creosote Bush Scrub plant communities (Calflora 2017). It is a short, hairy wildflower which grows in creeping prostrate masses along the ground. It has oval-shaped dull green leaves and many peduncles bearing rounded flower clusters of bright magenta or purplish-pink flowers. It grows in the sand of the deserts and coastlines. Although the flowering for this plant occurs between January and September, they usually grow between February and May (Calflora 2017). The nearest documented occurrence for this species is approximately 3 miles southwest of the project site (CNDDB 2017).

Pygmy lotus – CNPS 1B.3

Pygmy lotus (*Acmispon haydonii*) is a perennial herb that is native to California as well as Baja California. Pygmy lotus belongs to the Fabaceae family and is found at an elevation of 600-1200 m in Creosote Bush Scrub and Pinyon-Juniper Woodlands (Calflora 2017). It has a 1-2 flowered inflorescence that are yellow in color. The stem of the plant is sprawling, bushy, and rush-like, approximately 1-20 dm. Flowering typically occurs March through June (Calflora 2017). The only documented occurrence for this species within the project vicinity is a historical collection (1930) from approximately 4.3 miles southwest of the project site (CNDDB 2017).

Singlewhorl burrobrush – CNPS 2B.2

Singlewhorl burrobrush (*Ambrosia monogyra*) is a shrub that is native to California. Singlewhorl burrobrush belongs to the Asteraceae family and occurs in chaparral plant communities in the southwestern United States and northern Mexico, where it is usually found at elevations of less than 1600 feet in washes and dry river beds. This is a thickly branching shrub reaching heights from one to four meters. The thin stems are covered in narrow, hairy leaves and flower in large flower clusters of staminate and pistillate flowers. Flowering typically occurs August through November (Calflora 2017). The only documented occurrence for this species within the project vicinity is a historical collection (1922) from approximately 6 miles southwest of the project site (CNDDB 2017).

Coachella Valley milk-vetch – Endangered (federal)

The federally-listed as endangered Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*) is an erect winter annual or short-lived perennial endemic to California that belongs to the Fabaceae family (Calflora 2017). It is mainly found in Creosote Bush Scrub and is 4 to 12 inches (in) (10 to 30 centimeters (cm)) tall and densely covered with short, white-silky hairs, giving it a silvery appearance. The flowers are deep purple to violet, in a loose or dense 13- to 25-flowered raceme. The two-chambered fruits are greatly inflated meaning that they contain air pockets instead of being flat or compact to optimize wind dispersal. Populations can survive periods of drought as dormant seeds in soil. Flowering typically occurs February through May (Calflora 2017). There are several documented occurrences for this species within approximately 1 mile of the both the DLVSP and the proposed water and sewer line alignment (CNDDB 2017).

The habitat on the project site is only marginally-suitable for this species, which occurs primarily on loose aeolian or alluvial sands located on dunes or flats, and along disturbed margins of sandy washes (USFWS 2009). The soils within the project site consist mostly of cobbly sand that is has become stabilized due to a moderately-dense vegetation cover, including several non-native species, particularly Saharan mustard and common Mediterranean grass. Furthermore, the CVMSHCP has modeled suitable Coachella Valley milk-vetch habitat within the project site is completely outside of any areas of modeled Coachella Valley milk-vetch habitat. Therefore, it is unlikely this species occurs within the project site.

Regarding the proposed water and sewer line alignment, per the USFWS Coachella Valley milk-vetch Critical Habitat Overlay as shown in Exhibit 4.4-4, *Critical Habitat Overlay for Coachella Valley Milk-Vetch*, the proposed Option B alignment along 20th Avenue transects critical habitat for this species.

Arizona spurge – CNPS 2B.3

Arizona spurge (*Euphorbia arizonica*) is a perennial herb that is native to California and elsewhere in the southwestern United States and Baja California. Arizona spurge belongs to the Euphorbiaceae family and in sandy areas of Sonoran desert scrub habitats. This is a small perennial herb with prostrate to erect, repeatedly forking stems that grow in a mat like fashion, with ovate leaves and small white to pink

flowers. Flowering typically occurs March through November (Calflora 2017). The nearest documented occurrence for this species is approximately 7.4 miles east of the project site (CNDDB 2017).

Flat-seeded spurge – CNPS 1B.2

The flat-seeded spurge (*Euphorbia platysperma*) is an extremely rare annual herb in the Euphorbiaceae family known to occur on sandy soils in the Sonoran Desert in California, Arizona and Mexico. There has been at least one specimen found in the Coachella Valley. This is a small perennial herb with prostrate to erect, repeatedly forking stems that grow in a mat like fashion, with oblong to obovate leaves. Flowering typically occurs February through September (CNPS 2017). The only documented occurrence for this species within the project vicinity is a historical collection (1926) from approximately 9 miles southeast of the project site (CNDDB 2017).

Little San Bernardino Mountains Linanthus – CNPS 1B.2

Little San Bernardino Mountains Linanthus (*Linanthus maculatus* ssp. *maculatus*) is an annual herb in the Polemoniaceae family that is endemic to southern California. This species typically occurs on sandy soils in desert dunes, Sonoran desert scrub, Mojavean desert scrub and Joshua tree woodland habitats (CNPS 2017). The tiny, hairy stem branches to form small matted clusters on the sand surface. The hairy leaves are just a few mm long and unlobed. The inflorescence is a dense cluster of flowers each only 2 to 5 mm wide. The flower corolla has curled-back lobes which are white, sometimes with a spot of purple or pink (CNPS 2017). Flowering typically occurs March through May (CNPS 2017). The nearest documented occurrence for this species is approximately 2.7 miles east of the project site (CNDDB 2017).

Spiny-hair blazing star – CNPS 2B.1

The spiny-hair blazing star (*Mentzelia ticuspis*) is an annual herb in the Loasaceae family that is native to California and elsewhere in the southwestern United States. It is found in rocky slopes, washes, and roadsides in Mojavean desert scrub habitats (CNPS 2017). This annual herb grows between 6-20 cm tall with sessile elliptic leaves and white to pale yellow flowers. Flowering typically occurs March through May (CNPS 2017). The only documented occurrence for this species within the project vicinity is a historical collection (1876) from approximately 7.2 miles northwest of the project site (CNDDB 2017).

Slender cottonheads – CNPS 2B.2

Slender cottonheads (*Nemacaulis denudata* var. *gracilis*) is an annual herb in the Polygonaceae family that is native to California, Arizona, Baja California and Mexico. It is typically found on coastal dunes, desert dunes, and Sonoran Desert scrub. This species has a small rosette of basal leaves approximately 1-7 cm long and light brown branching inflorescence with small hairy flowers. Flowering typically occurs April through May (CNPS 2017). This species is threatened by urbanization in the Palm Springs area and near the coast. The nearest documented occurrence for this species is a historical collection (1948) approximately 4.8 miles west of the project site (CNDDB 2017).

Desert spike-moss – CNPS 2B.2

Desert spikemoss (*Selaginella eremophila*) is a spikemoss species in the Selaginellaceae family that is native to the deserts and adjacent mountains around the intersection of California and Arizona with Baja California. It grows in shaded sites on sandy or gravelly soils at base of rocks and in cracks. This lycophyte forms dense mats of spreading stems with small, forking branches. The lance-shaped leaves are up to 3 mm long on the lower stem surfaces and a little shorter on the upper sides. The tiny leaves have pointed tips with soft, twisted bristles. The nearest documented occurrence for this species is approximately 4.3 miles southwest of the project site (CNDDB 2017).

Special-Status Wildlife Species

Pallid San Diego pocket mouse – CDFW SSC

The pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*) is a moderately sized subspecies of the San Diego pocket mouse (*Chaetodipus fallax*), ranging in length from 170 to 200 mm and weighing from 17 to 22 grams. There is very little difference in size between males and females. Both are colored a dark brown on top and white underneath, with spines that are black on the rump and white on the hips. The tail length is shorter than the body by about 20 mm, it has a darkly colored dorsal crest and is light below. It inhabits open, sandy areas of both the Upper and Lower Sonoran life-zones of southwestern California and northern Baja California. The San Diego pocket mouse generally exhibits a strong microhabitat affinity for moderately gravelly and rocky substrates (Bleich 1973; Price and Waser 1984), and to a lesser extent, shrubby areas (MWD and RCHCA 1995). The nearest documented occurrence for this species within the project vicinity is approximately 4.7 miles southwest of the project site (CNDDB 2017).

Red-diamond rattlesnake – CDFW SSC

The red-diamond rattlesnake (*Crotalus ruber*) is a heavy bodied pit viper that has a thin neck and a triangular head. Adult size can range from 30-65 inches in length while the young are about 12 inches long. Colors can range from pink to brick red depending on the ground color. This species is found in south western California to mid Baja California, along coastal San Diego county through Riverside county into Southern San Bernardino County. It inhabits arid scrub, coastal chaparral and cultivated areas at elevations up to 3,000 feet. This species is most often associated with rocky areas and areas of dense vegetation. The nearest documented occurrence for this species within the project vicinity is approximately 3.8 miles north of the project site. However, the project site is near the range limit for this species (CNDDB 2017).

Desert tortoise – Threatened (Federal and State)

The desert tortoise *(Gopherus agassizii)* is a State- and federally-listed threatened species. Throughout its range, it is threatened by habitat loss, domestic grazing, predation, collections, and increased mortality rates. The desert tortoise is typically found in creosote bush scrub. They are most often found

on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and in hillsides. Because a single tortoise may have many burrows distributed throughout its home range, it is not possible to predict exact numbers of individuals on a site based upon burrow numbers. The nearest documented occurrence for this species within the project vicinity is approximately 7 miles north of the project site (CNDDB 2017).

Loggerhead shrike – CDFW SSC

The loggerhead shrike (*Lanius ludovicianus*) is a is a small passerine bird that typically inhabits broken woodlands, savannah, pinyon-juniper, Joshua tree and riparian woodlands, desert oases, scrub and washes. It is a small white and gray songbird with a thick black mask over the eyes, with a hooked bill for preying on insects and other arthropods, amphibians, reptiles, small mammals, and other birds. The loggerhead shrike impales prey on sharp objects such as thorns and barbed wire, or tucks them into forks between branches. Caches of prey provide food stores during winter when prey is scarce, or in breeding season when energy demands are high. They prefer open country for hunting, with perches for scanning and dense shrubs and brush for nesting. The nearest documented occurrence for this species within the project vicinity is approximately 7.3 miles west of theproject site (CNDDB 2017).

Palm Springs pocket mouse – CDFW SSC

Palm Springs pocket mouse (*Perognathus longimembris bangsi*) is a small heteromyid rodent with a length from about 110 to 151 mm and weight from 8 to 11 grams. As in all silky pocket mice, the pelage is spineless, and there are usually two small patches of lighter hairs at the base of the ear. Silky pocket mice can be distinguished from sympatric pocket mice of the genus *Chaetodipus* (*fallax, formosus,* and *penicillatus*) by their smaller size (see Ingles 1965 for comparisons), the absences of a tail-crest, and an unlobed antitragus in the outer ear. There is considerable variation in pelage color, from gypsum-colored to buff-colored individuals. This species inhabits desert riparian, desert scrub, desert wash and sagebrush habitats but is most common in creosote-dominated desert scrub habitats from the San Gorgonio Pass area, east to southern Joshua Tree National Park, south through the Coachella Valley to Ocotillo in southern California. The nearest documented occurrence for this species within the project vicinity is approximately 6.7 miles northwest of the project site (CNDDB 2017).

Flat-tailed horned lizard – CDFW SSC

The flat-tailed horned lizard (*Phrynosoma mcallii*) is a medium-sized flat-bodied lizard with a wide oval-shaped body and enlarged pointed scales on the upper body and tail. The tail is long and flattened. The back skin is smooth with small spines and eight horns extend from the back of the head. The two central horns are long, slender and sharp. Color is light gray, tan, brownish, beige, or whitish above, matching the sand and soil. This species is diurnal and adapted for hot and dry environments. Flat-tailed horned lizards are restricted to desert washes and desert flats in central Riverside, eastern San Diego, and Imperial Counties in southern California. A critical habitat element is fine sand, into which lizards burrow

to avoid temperature extremes. The nearest documented occurrence for this species within the project vicinity is approximately 0.8 miles northwest of the project site (CNDDB 2017).

Palm Springs round-tailed ground squirrel – CDFW SSC

Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) is a small gray-olive or cinnamon ground squirrel approximately 204 to 278 mm in length, weighing 110 to 170 grams, with a long, round tail. The pelage is pale, without spots, and blends with sandy desert soils. The head is small, rounded, ear pinnae are reduced, eyes are large, and forefeet claws are heavy and recurved. This species is restricted to sandy arid regions of the Lower Sonoran Life Zone in the Coachella Valley in southern California and occurs in desert succulent scrub, desert wash, desert scrub and alkali scrub habitats, as well as on levees. They prefer open, flat, grassy areas in fine-textured, sandy soil. Its preferred scrub and wash habitats include mesquite- and creosote-dominated sand dunes, creosote bush scrub, palo verde and saltbush/alkali scrub (Ryan 1968). Substrates include wind-blown sand, coarse sand, and packed silt with desert pavement (Ryan 1968). Burrows are dug at bases of shrubs, often creosote bushes. They may also use the burrows of other rodents. They show semi-colonial social organization, but maintain burrows much of the year. Burrows may be shared from winter to early spring, but not while females are pregnant or after young are weaned. The nearest documented occurrence for this species is a historical collection (1916) approximately 4.5 miles southwest of the project site (CNDDB 2017).

4.4.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Biological Resources that would apply to the development of the DLVSP:

Biological Resources Goals, Policies, and Programs

GOAL 1

Protection and preservation of City and regional biological resources, especially those sensitive, rare, threatened or endangered species of plants and wildlife and their habitats, and a functional, harmonious relationship and balance between nature and human development.

Policy 2

Support all practical efforts to maintain a broad variety of habitats, including suitable habitat for rare and endangered species occurring in the City and vicinity.

Program 2A

The City shall participate and be a pro-active partner in the development and implementation of the Coachella Valley Multiple Species Habitat Conservation Plan with special emphasis on habitat located in or near the San Bernardino and Little San Bernardino Mountains.

Policy 3

All development proposals on vacant lands shall be reviewed and evaluated to assure minimal impacts on existing habitat and wildlife.

Program 3A

City shall assure a thorough assessment of impacts to habitat and/or wildlife associated with proposed development, including requiring preparation of detailed biological resource surveys and mitigation programs in identified sensitive areas of the City.

Program 3B

City shall encourage developers to salvage naturally occurring desert plant materials for incorporation into project landscaping to the greatest extent possible and shall indicate utilization of these indigenous materials on project landscape plans, which provide or enhance wildlife habitat and serve to extend the local desert environment into the urban design of the City. Plans shall be submitted to the City for approval.

Program 3C

City shall prepare a comprehensive planting materials list, which shall include native and non-native, drought tolerant trees, shrubs and groundcovers that complement the local environment, provide habitat for local wildlife, and extend the desert into the built environment. A list of prohibited plant materials shall also be prepared.

Policy 4

Assure that sensitive habitat and wildlife areas, as well as state and federal lands, are appropriately buffered from urban development.

Program 4A

The General Plan Land Use, Circulation, and Open Space and Conservation Elements shall recognize, reflect and provide an effective buffer between urban-type development and other incompatible uses, and the San Bernardino and Little San Bernardino Mountains and other sensitive wildlife and open space and conservation lands.

4.4.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts on biological resources were derived from the CEQA guidelines. Development of the DLVSP would have a significant impact on biological resources if it would:

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

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

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

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.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Since all proposed development activities associated with the DLVSP would be considered Covered Activities under the CVMSHCP upon project approval, “take” of species covered under the CVMSHCP during construction and operation of the DLVSP would be authorized with payment of the mitigation fee, implemented through RR-4. Take of covered species within the Willow Hole Conservation Area would also be covered by the mitigation fee.

a. Candidate, Sensitive, or Special Status Species

No State- and/or federally-listed threatened or endangered species, or other sensitive species were observed onsite during the reconnaissance-level field survey. However, there is some habitat within the project site and along the water and sewer line alignment, that may be suitable for several sensitive species identified in the Table 4.4-1 and several sensitive species have been documented near the project sites. In addition to the general biological resources field survey, a focused protocol-level survey was conducted within the project site for BUOW. According to protocol and standard practices, the

result of the survey will remain valid for the period of one year, after which time, if the project sites have not been disturbed in the interim, another survey may be required to determine the presence of BUOW and other sensitive flora and fauna. Completion of the Biological Resource Assessment and focused BUOW survey for the project site is consistent with the City's General Plan *Policy 3* and *Program 3A* (*Biological Resources Goals, Policies and Programs)* regarding proper assessment of impacts to habitat and/or wildlife associated with proposed development. Suitable habitat for BUOW along the water and sewer line alignments was not identified on site during the habitat assessment survey and therefore, protocol level focused surveys for BUOW are not recommended. Potential impacts regarding the several identified sensitive species is discussed below.

Plants

Coachella Valley milk-vetch (*Astragalus coachellae)* –The Coachella Valley milk-vetch is federally-listed endangered species that is an annual or short-lived perennial plant primarily found on loose Aeolian (i.e., wind transported) or alluvial (i.e., water transported) sands that are located on dunes or flats, and along disturbed margins of sandy washes in the Coachella Valley. A focused Coachella Valley milk-vetch survey was not performed, but no individuals were observed during the reconnaissance-level survey for the project site and the habitat on site is only marginally-suitable for this species. The soils within the project site consist mostly of cobbly sand (See Exhibit 4.7.1 in section 4.7, *Geology and Soils*) that has become stabilized with a moderately-dense vegetation cover, including several non-native species, particularly Saharan mustard and common Mediterranean grass. Furthermore, the CVMSHCP has modeled suitable Coachella Valley milk-vetch habitat within the larger CVMSHCP area including within the vicinity of the project site and the project site is completely outside any areas of modeled Coachella Valley milk-vetch habitat. Per the USFWS, Coachella Valley milk-vetch Critical Habitat overlay, the project site is not within any USFWS designated Coachella Valley milk-vetch Critical Habitat.

According to the literature review provided in the *Biological Resources Assessment* for the project site, the nearest documented Coachella Valley milk-vetch occurrence to the northeast is within approximately 0.3 miles. The occurrence puts it within the proposed Option B alignment of the water and sewer line along 20th Avenue as shown in Exhibit 4.4-4. Therefore, the project biologist has recommended that focused Coachella Valley milk-vetch surveys be conducted prior to any grading activities on the project site, particularly that portion of the project site that falls within the Willow Hole Conservation Area, and along the 20th Avenue water and sewer line alignment per Mitigation Measure BIO-1. If any Coachella Valley milk-vetch is encountered during the pre-construction survey, it should be flagged and avoided. If avoidance is not an option, the project proponent must work with the appropriate agencies to prepare a salvage plan to be incorporated during construction within the Willow Hole Conservation Area. Any take of Coachella Valley milk-vetch during project construction outside of the conservation area would be covered with payment of the CVMSHCP mitigation fee, implemented with Regulatory Requirement RR-4. With implementation of Mitigation Measure BIO-1 and Regulatory

Requirement RR-4, development of the proposed project would have a less than significant impact on Coachella Valley milk-vetch.

Other Sensitive Botanical Species

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

- chaparral sand-verbena (*Abronia villosa* var. *aurita*)
- pygmy lotus (*Acmispon haydonii*)
- singlewhorl burrobrush (*Ambrosia monogyra*)
- Arizona spurge (*Euphorbia arizonica*)
- flat-seeded spurge (*Euphorbia platysperma*)
- Little San Bernardino Mountains Linanthus (*Linanthus maculatus* ssp. *maculatus*)
- spiny-hair blazing star (*Mentzelia ticuspis*)
- slender cottonheads (*Nemacaulis denudata* var. *gracilis*)
- desert spikemoss (*Selaginella eremophila*)

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

Amphibians and Reptiles

Desert tortoise (*Gopherus agassizii*) – The desert tortoise is a State- and federally-listed threatened species. The desert tortoise is typically found in creosote bush scrub. They are most often found on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and in hillsides. A focused desert tortoise survey was not performed. According to the literature review provided in the Biological Resources Assessment, the nearest documented desert tortoise occurrence (1997) is approximately 7 miles northwest of the project site.

There are no desert tortoise occurrences documented on the project site and the site is separated from the nearest documented desert tortoise occurrences by utilities infrastructure and California State Route 62 (SR-62) to the west and residential development to the north/northeast. Furthermore, the CVMSHCP has modeled suitable desert tortoise habitat within project site or surrounding area and both project

sites are completely outside any areas of modeled desert tortoise habitat. Per the USFWS, desert tortoise Critical Habitat overlay, the project sites are not within any USFWS designated desert tortoise Critical Habitat. Therefore, development of the proposed project would not have a significant impact on the desert tortoise.

Other Sensitive Reptile Species

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

- red-diamond rattlesnake (Crotalus ruber)
- flat-tailed horned lizard (Phrynosoma mcallii)

These species are neither State nor federally listed as endangered or threatened, but have been designated as SSC by the CDFW. While there is some suitable habitat for these species within the project site the occurrence potential for these species is low to moderate. Also, the documented occurrences range from approximately 1 mile from the site to as far as 4 miles from the site. Furthermore, there are non- native, invasive plant species, including non-native grasses throughout much of the project site, which limits the amount of suitable habitat for flat-tailed horned lizard on site. Because the documented occurrences are not near or within the site and these species were not seen during the site survey, project-related effects to these species are not likely to occur.

Regarding the water and sewer line alignments, the *Biological Resources Assessment* concluded that there is no suitable habitat on site for any of the State and/or federally listed species that have been documented in the project vicinity.

Birds

BUOW (*Athene cunicularia)*–The BUOW is a State-listed SSC, and protected by the federal MBTA and by State law under CFG Code 3513 and 3503.5. The BUOW is a ground dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is heavily dependent upon the presence of mammal burrows in its habitat, with ground squirrel burrows being a common choice, to provide shelter from predators, inclement weather and to provide a nesting place. The breeding season for BUOW is February 1 through August 31.

According to the literature review provided in the *Biological Resources Assessment* for the project site, the nearest documented BUOW occurrence (2003) is approximately 0.6 miles east of the project site, northeast of the intersection of Palm Drive and Varner Road. There are no BUOW occurrences documented in the project site and surrounding. However, the project site does contain habitat that is

suitable to support BUOW. Therefore, focused breeding season protocol BUOW surveys were conducted within the project site.

Breeding season protocol BUOW surveys were conducted on April 15, May 14, July 17, and July 15, 2017. The surveys were conducted on calm weather days, during peak BUOW activity between the morning hours of 6:00 a.m. and 10:00 a.m. and evening hours of 3:30 p.m. and 6:30 p.m. in accordance with the "Burrowing Owl Survey Protocol and Mitigation Guidelines" prepared by the California Burrowing Owl Consortium on March 7, 2012 and the "California Department of Fish and Game staff report on Burrowing Owl Mitigation".

The result of the focused BUOW surveys is that no BUOW individuals or sign including pellets, feathers or white wash were observed. Therefore, BUOW are considered absent from the project site and development of the proposed project would have a less than significant impact on BUOW.

Regarding the proposed water and sewer alignments, field surveys showed that there is no suitable habitat within the alignment for the BUOW; therefore, protocol-level focused surveys for this species are not recommended.

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

Mammals

No State- and/or federally-listed threatened or endangered, or other sensitive mammalian species were observed onsite during the field survey at either project site. However, based on habitat preferences and proximity of documented occurrences to the project site, the following sensitive mammalian species were identified in the *Biological Resources Assessment* for the project site as having a low to moderate potential to occur within the study area:

- San Diego pocket mouse (*Chaetodipus fallax pallidus*)
- Palm Springs pocket mouse (*Perognathus longimembris bangsi*)
- Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*)

These species are neither State nor federally listed as endangered or threatened, but have been designated as SSC by the CDFW. While there is some suitable habitat for these species within the study area the occurrence potential for these species is low to moderate. Also, the documented occurrences range from approximately 4.5 miles from the site to as far as 6.7 miles from the site. Because the documented occurrences are not near or within the site and these species were not seen during the site survey, project-related effects to these species are not likely to occur. Additionally, no critical habitat for these species is present within the project sites, so payment of the CVMSHCP mitigation fee, implemented through Regulatory Requirement RR-4, will cover incidental take of the species during the development of the proposed project since it is a covered activity under the CVMSHCP.

b. Riparian Habitat

DLVSP

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

Water and Sewer Alignment

There are three channels, washes, or swales as defined by Section 1600 of the State of California Fish and Game Code (FGC) under jurisdiction of the CDFW, or Waters of the US as defined by Section 404 of the Clean Water Act (CWA) under the jurisdiction of the USACE within the proposed water and sewer line alignment along 20th Avenue. Therefore, permits will be required.

Table 4.4-2, *Summary of Acreage of Jurisdictional Waters within the Subject Parcel*, details the amount of impacts on each jurisdictional drainage feature. The 20th Avenue alignment is near Mission Creek (to the west) and Morongo Wash (to the east), which are both intermittently-flooded, intermittent streams that flow generally north to south, crossing 20th Avenue. Existing conditions are shown on Exhibits 4.4-2 and 4-4-3.

Table 4.4-2 Summary of Acreage of Jurisdictional Waters within the Subject Parcel

Feature	OHWM (Feet)	Bank-full Width (feet)	Length (feet)	Waters of the US Jurisdiction (acres)	FGC 1600 CDFW Jurisdiction (Acres)
Drainage A	22	104	20	0.02	0.1
Drainage B	16	34	20	0.01	0.03
Drainage C	11	90	20	0.01	0.08

Source: General Biological Assessment, Jurisdictional Determination and *Land Use Consistency Review for the Desert Land Ventures III Off-site Sewer Alignment*, *Table 2, prepared by Jericho Systems, Inc., December 2017.*

Although it appears on aerial photographs and in exhibits 4.4-2 and 4.4-3, that drainage features may cross Varner Road, the field survey conducted for the alignment along this road did not identify any

drainage features that would qualify as Waters of the US or Waters of the State as defined by Section 1600 of the FGC. Therefore, the project biologists concluded that there were no drainage features crossing Varner Road within the proposed water and sewer line alignment. Nonetheless, the project proponent must obtain a Nationwide Section 404 permit from the Army Corps of Engineers (USACE) for the jurisdictional waters that flow north to south, crossing 20th Avenue, implemented with Regulatory Requirement RR-5, to ensure that impacts to riparian habitat are less than significant.

c. Federally Protected Wetlands

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

d. Movement of Native Wildlife

There are no existing Biological Corridors and Linkages dedicated by the CVMSHCP or the City's General Plan within the project site and surrounding area, including the proposed water and sewer line alignments. Wildlife movement is currently affected by existing barriers. The project site is currently bisected by two existing east to west roads (Varner Road and Mihalyo Road) (See Exhibit 3-2 in Chapter 3, *Project Description*) that act as barriers for north to south-oriented wildlife movement across the project site. Similarly, the I-10 Freeway to the south of the project site also acts as an existing barrier for wildlife movement coming from the south. East to west wildlife movement on the project site is currently prohibited by the existing barrier of the north-to-south road (Palm Drive), east of the project site. Therefore, impacts to wildlife movement from implementation of the DLVSP would be less than significant.

e. Conflict with Local Policies

Goals, Policies, and programs relevant to Biological resources from the City of Desert Hot Springs Comprehensive General Plan are included in Section 4.4.3, *Applicable Goals and Policies.* Preparation of the *Biological Resources Assessment* for the proposed project concluded that any suitable habitat for special status species on the project site would be mitigated through the payment of the CVMSHCP mitigation fee Regulatory Requirement RR-4, which is consistent with Policy 2 and 3 regarding assessment and maintenance of habitat suitable for special status species within the City of Desert Hot Springs. This requirement also applies to the proposed water and sewer line alignments along 20th Avenue that traverses Coachella Valley milk-vetch critical habitat (see Exhibit 4.4-4). In addition to payment of the CVMSHCP mitigation fee, the project applicant(s) will incorporate a "contemporary desert" theme to their landscape plan through the use of native and desert-friendly species planted in large masses and drifts, which would support existing desert habitats, further reducing impacts on the existing environment.

The project site's location adjacent to and within a CVMSHCP Conservation Area creates potential for negative impacts to the designated conservation land. Since approximately 38.7 acres of the DLVSP are within the Desert Willow Conservation Area, land use adjacency guidelines adopted in the CVMSHCP must be followed during development and operation of the DLVSP, implemented through Mitigation Measure, BIO-5. This requirement also applies to the proposed water and sewer line alignments. Compliance with the CVMSHCP land use adjacency guidelines will ensure consistency with Policy 4 regarding the need for appropriate buffers between sensitive habitat and urban development.

Ultimately, Chapter 3.40.020 of the City of Desert Hot Springs' Municipal Code determines that in order to realize the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (CVMSHCP) and to mitigate the impacts caused by new developments in the City, lands supporting the CVMSHCP must be acquired, monitored and managed through financial supplementation of the local development mitigation fee to achieve habitat conservation in perpetuity. The project proponent will be required to adhere to the CVMSHCP requirements outlined in Mitigation Measure BIO-1 (payment of mitigation fee) and BIO-5 (adjacency guidelines).

Therefore, development of the DLVSP would not conflict with any local policies pertaining to Biological Resources.

f. Habitat Conservation Plan

Approximately 38.7 acres of the northern portion of the project site (mostly north of Varner Road) is within the Willow Hole Conservation Area. Likewise, portions of the proposed water and sewer line alignment, under either alignment option (see Exhibit 3-11, in Chapter 3, *Project Description*) are also located within this conservation area. The water and sewer line alignment project falls into the "covered activity" category which includes public facility operations and maintenance such as water and sewer treatment and transmission facilities. There are no Biological Corridors and Linkages within the project sites. However, the portion of the project site that is within the Willow Hole Conservation Area is also mapped as Core Habitat for Palm Springs pocket mouse (*Perognathus longimermbris bangsi*), which is one of the Covered Species under the CVMSHCP. Additionally, this portion of the project site is mapped as a Sand Transport area, which is one of the Essential Ecological Processes identified in the CVMSHCP. The entire project site is also mapped within LeConte's thrasher (*Toxostoma lecontei)* modeled habitat and partially within (approximately 7 acres) Coachella Valley round-tailed ground squirrel (*Spermophilus tereticaudus chlorus)* modeled habitat, which are also both Covered Species under the CVMSHCP.

Per Section 4.2.2.2.2 of the CVMSHCP:

> *"The undeveloped portions of the parcels in Conservation Areas on which Development is approved by a Permittee shall count towards meeting the MSHCP's Conservation Objectives only when the undeveloped portion of the parcel is legally described and*

permanently protected through an appropriate Legal Instrument, and provision is made for the land to be monitored and managed pursuant to the MSHCP's Monitoring Program and Management Program."

Under the CVMSHCP, any project proposed within a Conservation Area is required to undergo Joint Project Review to ensure Plan implementation. The project proponent would submit the application to CVCC which would trigger the Joint Project Review process. CVCC and wildlife agencies would supply comments within 30 days of receipt of the application and any impacts to covered species within the Conservation Area would be discussed, implemented through Regulatory Requirement RR-6. Since the proposed project would be considered a Covered Activity under the CVMSHCP upon project approval, Take of covered species within the Willow Hole Conservation Area would also be covered by the mitigation fee, implemented through Regulatory Requirement RR-4.

Although the majority of development of the DLVSP would occur in the southern portion of the project site, the northern portion of the project site that falls within the Willow Hole Conservation Area (approximately 38.7 acres), known as Planning Area 2 (See Exhibit 3-6 in Chapter 3, *Project Description*), would be preserved as open space. The entirety of this planning area would be dedicated to open space conservation as part of the CVMSHCP's Willow Hole Conservation Area and would largely remain in its existing condition–undeveloped desert land and habitat, with the exception of permitted sustainable energy facilities (i.e., solar farms/fields, WECs) for up to 10 percent of the overall Planning Area 2 acreage. This sustainable energy facility is anticipated to be situated in the southeastern portion of Planning Area 2, adjacent the north side of Varner Road, which would keep the remaining open space area contiguous with the greater Willow Hole Conservation Area. All other DLVSP development is restricted to outside the Willow Hole Conservation Area and would not result in direct or indirect significant impacts to the conservation area. Therefore, development of sustainable energy facilities adjacent Varner Road is not likely to result in a significant impact to habitat within the proposed open space conservation area.

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

To conclude, the dedicated area for open space conservation as part of the CVMSHCP's Willow Hole Conservation Area will remain undeveloped except for the solar facility proposed in Planning Area 2. All other project development is restricted to areas outside the Willow Hole Conservation Area. Additionally, as Mitigation Measure BIO-6, a site specific acoustical analysis will be required once a site specific site plan is made available in order to demonstrate compliance with the CVMSCHP noise threshold.

Therefore, the project would be consistent with the Conservation Goals and Objectives set forth in the CVMSHCP, and impacts would be less than significant.

4.4.5 Cumulative Impacts

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

4.4.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

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

BIO-2 Prior to the start of construction activities and for the duration of construction, within one week of employment all new construction workers working within the project site shall attend Worker Environmental Awareness Program (WEAP) training, developed and presented by a qualified biologist. The program shall include information on the life history of the burrowing owl, other raptors, nesting birds, as well as other wildlife and plant species that may be encountered during construction activities. The program shall also discuss legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent is implementing to protect the species, reporting requirements, specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the Federal Endangered Species Act or California Endangered Species Act.

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

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

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

1) *Drainage* – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.
2) *Toxics* –Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate byproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.
3) *Lighting* – For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.
4) *Noise* – Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with guidelines to be included in the Implementation Manual.
5) *Invasives* – Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to or within a Conservation area. The

list may be amended from time to time through a Minor Amendment with Wildlife Agency Concurrence.

6) *Barriers* – Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.
7) *Grading/Land Development* – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area

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

Regulatory Requirements

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

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

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

4.4.7 Level of Significance After Mitigation

Compliance with Mitigation Measures and Regulatory Requirements herein, would ensure that impacts to biological resources would be less than significant.

1 inch = 5,000 feet

The Altum Group

CVMSHCP Willow Hole Conservation Area
Desert Land Ventures Specific Plan EIR

Exhibit 4.4-1

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, CVAG, County of Riverside

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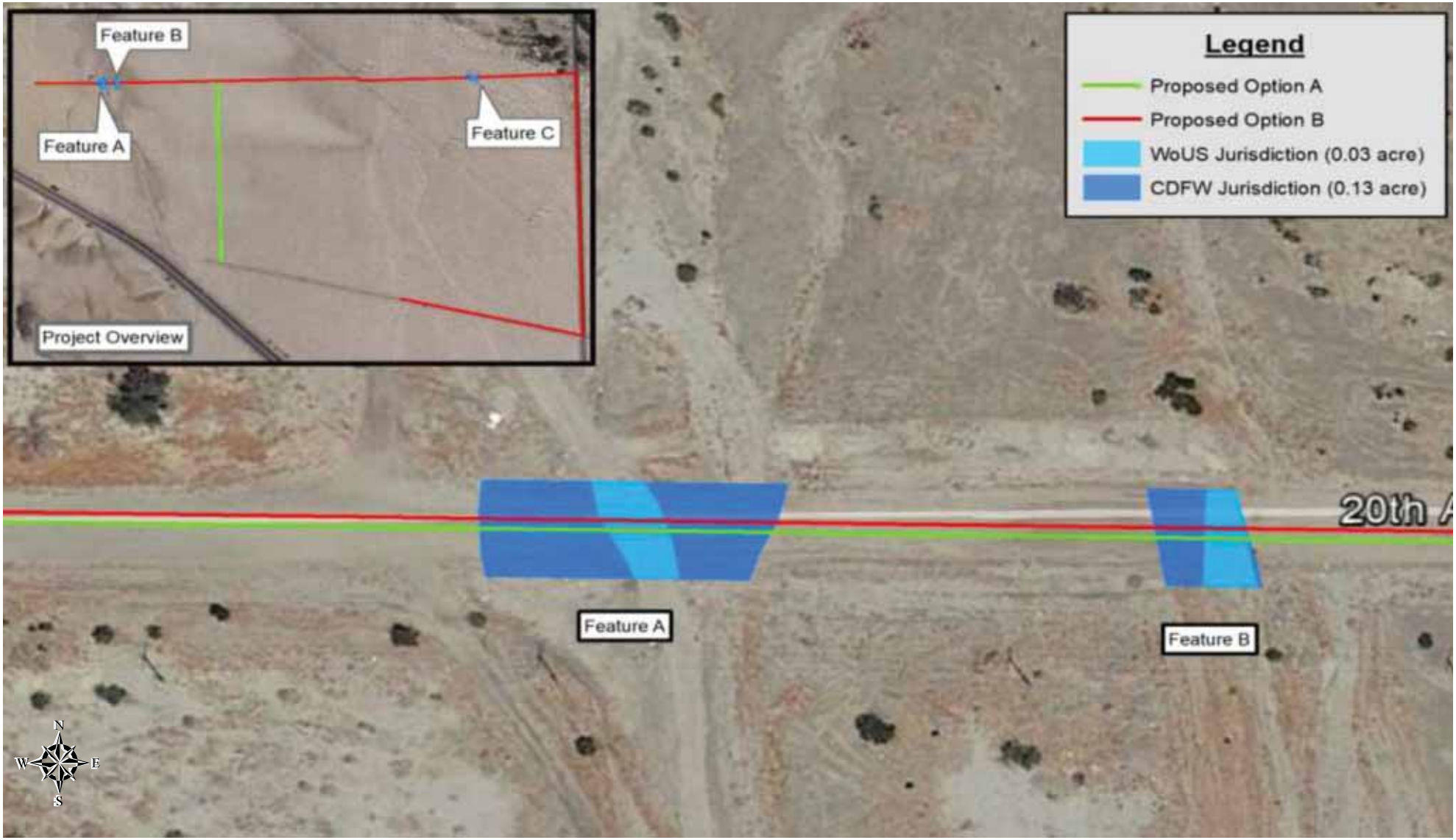

1 inch = 2,000 feet
Source: Jericho Systems, Inc., 2017

The Altum Group

Jurisdictional Delineation, Drainage A and Drainage B
Desert Land Ventures Specific Plan EIR

Exhibit
4.4-2

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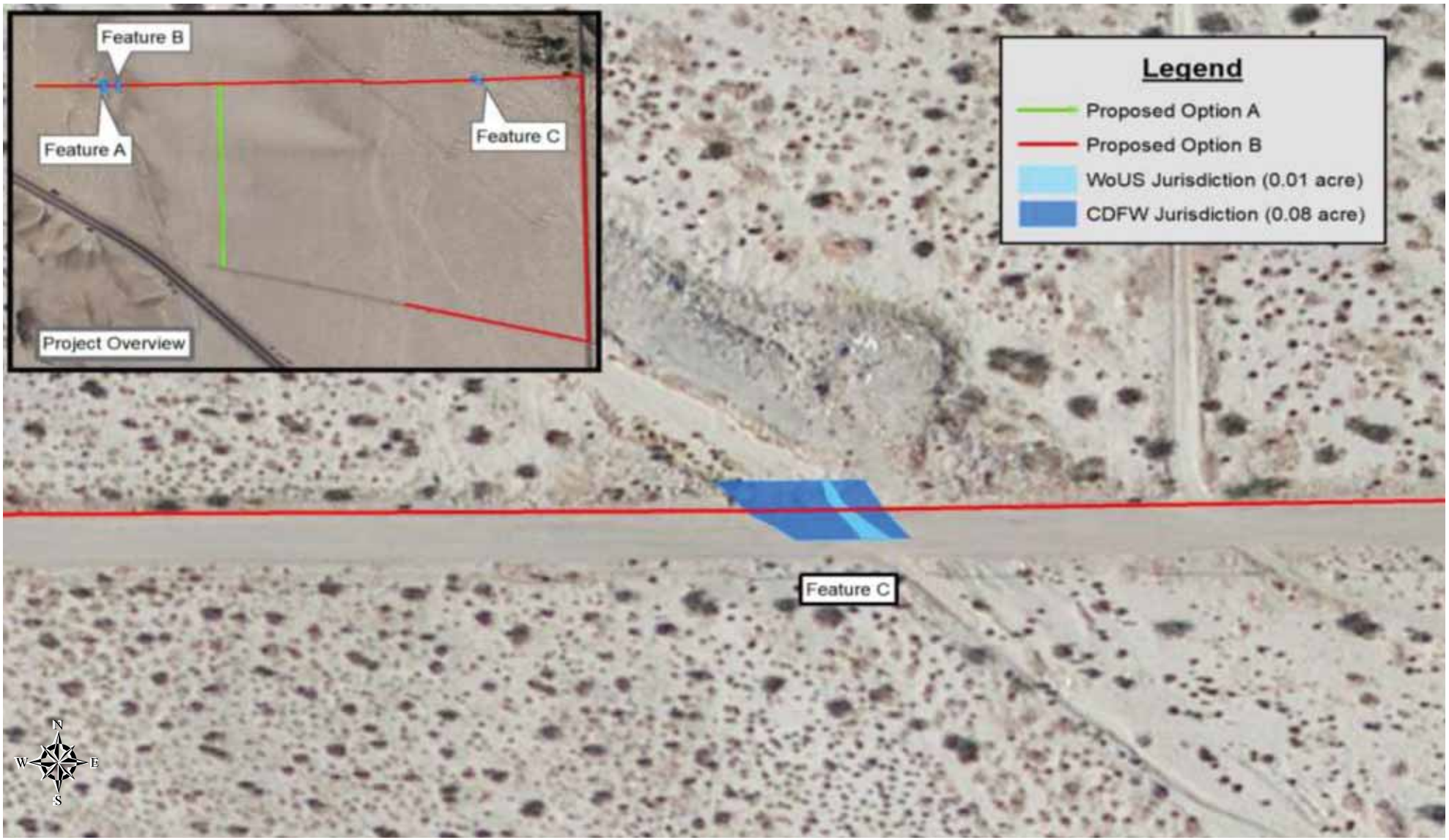

1 inch = 2,000 feet
Source: Jericho Systems, Inc., 2017

The Altum Group

Jurisdictional Delineation, Drainage C
Desert Land Ventures Specific Plan EIR

Exhibit 4.4-3

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1 inch = 1,042 feet
Source: Jericho Systems, Inc., 2017

The Altum Group

Critical Habitat Overlay for Coachella Valley Milk-Vetch
Desert Land Ventures Specific Plan EIR

Exhibit
4.4-4

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4.5 Cultural Resources

4.5.1 Introduction

Descriptions and analysis in this section are based on information contained in the *Cultural Resource Assessment for the Vesting Tentative Tract Map No. 37185 Project, (Appendix D1)*, *Paleontological Resource Assessment for the Desert Land Ventures Project (Appendix D2), Historic American Engineering Record Varner Road/Former U.S. Highway 60/70/99* (Appendix D3), and the City of Desert Hot Springs *Comprehensive General Plan Archaeological and Historic Resources Element*. Sources used in the preparation of this section are included in Chapter 8, *References*, at the end of this EIR.

A cultural resource is defined as any object or specific location of past human activity, occupation, or use, identifiable through historical documentation, inventory, or oral evidence. Cultural resources can be separated into three categories: archaeological, built environment, and traditional cultural resources.

Archaeological resources include both historic and prehistoric remains of human activity. Historic-period resources can consist of historic structures, structural ruins (such as foundation remnants), and sites (such as artifact reuse deposits and artifact-filled features). Prehistoric resources can include lithic artifact or ceramic scatters, quarries, habitation sites, temporary camps/rock rings, ceremonial sites, and monuments, canals, historic roads and trails, bridges, and ditches and objects.

A traditional cultural resource or property (TCP) can include Native American sacred sites (such as rock art sites and cemeteries) and traditional resources, such as gathering locations, which are important for maintaining the cultural traditions of any group. These resources are described and evaluated in Section 4.17, *Tribal Cultural Resources.*

4.5.2 Environmental Setting

Existing Conditions

The project site is located in the Coachella Valley within the Colorado Desert geomorphic province. The Colorado Desert extends from the Mojave Desert to the north, the Colorado River on the east, the Peninsular Ranges on the west, and south into Mexico. Dominant features within the Colorado Desert include the Salton Trough; the Colorado River; and the Orocopia, Chocolate, Palo Verde, and Chuckwalla mountains. The Coachella Valley is located north of Imperial Valley, within the Salton Trough; a large structural depression that extends from the San Gorgonio Pass in the north to the Gulf of Mexico in the south.

Prehistoric Period

Based on the current regional knowledge of artifacts and habitation sites dating back approximately 12,000 years, archaeologists have divided the pre-European epoch into five periods: Early Man Period, Paleo-Indian Period, Early Archaic Period, Late Archaic Period, and the Late Prehistoric period. Due to the nature and temporal assignment of archaeological sites identified within a one-mile radius of the project site, the prehistoric cultural setting discussed below begins at the Late Prehistoric period.

The Late Prehistoric period (circa 1,200 to 200 years before present) in the Colorado Desert is marked by the introduction of new artifact types and technological innovations of the previous Amargosa Period of the Late Archaic and defined as the Patayan Pattern. This period is characterized by the introduction of ceramics, including, Tizon Brown Ware from the Peninsular Ranges, Colorado Buff Wares from the Colorado River region, and the Salton Buff Ware from the Lake Cahuilla shoreline.

The Patayan Pattern is typified by several differing settlement and subsistence systems. Dispersed seasonal settlements known as Rancherias, were found along the Colorado River. These settlements were composed of *jacal* (i.e., adobe style) structures, semi-subterranean pit houses, *ramadas,* or brush huts, depending on the season and types of settlement. Larger Rancherias would disperse to upper terraces of the Colorado River and to special collection areas during the summer months, coinciding with the flood phase of the river, returning to the lower terraces for plant harvesting. At the eastern base of the Peninsular Ranges, the settlement pattern was typified by dispersed Rancherias or villages situated at the mouths of canyons supporting perennial streams, at the base of alluvial fans near springs, or down on the valley floor where a shallow water table allowed wells to be dug (i.e., Indian Wells). In addition to these sites, specialized sites were located in all of the micro-environmental zones that were exploited seasonally. Archaeologically, these specialized sites can range in characteristics from bedrock milling features and pot-drops along trails; to chipping stations and quarries; to temporary camps, containing bone, shell, ceramics, flaked and ground stone tools; and ornamental items such as bead and pendants, as well as other occupational debris.

Historic Period

Sites and artifacts of historic significance are generally more than 45 to 50 years of age, but range from the period of the earliest European contacts, around the end of the 1700s, to approximately the end of World War II.

In the present-day region of Desert Hot Springs, the earliest Europeans to first explore the region were Spaniards making incursions northward from Mexico along the Pacific coast and the Colorado River. The earliest documented period of Spanish influence began in 1769 when explorers moved into what was then referred to as Upper California to establish a military, political and religious foothold. The development of land routes to supply inland missions brought the Spanish to the Desert Hot Springs region in the 1770s.

Despite the lack of historical evidence of settlements, by 1821 the region had fallen under the influence of Mexico, as it secured its independence from Spain under the Treaty of Cordova. The issuance of land grants and the establishment of agricultural enterprises, under the organization of rancheros, dominated the region for the next 30 years. The defeat of Mexico in the Mexican-American War and the signing of the Treaty Guadalupe Hidalgo in 1848 ushered in a new era of American control to the region. With the discovery of gold in California, the stage was set for admittance of California into the Union in 1850, leading to the inflow of peoples from many countries. The first U.S. Government Surveys in the Coachella Valley were made in 1855-56, by surveyors Henry Washington, John La Croze and James G. McDonald, who observed a number of trails and roads crossing through the region.

Available historic sources from 1856 to 1975 indicate that several old roads and Indian trails once crossed portions of the Desert Hot Springs area. The area that was more recently occupied by Seven Palms Ranch (Desert Dunes Country Club) was recorded as containing an Indian Village, with an Indian trail leading to the village site.

The arrival of permanent settlers into the area seems not to have begun until the second decade of the 1900s. Some settlers took advantage of the Homestead Act of 1862, which allowed them access to unclaimed, surveyed public lands in the west. However, early government surveys recorded very little evidence of settlers in the Desert Hot Springs area before 1917.

In 1913 Cabot Yerxa became one of the area's first citizens when he began homesteading a 160-acre tract around the desert oasis of Two Bunch Palms. It was during this time that Yerxa discovered the hot springs that gave the community its name.

A review of land patent records indicates that homestead applications for portions of the project site were filed with the U.S. General Land Office (GLO) in 1907, 1914, 1917, 1920, and 1923. All of these patents were either relinquished or canceled. The GLO records also indicate that the federal government withdrew land in Section 24 from the public domain in May 2016 for a power transmission line right-of-way; the right-of-way easement is located within the present I-10 corridor. In January of 1936, Hattie G. Zell was granted a patent (Patent No. 1080878) for 80 acres of land in the southeast quarter of Section 24, Township 3 South, Range 4 East of the San Bernardino Baseline and Meridian (S.B.B.M.). Several months later, Mary M. Zell was issued a patent (Patent No. 1081720) for 160 acres of land in southern half of Section 24, Township 3 South, Range 4 East of the S.B.B.M. Research yielded little information regarding Hattie or Mary Zell and there is no evidence to suggest they were persons of historical significance.

With the development of the first affordable, mass produced automobile by the Ford Motor Company in 1908, the United States quickly entered in the era of the automobile. As the popularity of automobiles grew, so did the demand for drivable roads.

In the 1910s and early 1920s, the principal route through the Coachella Valley traversed several miles to the south following the present-day Highway 111. US 99 was designated within the U.S. Highway System

in November 1926, following this southerly route between San Bernardino, Indio, and El Centro. US 99 was one of the first transcontinental highways to reach southern California, and a principal highway running north-to-south across the Western states of California, Oregon, and Washington, spanning from Mexico to Canada. A portion of the U.S. 99 between San Bernardino and Indio was shared with the Atlantic & Pacific Highway, a transcontinental route that stretched from Los Angeles to New York as early as the 1920s and early 1930s, and led to the creation of US 60.

The federally funded highway system incorporated existing county roads with newly constructed segments. Automobile road maps of the area produced by the Automobile Club of Southern California (ACSC) indicate realignment between Whitewater and Indio as part of U.S. 99 was constructed around 1925. It was co-signed with U.S. Highways 60 and 70 around 1933 through the late 1950s. Around 1956, US 60/70/99 was realigned as a four-lane expressway, which was later designate as Interstate 10. The former highway alignment was relegated to a county road later named Varner Road.

Regulatory Setting

California Environmental Quality Act (CEQA)

The proposed project is subject to compliance with CEQA, as amended. Therefore, cultural resources management work conducted as part of the project shall comply with the CEQA Statues and Guidelines, which directed lead agencies to first determine whether a cultural resource is a "historical resource defined as a resource. A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.

Generally, a cultural resource shall be considered "historically significant" if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and meets the requirements for listing on the California Register of Historical Resources (CRHR) under any one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of an important creative individual, or possess high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Methodology

The *Cultural Resource Assessment* conducted by Applied Earthworks (Æ) consisted of a cultural resource literature and records search, communication with Native American tribal representatives, an intensive pedestrian survey, and documentation and evaluation of identified cultural resources in the project site and surrounding area.

Literature and Records Search

The literature and records search was conducted at the Eastern Information Center (EIC), housed at the University of California, Riverside, on February 10, 2017. The search included the project site and an additional 1-mile radius buffer (referred to as "study area"). Since the cultural report was prepared, the project proponent has added a proposed offsite water and sewer alignment which has been included in the cultural resource assessment, as shown in Exhibit 4.5-1, *Cultural Assessment Study Area*. The proposed water and sewer alignments are within the original one-mile buffer area of the study area; therefore, no additional literature or records searches were required. The objective of the records search was to identify prehistoric or historical cultural resources that had been previously recorded within the study area during prior cultural resource investigations. The literature and records search indicated that 28 cultural resources have been previously documented, as shown in Table 4.5-1, *Cultural Resources within the Study Area,* within the 1-mile radius of the project site. Of these, two historical built-environment resources (Varner Road [33-008408] and an unnamed road [33-024712]), two historical archaeological resources (a refuse scatter [33-017842] and structural foundations with an associated refuse scatter [33-017842]), and one prehistoric archaeological isolated artifact (33-015281; ceramic fragments) were identified within the study area.

Table 4.5-1 Cultural Resources within the Study Area

Primary	Trinomial	Age	Description
P-33-000118	CA-RIV-000118	Prehistoric	Midden site with lithic and ceramic scatter and habitation debris
P-33-000154	CA-RIV-000154	Prehistoric	Village site with cremations/burials
P-33-002642	CA-RIV-002642	Prehistoric	Village site
P-33-002643	CA-RIV-002643	Prehistoric	Ceramic scatter with fire affected rock
P-33-008408*		Built-environment	Varner Road
P-33-008410		Built-environment	Segment of Dillon Road
P-33-008411		Built-environment	Devers-Hinds 220kV transmission line
P-33-010815	CA-RIV-006531	Historic-period	Historical refuse scatter
P-33-012628		Prehistoric	Isolated pottery sherd; Tizon Brown Ware
P-33-012695		Prehistoric	Isolated pottery sherd; Tizon Brown Ware
P-33-013564		Prehistoric	Isolated buffware pottery sherd
P-33-015035		Built-environment	SCE Hayfield-Chino / Devers-San Bernardino No. 1 / Julian Hinds-Mirage / Devers-Mirage / Mira Loma-Vista
P-33-015281*		Prehistoric	Isolated ceramic scatter
P-33-015282		Prehistoric	Isolated flake
P-33-016742	CA-RIV-008766	Prehistoric	Lithic and ceramic scatter, habitation debris
P-33-016750		Prehistoric	Isolated marine shell

Table 4.5-1 Cultural Resources within the Study Area (continued)

P-33-016751		Prehistoric	Isolated flakes
P-33-016774	CA-RIV-008782	Historic-period	Concrete foundation with associated refuse
P-33-016775	CA-RIV-008783	Historic-period	Remnants of the Seven Palms Ranch
P-33-017841*	CA-RIV-009232	Historic-period	Historical refuse scatter
P-33-017842*	CA-RIV-009233	Historic-period	Structural remains with associated refuse scatter
P-33-018166		Historic-period	Isolated ceramic scatter
P-33-018167		Historic-period	Isolated glass bottle base
P-33-018168		Historic-period	Isolated BLM survey marker dated 1953
P-33-018184	CA-RIV-009336	Historic-period	Historical refuse scatter
P-33-018185	CA-RIV-009337	Historic-period	Historical refuse scatter
P-33-024712*	CA-RIV-012236	Historic-period	Graded, unpaved road connecting Varner Road and the Southern California Gas Company pipeline
P-33-026494		Prehistoric	Isolated ceramic scatter

Source: Cultural Resource Assessment – Vesting Tentative Tract Map No. 37185 Project, Table 3-2, July 2017

Intensive Pedestrian Survey

An intensive pedestrian survey of the project site was performed by Æ on April 6 and 7, 2017. As part of the survey, Æ attempted to revisit the five previously recorded cultural resources identified within the project site. An additional survey of the proposed offsite water and sewer alignments was completed on November 3, 2017. Approximately 6.8 acres of the proposed alignments was not surveyed for cultural resources (shown in Exhibit 4.5-1) because the area is on private property and access was not permitted at the time of the survey. The purpose of this work was to verify the accuracy of the existing records and to document the current condition of each resource. Four of the five known cultural resources were re-identified during the survey; the isolated prehistoric artifact (33-015281) could not be relocated by archaeologists. As a result of the survey, the boundary of Varner Road (33-008408) was extended to incorporate the previously recorded historical trash scatter (33-017841). In addition, the boundaries of the second historical archaeological site (33-017842) and the unnamed historical road (33-024712) were both expanded to the south and east. A newly identified historical archaeological site comprising of historical refuse scatter associated with Varner Road (Æ-3634-02H) and a single prehistoric archaeological isolated find (Æ-3634-ISO-1) were also encountered within the project site during the survey effort. During the survey of the proposed water and sewer alignments, a segment of 20th Avenue (AE-3634-03H) was encountered. A review of historical maps of the study area indicates one additional buried built-environment resource, a set of Southern California Gas (So Cal Gas) Company pipelines (33-024722), underlies the project site. The gas pipelines are located adjacent to Mihalyo Road, on the south aspect closest to Interstate 10 within a So Cal Gas Company easement corridor.

4.5.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Archaeological and Historical resources that would apply to the development of the DLVSP:

Archaeological and Historical Goals, Policies, and Programs

GOAL 1

Preservation and maintenance of cultural heritage and resources, including historic and prehistoric cultural artifacts and traditions.

Policy 1

The City shall exercise its responsibility to locate, identify and evaluate archaeological, historical and cultural sites, and assure that appropriate action is taken to protect these resources.

Program 1A

An archaeological and historical resources data base shall be established and maintained at City Hall, and shall incorporate information from the Eastern Information Center (EIC), focused cultural resource studies conducted in the study area, and other resources.

Policy 2

Development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources, shall be evaluated by a qualified professional and, if necessary, appropriate mitigation measures shall be incorporated into project approvals.

Policy 3

Make every effort to ensure the protection of sensitive archaeological and historic resources from vandalism and illegal collection.

Program 3A

Maintain mapping information and similar location-oriented resources in a confidential manner and assure that only those with appropriate professional and organizational ties are provided access to these sensitive records.

Program 3B

In the course of reviewing development proposals and cultural surveys that identify sensitive resources, staff shall, where appropriate, encourage in-place preservation or the recovery and preservation of materials for later study and display.

4.5.4 Project Impact Analysis

Thresholds of Significance

Upon development of the DLVSP, historical resources within or near the project site could potentially be impacted. The thresholds analyzed in this section are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential effect. The significance determination is based on the recommended criteria set forth in Section 15064.5 of the CEQA Guidelines. For analysis purposes, development of the DLVSP would have a significant effect on cultural resources if it is determines that the project would:

a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5.
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
d. Disturb any human remains, including those interred outside of formal cemeteries.

The following threshold has been added to the evaluation of cultural resources to assess the potential for a project to impact Native American resources.

e. Cause a substantial adverse change to Native American Resources.

Impact Assessment Methodology

Within the State of California there are provisions in CEQA, its Guidelines, and other provisions of the California Public Resources Code for the protection and preservation of significant cultural resources (i.e., "historical resources"). The CEQA guidelines provide four ways in which a resource can be a "historical resource," and thus a cultural resource meriting analysis: (1) the resources has been formally determined eligible for, or listed on, the National Register of Historic Places (§5024.1(d)(1)); (2) the resource is listed on the CRHR; (3) the resource is included in a local register of historical resources (pursuant to §5020.1(k) of the Pubic Resource Code), or identified as significant in a historical resources survey (meeting criteria in §5024.1(g) of the Public Resources Code); or (4) the lead agency determines the resource is "historically significant" by assessing CRHR listing guidelines that parallel the federal criteria. (§15064.5(a)(1)-(3) of the CEQA Guidelines, as amended). To qualify as a historical resource under (1), (2) or (4) above, the resource must also retain the integrity of its physical identity that existed during its period of significance. Integrity is evaluated with regard to retention of location, design, setting, materials, workmanship, feeling, and association (14 C.C.R. 4852(c)).

Direct and Indirect Effects Analysis

Direct impacts to cultural resources are those associated with project development, construction, and compatibility of infill. Construction can have direct impacts on historical built-environment resources when those buildings or structures must be removed to make way for new buildings or structures. New buildings or structures can have direct impacts on historical built-environment resources when the new buildings or structures are stylistically incompatible with their setting, or when new buildings or structures produce a harmful effect to the materials or structural integrity of the historical built-environment resources, such as emissions or vibrations. Historical built-environment resources can suffer indirect impacts when project construction creates potentially damaging noise and vibration, or the mass and scale of the new construction is incompatible and has visual impact on adjacent settings.

a. Adverse Change to Historical Resource

Potential impacts were assessed in the *Cultural Resource Assessment (Appendix D1),* carried out by *Æ*, maintaining consistency with the City's General Plan *Policy 2* (*Archaeological and Historical Goals, Policies and Programs).* The results of the intensive-level cultural resource survey provided in the *Cultural Resource Assessment*, identified four historical built-environment resources within the project site. The three historical built-environment resources consist of Mihalyo Road (33-035812/CA-RIV-12236), a pair of buried So Cal Gas pipelines (33-024722), 20th Avenue (AE-3634-03H) and Varner Road (33-008408/CA-RIV-8404). All newly recorded cultural resources documented during the field survey are shown in Exhibit 4.5-1.

Mihalyo Road

An evaluation of Mihalyo Road suggested that the historical built-environment resource did not meet any criteria for listing on the CRHR. Historical maps indicate that this segment of road has been in use since at least 1955. This section is not unique in appearance, design and construction, and lacks any historical features. Although the road is broadly associated with development of the Coachella Valley, it is not directly associated with any pattern of events or historical trends in local, State, or national history. Therefore, there is no evidence that Mihalyo Road is directly associated with any events of recognized historical significance (CRHR Criterion 1). The road was likely built by the So Cal Gas Company and not a specific individual. Therefore, the road is not directly associated with the productive life of an important historical figure (CRHR Criterion 2). The road does not present the work of a prominent architect, designer, or builder, nor does it qualify as an important example of its type, period, region, or method of construction (CRHR Criterion 3). Finally, the road does not have the potential to yield any information important to the study of our local, State, or national history and is thus not eligible for listing under CRHR Criterion 4. Therefore, Mihalyo Road is not considered a Historical Resource defined by CEQA and no further management of this resource is recommended at this time.

So Cal Gas Pipelines

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

20th Avenue

This newly identified road segment includes a 1.5-mile-long segment of 20th Avenue located between Little Morongo Road on the west and Palm Drive on the east. Much of the roadway is graded dirt. However, an approximately 530-foot-long (0.1 mile) section of the road west from the intersection of Palm Drive is paved. Historic maps indicate that the road existed as an unimproved dirt road as early as 1940 with portions of the road improved to a light duty road by 1955. A transmission line parallels the road on its southern side. Mechanical grading of the roadway appears to have impacted the integrity of the road alignment. The shoulders of 20th Avenue are littered with modern refuse and demolition debris.

The subject segment of 20th Avenue within the project site does not appear to be eligible for listing on the CRHR. Historical maps indicate that this segment of dirt road has been in use since at least 1940. The subject segment is completely modern in appearance, design, and construction, and lacks any historical features. Only the alignment itself appears historic in age based upon its depiction on historical maps. 20th Avenue is among numerous dirt and paved roads that cross the Coachella Valley to form an enormous grid of travelled routes, and it has never achieved any recognition as an important alignment or thoroughfare. Although the road is broadly associated with the development of the Coachella Valley, it is not directly associated with any pattern of events or historical trends in local, state, or national history. Thus, there is no evidence that it is directly associated with any events of recognized historical significance. It is unknown who built the road; therefore, it cannot be directly associated with the productive life of an important historical figure. The road does not represent the work of a prominent architect, designer, or builder, nor does it qualify as an important example of its type, period, region, or method of construction. Finally, the road does not have the potential to yield any information important to the study of our local, state, or national history.

Varner Road

In 2007, CRM Tech evaluated Varner Road and concluded that the portion of Varner Road located within the project site is historically significant for its close association with early and mid-20th century American automobile culture which is considered as an event of recognized historical significance. Although many

historical highways retain little integrity that relates to their period of significance, this segment of historical road still exhibits many of its original physical characteristics. In other words, this segment of Varner road still exhibits a construction type that is considered as historically significant. As such, CRM Tech suggested that the segment of Varner Road located within the project site appears to meet Criteria 1 and 3 for listing in the CRHR and therefore qualifies as a historical resource as defined by CEQA. However, the newly identified historic refuse scatter (*Æ*-3634-02H) associated with Varner Road does not appear to contribute to the significance of the historical resource. Therefore, construction-related project disturbances to this road segment would result in significant impacts to the existing historically significant physical characteristics of Varner Road.

To mitigate the adverse effects of the project on the historically significant Varner Road, the project could be redesigned in order to preserve the road segment in accordance with the Secretary of Interior standards by avoiding urbanization and modernization through widening, installation of curbs and median, drastic changes in paving material, or inconsistent landscaping. However, given the scope of the DLVSP (mixed use industrial and commercial facilities with vehicle trips), this avoidance is not an option. Therefore, implementation of Mitigation Measure CR-1, requiring preservation through documentation of the historical resource based on the requirements of the Historic American Engineering Record (HAER) is recommended to be completed prior to the start of project development. The adherence to documentation of Varner Road based on HAER requirements would allow for the perpetual study of the historical resource in relation to engineering and industry.

Documentation of Varner Road based on HAER requirements was conducted on July 9, 2017 by *Æ*. The historical significance of the road was described as such:

> "The recorded one mile segment of Varner Road is a portion of Former U.S. Highway 60/70/99. Varner Road/Former Highway 60/70/99 is eligible for listing on the National Register of Historic Places under Criterion A. The property conveys the significance of the early transcontinental highway system in the United States through its association with the Atlantic & Pacific Highway/U.S. 60 which extends from Los Angeles to New York, and U.S. 99 extending from Mexico to Canada. These routes are two of the earliest transcontinental U.S. highways to reach Southern California. Defined by the period in which the route served as an important commercial and tourist route, its period of significance is 1926 to 1956."

The anticipated adverse impacts to the historically significant Varner Road shall be mitigated to the maximum extent feasible through implementation of Mitigation Measure CR-1, nonetheless, the proposed project would still result in unavoidable significant impacts.

b. Adverse Change to Archaeological Resource

Prior to the systematic cultural resource survey of the project site, a literature and records search was conducted at the EIC, housed at the University of California, Riverside, on February 10, 2017 (maintaining consistency with the City's General Plan *Program 1A (Archaeological and Historical Goals, Policies and Programs)).* The records search included the project site and an additional 1-mile radius buffer (referred to as the project "study area"). The proposed water and sewer alignments is within the 1-mile buffer area of the records search. The records search indicated that 28 cultural resources have been identified previously within the project study area. Three of the 28 identified cultural resources were archaeological resources (two historical archaeological sites and one prehistoric archaeological isolated find) reported to be located within the project site. The three identified archaeological resources consist of a historic-period refuse scatter (AE-3634-02H), a historic-period site consisting of a foundation and collapsed concrete and cobble walls of a building and a scatter of associated refuse (33-017842/CA-RIV-9233), and a prehistoric isolate artifact consisting of two ceramic shards. (Æ-3634-ISO-01). An evaluation of AE-3634-02H suggested that the historic-period refuse scatter was not identified to be associated with any documented historical land uses, nor individuals associated with any documented historical land uses. Hence, the site was recommended as ineligible for listing on the CRHR under Criteria 1 and 2, respectively. The refuse does not embody distinctive characteristics of a type, period, or method of construction and as such, is not eligible for listing under CRHR Criterion 3. Finally, AE-3634-02H does not appear to have any archaeological data potential beyond what has already been documented. The site dates to a well-documented period in the history of the Coachella Valley and as such, further analysis of the artifacts at this site is unlikely to yield any information that would be considered important to the study of local, regional, State, or national history (CRHR Criterion 4).

Evaluation of the historic-period site consisting of a foundation and collapsed concrete and cobble walls of a building and a scatter of associated refuse (33-017842/CA-RIV-9233) suggested that the historical archaeological resource did not meet any criteria for listing on the CRHR. The house foundations and possibly trash scatter are likely associated with the land patent granted to Mary M. Zell in 1936. The building would have been constructed as part of the requirements of the Homestead Act of 1862 in which the homesteader must improve the granted property in order to retain the patent. While the remains of the structure and associated refuse may be associated with the homesteading of the region, research conducted by AE has yielded no indication that the association is significant. No evidence has been found to suggest that the structural remains or the refuse at the site are directly associated with a prominent historical event (CRHR under Criterion 1). Furthermore, a review of available property records found little information regarding important contributions to history of the subsequent owners of the property, including Mary M. Zell. Based on these findings, it does not appear that any persons specifically associated with the structural remains are important to history (CRHR Criterion 2). The structural remains consist of concrete, local cobble material, and red clay tile, all of which represent common construction material for the region throughout the 20th century. As such, structural remains

do not embody distinctive characteristics of type, period, or method of construction (CRHR Criterion 3). The site dates to a well-documented period in the history of the Coachella Valley and as such, further study of the structure or associated refuse is unlikely to yield any information that would be considered important to study of local, regional, state, or national history (CRHR Criterion 4).

Based on information provided in the *Cultural Resource Assessment,* the two ceramic shards that comprise AE-3634-ISO-01 are not unique, unusual, rare, or otherwise exceptional. The isolated artifacts are considered an insignificant resource under CRHR criteria because they lack important associations to events or persons (Criteria 1 and 2), do not embody any distinctive characteristics of type, period, or method of construction (Criterion 3), and do not provide sufficient data to address research questions about the prehistory of the Coachella Valley (Criterion 4). The results of the intensive-level cultural resource survey of the project study area provided in *Cultural Resource Assessment* suggest that the three identified archaeological resources do not meet the CRHR criteria, have been evaluated as not eligible for the CRHR, and therefore, are not considered historical resources or significant archaeological resources. As such, no further management of these three resources is recommended.

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

Although no archaeological resources were encountered onsite during the field survey, in the event that intact subsurface archaeological deposits are encountered during construction activities, implementation of Mitigation Measure CR-3 requires all work to halt until a qualified archaeological monitor can be called onsite, at the expense of the project proponent, to assess the significance. Therefore, with implementation of Mitigation Measures CR-2 and CR-3 any unknown archaeological resources uncovered during ground disturbing activities associated with project development would not be significantly impacted.

c. Impact to Paleontological Resource or Unique Geologic Feature

Implementation of the DLVSP would facilitate new development within the project site. Based on the literature review and museum records search results provided in the *Paleontological Resource Assessment for the Desert Land Ventures Project,* the paleontological sensitivity of the project site was determined in accordance with the Society of Vertebrate Paleontology's (SVP) sensitivity scale. As shown in the Paleontological Resource Assessment, (Appendix D2) Exhibit 4.5-2, *Geologic Units and Paleontological Sensitivity Map*, indicate that the Quaternary alluvium and fluvial deposits mapped at the surface of the project site have a low potential to contain intact paleontological resources because they are typically too young to contain fossilized remains. These sediments may be underlain at an unknown depth by older Pleistocene deposits which have proven to yield significant vertebrate fossils

within the project site and surrounding area. Project excavation is expected to be relatively shallow and sensitive older geologic deposits present at the maximum excavation depth are unlikely to be impacted by project development. As a result, the potential for encountering fossil resources during project-related ground disturbance is low. However, in the event that a fossil discovery is made during the course of project development, and in accordance with the Society of Vertebrate Paleontology (SVP) guidelines, a qualified professional Paleontologist must be retained in order to examine the find and determine if further paleontological resources mitigation is warranted, implemented with Mitigation Measure CR-4. Given that the potential for encountering a fossil discovery during project-related ground disturbance is low, impacts to paleontological resources are not anticipated and no further paleontological mitigation is recommended. However, if in the event paleontological resources are discovered, implementation of Mitigation Measure CR-4 will reduce impacts in this regard to less than significant.

d. Disturbance of Human Remains

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

4.5.5 Cumulative Impacts

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

significant cumulative impacts to cultural resources. Therefore, implementation of the DLVSP would result in cumulative impacts that would be less than significant.

4.5.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

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

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

CR-3 If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the project proponent or his/her designee shall immediately notify the City of Desert Hot Springs City Planner. A qualified archaeologist shall be called to the site by, and at the expense of, the project proponent to evaluate the significance of the find using CRHR eligibility criteria. If evaluated as eligible and the find cannot be avoided, the archaeologist must prepare and submit a data recovery plan to the City Planner. Upon approval, the data recovery plan shall be implemented. Work shall resume after consultation with the City of Desert Hot Springs and implementation of the recovery plan by the archaeologist.

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

CR-5 If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and

B) If the coroner determines the remains to be Native American:

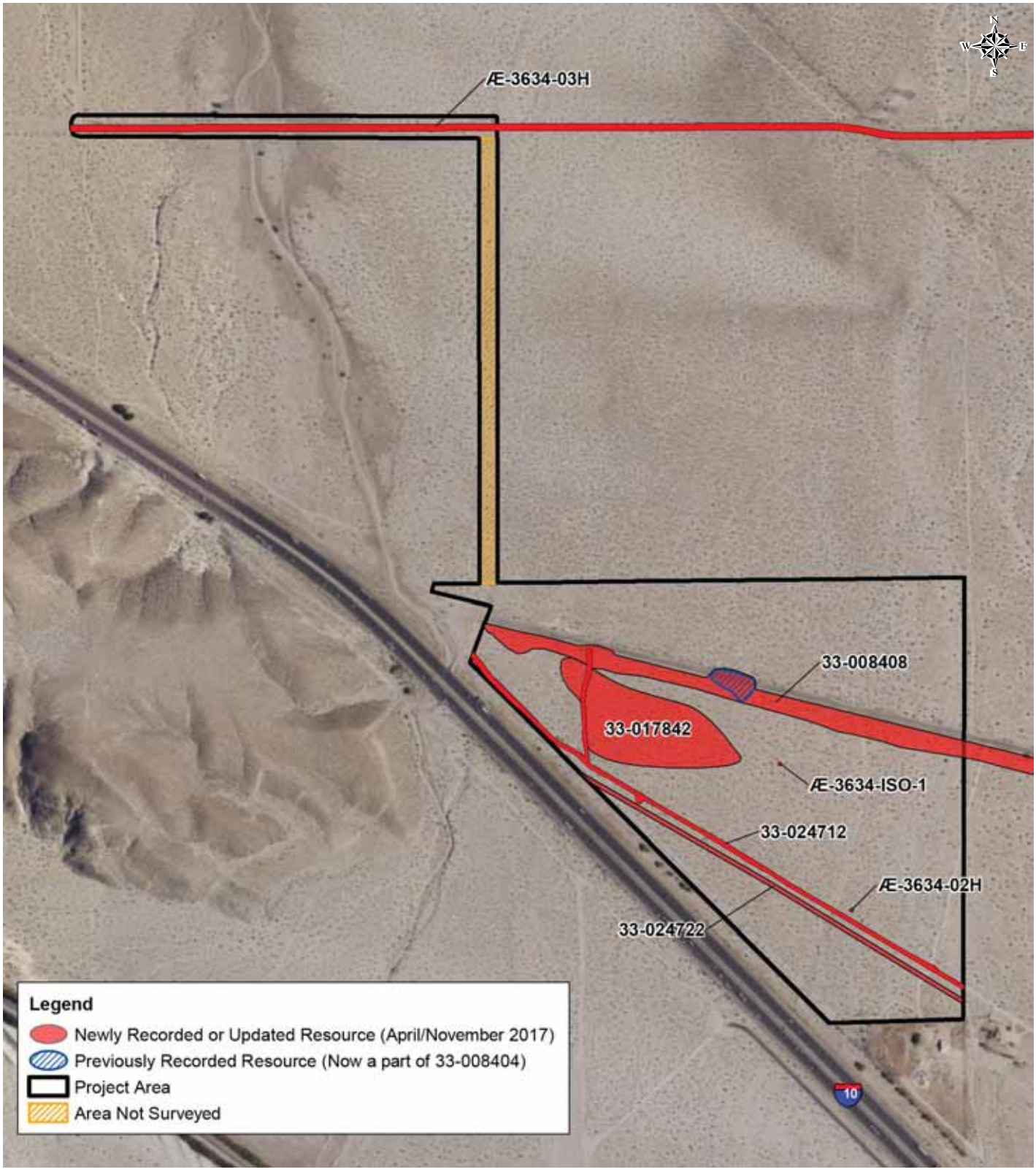
The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall designate the person or persons it believes to be the Most Likely Descendent (MLD) of the decreased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.

Regulatory Requirements

No regulatory requirements are required.

4.5.7 Level of Significance After Mitigation

Given the scope of the DLVSP (mixed use industrial and commercial facilities), which includes improvements to Varner Road to widen the road and install curb, gutter and sidewalk, the avoidance of Varner Road and development of a new road to serve the project site is not an option. This is because Varner represents the main road connecting a number of parcels between Palm Drive and Indian Canyon Drive that is envisioned by the City of Desert Hot Springs as a major road. Implementation of Mitigation Measure CR-1, requiring preservation through documentation of the historical resource based on the requirements of the Historic American Engineering Record (HAER) is recommended to be completed prior to the start of project development. However, the anticipated adverse project impacts to the historically significant Varner Road would still result in an unavoidable significant impact to this historic resource.



1 inch = 300 meters
Source: Applied Earthworks, 2017

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Cultural Resources within the Project Area
Desert Land Ventures Specific Plan EIR

Exhibit
4.5-1

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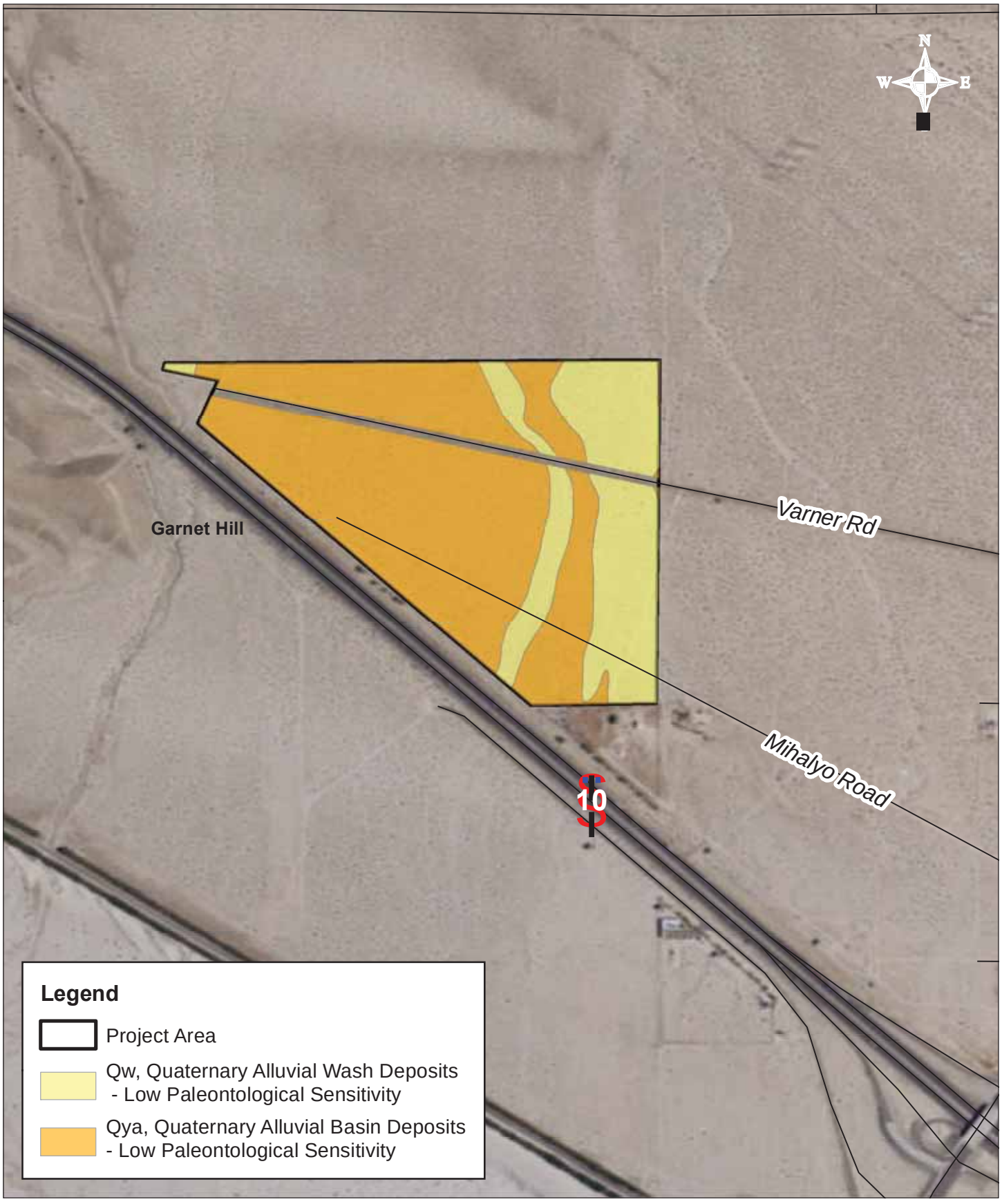

1 inch = 1,028 feet

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Geologic Units and Paleontological Sensitivity Map
Desert Land Ventures Specific Plan
EIR

Exhibit
4.5-2

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4.6 Geology and Soils

4.6.1 Introduction

Information for this section was obtained from the geotechnical investigation entitled *Geotechnical Engineering and Infiltration Update Report; Tentative Tract Map No.37185; SWC Varner Road and West Drive; Desert Hot Springs, Riverside County, California,* prepared by Earth Systems Southwest, February, 2017 (Appendix E-1), and the Natural Resources Conservation Services (NRCS), *Custom Soil Resource Report for Riverside County, Coachella Valley Area, California, Desert Land Ventures Specific Plan Area,* June 2017 (Appendix E-2). Sources used in the preparation of this section are identified in Chapter 8, *References,* at the end of this EIR.

4.6.2 Environmental Setting

Geologic Setting

The project site lies within the Coachella Valley, a part of the Colorado Desert geomorphic province. A significant feature within the Colorado Desert geomorphic province is the Salton Trough. The Salton Trough is a large northwest-trending structural depression that extends approximately 180 miles from the San Gorgonio Pass to the Gulf of California. The Coachella Valley forms the northerly part of the Salton Trough and contains a thick sequence of Miocene to Holocene sedimentary deposits. Mountains surrounding the Coachella Valley include the Little San Bernardino Mountains on the northwest, foothills of the San Bernardino Mountains on the northwest and the Santa Rosa and Jacinto Mountains to the south and southwest. These mountains expose primarily Precambrian metamorphic and Mesozoic granitic rocks. The San Andreas Fault zone within the Coachella Valley consists of the Banning fault, Garnet Hill fault, North/South branches of the San Andreas Fault, and the Mission Creek fault that traverse along the northeast margin of the Valley.

The project site is located in the northwestern portion of the Coachella Valley, a part of the Colorado Desert geomorphic province. Elevation at the center of the project site is approximately 652 feet above mean sea level (amsl). However, the site is generally undulated with a range on the order of two feet. Surface drainage occurs via sheet flow from northwest to southeast. Vegetation consists of Sonoran Creosote Brush Shrub. The upper sediments observed primarily consist of native alluvial fan deposits associated with deposition of Mission Creek and Morongo Wash. Broad and coalesced alluvial fans emanating from the San Bernardino and Little San Bernardino Mountains underlie the site. There are isolated areas with artificial fill which overlay the alluvial fan deposits. These areas of artificial fill are typically associated with fill and spoils placed during construction of any existing site improvements such

as Varner Road, dirt roads, above and below ground utilities and with dumping of trash and debris (concrete chunks, wood, grass, metal, etc.). These artificial fills are anticipated to be less than 5 feet thick. The depth to crystalline basement rock beneath the site is estimated to be in excess of 1,500 feet.

Soils

Local native soils consist of interbedded sands and gravels. Cobbles and boulders are common. The site lies within an area of moderate to high potential for wind and water erosion. The U.S. Department of Agriculture Natural Resource Conservation Service mapped three different types of sand all formed in alluvium within the project site. As shown in Exhibit 4.6-1, *Geologic Map,* Carsitas gravelly sand, 0 to 9 % slopes (CdC), crop the northwestern corner of the project site. Carsitas fine sand, 0 to 5 % slopes (CkB), cover the edges of the northeastern corner of the site. Carsitas cobbly sand, 2 to 9 % slopes (ChC), cover the remainder of the project site. CdC is moderately susceptible to water erosion and slightly susceptible to wind erosion. Both CkB and ChC are slightly susceptible to water erosion and highly susceptible to wind erosion.

Seismicity and Faulting

The project site does not lie within a currently delineated State of California, *Alquist-Priolo* Earthquake Fault Zone. Hence, there are no active faults currently mapped within the project site. However, as shown in Exhibit 4.6-2, *Fault Locations,* the Garnet Hill segment of the San Andreas Fault is located approximately 0.14 miles southwest of the project site, the southern branch or Banning segment of the San Andreas Fault is located approximately 0.7 miles southwest of the project, and the northern branch of the San Andreas Fault is approximately 4.2 miles to the northeast of the project site. All three faults are classified as right-lateral strike-slip faults. The Banning segment of the San Andreas Fault is well-recognized with known active surface fault rupture. The Garnet Hill fault's most recent surface rupture occurred in the late Quaternary (0.5 to 1 million years ago) and is not considered to be active. Additionally, there are approximately 38 active faults or seismic zones within a 50 mile radius of the project site.

The project site is located within an active seismic area in southern California where large numbers of earthquakes are recorded each year. Approximately 39, magnitude 5.5 or greater earthquakes have occurred within 60 miles of the area since 1856. Six historic seismic events (5.9 M or greater) have significantly affected the Coachella Valley in the last 70 years. The largest of these was the Magnitude 7.3 Landers earthquake in 1992, however no significant structural damage was reported in the Desert Hot Springs area.

Accurate earthquake predictions are not possible, however various agencies have conducted statistical risk analyses. The recent Working Group of California Earthquakes (WGCEP) estimated a 58 percent conditional probability that a magnitude 6.7 or greater earthquake may

occur between 2008 and 2038 along the southern segment of the San Andreas Fault, located 0.7 miles away from the project site. This segment has the longest elapsed time since rupture of any part of the San Andreas Fault.

4.6.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Geotechnical resources that would apply to the DLVSP:

Geotechnical Goals, Policies and Programs

GOAL 1

Maximized protection from and minimize vulnerability to the general health safety and welfare of the community from the effects of geotechnical hazards that may impact lives, property and economic well-being of the community.

Policy 8

Development in areas identified as being subject to a rock fall or landslide hazard shall be avoided.

4.6.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to geology and soils were derived from the CEQA Guidelines, Appendix G (Geology and Soils). Development of the DLVSP would have a significant effect on geology and soils if it is determined that the project would:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
    ii. Strong seismic ground shaking.
    iii. Seismic-related ground failure, including liquefaction.
    iv. Landslides.
b. Result in substantial soil erosion or the loss of topsoil.
c. Locate the project on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property.

d. 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.

a. Expose people or structures to potential substantial adverse effects involving:

ai. Rupture of a known fault

The *Geotechnical Engineering and Infiltration Update Report* prepared by Earth Systems Southwest (Appendix E.1) indicated that the project site does not lie within a currently delineated State of California, Alquist-Priolo Earthquake Fault Zone. Although well-delineated fault lines cross through the project region as shown on California Geologic Survey (CGS) maps, no active faults are mapped in the immediate vicinity of the project site. The closest fault to the site is the Garnet Hill segment of the San Andreas Fault, approximately 0.14 miles away from the project site south of the I-10 freeway. Therefore, the possible impacts of a fault rupture across the project site are less than significant.

aii. Strong Seismic Ground Shaking

According to the *Geotechnical Engineering and Infiltration Update Report* prepared by Earth Systems Southwest, the primary geologic hazard is severe ground shaking from a potential earthquake along regional faults, including the San Jacinto Fault, and the San Andreas Fault that is 0.7 miles from the project site. Geologists believe that the San Andreas Fault has characteristic earthquakes that result from rupture of each fault segment, such as the Banning or Garnet Hill segment. The estimated mean characteristic earthquake is a magnitude 7.7 for the Southern Segment of the fault. However, recent standard of practice suggests a maximum magnitude of 8.2 be used for analysis, assuming a multi-segment rupture event.

The underlying geologic condition for seismic design of the project site is Site Class D, which indicates the site has a high seismic vulnerability. The minimum seismic design of structures within the project site should comply with the 2016 edition of the California Building Code (CBC). The method of design would be dependent on the seismic zoning, site characteristics, occupancy category, building configuration, type of structural system, and building height. Engineered design and earthquake-resistant construction increase safety and allow of seismic areas. Furthermore, it should be recognized that the southern California region is an area of moderate to high seismic risk and that it is not considered feasible to make structures totally resistant to seismic related hazards. Therefore, a major earthquake above magnitude 7 or 8 originating on the local segment of the San Andreas or nearby fault zones would be the critical seismic event to induce severe seismic ground shaking that may affect the project site within the design life of the proposed project. Therefore, incorporation of Regulatory Requirement RR-7 in designing and constructing all proposed structures in compliance with the current California Building

Code, would reduce potential impacts induced by strong seismic ground shaking to a less than significant level.

aiii. Seismic-related ground failure, including liquefaction

Factors known to influence liquefaction include soil type, structure, grain size, relative density, confining pressure, depth to groundwater (typically occurs in the upper 50 feet), and the intensity and duration of ground shaking. Soils most susceptible to liquefaction are saturated, loose sandy soils and low plasticity clay and silt. According to the County of Riverside General Plan Environmental Impact Report Geology and Soils Section, the project site is within an area of moderate sediment liquefaction susceptibility where there is deep groundwater. However, the results of analyses done in the DLVSP *Geotechnical Engineering and Infiltration Updated Report* indicate that site soils were generally dry to damp with moisture contents less than approximately one percent and historic groundwater depth is below 50 feet, therefore liquefaction potential is low due to the deep groundwater depth. The Report goes on further to conclude that other geologic hazards, including lateral spreading and seismically induced flooding are considered low. Therefore, incorporation of Mitigation Measure GEO-1 requiring appointment of a licensed geotechnical engineer to observe site grading, grading and the bottoms of the excavations before placing fills, would reduce potential impacts from seismic-related ground failure, including liquefaction to a less than significant level.

aiv. Landslides

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

b. Substantial Erosion or Loss of Top Soil

According to the *Geotechnical Engineering and Infiltration Updated Report* prepared by Earth Systems Southwest, the project site is located within an area of moderate to high potential for wind and water erosion. During construction of the project, soils would be disrupted during grading activities, exposure of uncovered soils, thereby increasing the potential for wind or water-related erosion and sedimentation until the construction is completed. Section 4.3, *Air*

Quality, identifies Best Available Control Measures (BACMs) to be implemented during grading and construction activities to reduce potential wind-related erosion on site. Also see Section 4.9, *Hydrology and Water Quality*, for a discussion of Best Management Practices (BMPs) for wind and water erosion as required under the project's Storm Water Pollution Prevention Plan (SWPPP).

Mitigation measures for the control of fugitive dust and water erosion are included in other sections of the Draft EIR — Section 4.3, *Air Quality*, and 4.9, *Hydrology and Water Quality*. Implementation of Mitigation Measures AQ-2 and HWQ-1 will reduce impacts associated with soil erosion to a less than significant level.

c. Located on Geologic Unit that is Unstable, or Become Unstable

Seismic Compression of Alluvial Materials

The amount of dry seismic settlement is dependent of relative density of the soil, ground motion, and earthquake duration. The settlements of dry sandy deposits have been known to occur as a result of seismic activity. As part of the *Geotechnical Engineering and Infiltration Updated Report,* a dynamic seismic settlement analysis of the project site was conducted. Site soils were identified as non-uniform and generally in a medium to dense compact condition. Due to the general uniformity of the soils encountered, seismic settlement is expected to occur within the project site. Therefore, with incorporation of Mitigation Measure GEO-2 requiring overexcavation and recompaction of site soils in accordance with specifications outlined in the *Geotechnical Engineering and Infiltration Updated Report,* potential impacts would be reduced to a less than significant level.

Potential for Flooding, Tsunami, Seiche, and Slope Instability

Seismically induced flooding which might be considered a potential hazard to a site normally includes flooding associated with a tsunami (large sea waves), a seiche (i.e. a wave-like oscillation of the surface of water in an enclosed basin that may be initiated by a strong earthquake) or failure of a major reservoir or retention structure upstream of a site. The project site is located many miles from the Pacific Ocean and at an approximate elevation of 652 feet amsl, hence the tsunami hazard is non-existent. The project site is relatively flat, hence the impact from slope instability is considered as less than significant. Currently, two water storage tanks are located approximately five miles north of the project site. In the event of a tank rupture due to seismic activity there is a remote possibility of some flooding at or near the project site, depending on localized drainage course and man-made modifications to drainage paths should a water tank rupture occur.

Proposed drainage improvement plans have been developed to incorporate creative development solutions to respond to flooding and drainage conditions in the area of the project site. Solutions include raising the development pads above the sites flood zone level/line, and incorporating wide and natural drainage swales and infiltration basins that can function as an engineering solution to the area's drainage and flooding issues. See Exhibit 3-6, in Chapter 3, *Project Description* for the proposed location of swales and basins. In addition, the DLVSP includes the development of two water tanks at the northwest corner of the site in PA1 and PA2. Therefore, incorporation of Regulatory Requirement RR-7 will reduce the potential impacts from flooding, tsunami, seiche, and slope instability to a less than significant level.

Subsidence

Subsidence is the settlement or deformation of the land surface that can be caused by a number of sources including tectonic activity but is most generally associated with changes in the groundwater level. Groundwater overdraft is occurring in the Coachella Valley on a regional level and must be addressed ultimately on a regional level through decreased pumping and increased recharge. It is important to emphasize the increased pumping and continued groundwater overdraft may lead to increased subsidence related settlement which is impossible to predict the magnitude of given the current level of information. If differential pumping occurs, subsidence and the damaging effects of differential settlement occur. However, the latest report for subsidence information, *Land Subsidence, Groundwater Levels, and Geology in the Coachella Valley* 2014, indicated that the project site does not lie in an area where damaging subsidence related settlement has occurred. Therefore, incorporation of Mitigation Measure GEO-1 would reduce impacts from subsidence on the project site to a less than significant level.

Potential for Collapsible Soil

Collapsible soil deposits generally exist in regions of moisture deficiency. Collapsible soils are generally defined as soils that have potential to suddenly decrease in volume upon increase in moisture content even without an increase in external loads. Soils susceptible to collapse include loess, weakly cemented sands and silts where cementing agent is soluble (i.e. soluble gypsum, halite), valley alluvial deposits within semi-arid to arid climate, and certain granite residual soils above the groundwater table. In arid climatic regions, granular soils may have a potential to collapse upon wetting. Site soils were generally dry to damp with moisture contents less than approximately one percent.

The *Geotechnical Engineering and Infiltration Updated Report* prepared by Earth Systems Southwest indicates that the project site is located in a geologic environment where the potential for collapsible soil exists. The degree of collapse of a soil can be defined by the Collapse Potential (CP) value, which is expressed as a percent collapse of the total sample using the

Collapse Potential Test (ASTM Standard Test Method D 5333). Based on the Naval Facilities Engineering Command (NAVFAC) Design Manual 7.1, the Severity of collapse potential is commonly evaluated by the following Table 4.6-1, *Collapse Potential Values*.

Table 4.6-1 Collapse Potential Values

Collapse Potential Value	Severity of Problem
0-1%	No Problem
1-5%	Moderate Problem
5-10%	Trouble
10-20%	Severe Trouble
> 20%	Very Severe Trouble

Source: Design Manual 7.1, NAVFAC; Section 3.4 Collapse/Consolidation Potential, Geotechnical Engineering and Infiltration Update Report, Earth Systems Southwest

The results of the collapse potential tests performed on selected samples from different depths indicated a range of collapse potential on the order of 0 to 0.8 percent at an applied vertical stress of 2,000 pounds per square foot. Collapse testing indicated no samples showed collapse higher than one percent, therefore the project site soils have a low potential for collapse. Therefore, incorporation of Mitigation Measures GEO-2 for the over excavation and recompaction of site soils, and GEO-3 and GEO-4 requiring procurement and implementation of engineered fill soils in accordance with the *Geotechnical Engineering and Infiltration Updated Report*, and the addition of significant water to project site soils for compaction purposes would reduce the potential collapsing soil impacts to a less than significant level.

Corrosive Soils

Soil and buried metallic structures, such as utility pipes or elements within building foundations, may react in a variety of ways involving complex electrochemical and bacteriological processes.

Two samples of the near-surface soil within the project site were tested for potential to corrosion of concrete and ferrous (containing iron) metals. The tests were conducted in general accordance with the ASTM test methods to evaluate resistivity, pH, and water-soluble sulfate and chloride content. Soil resistivity is a measure of how easily electrical current flows through soils. In general, the lower the pH (more acidic), the higher the soil corrosivity would be with respect to ferrous metals. Water-soluble sulfates in soil can react adversely with concrete. High chloride levels tend to reduce soil resistivity and break down otherwise protective surface deposits, which can result in corrosion of buried steel or reinforced concrete structures. The corrosion values from the soil tested are normally considered as being “Very Mildly to Moderately Corrosive” to buried metals and as possessing a “Negligible” exposure to sulfate attack on concrete as defined in American Concrete Institute 318, Section 4.3. The corrosion

values can potentially change based on several factors, such as importing soil from another job site and the quality of construction water used during grading and subsequent landscape irrigation. Implementation of Mitigation Measure GEO-5 requiring appointment of a licensed engineer competent in corrosive mitigation to review results conducted by Earth Systems South West, as well as appointment of a licensed engineer to evaluate corrosive results in relation to other corrosive constituents that may be of concern such as nitrates, ammonium, etc., would reduce impacts in regards to corrosive soils to a less than significant level.

d. Located on Expansive Soil

Expansive soils contain a significant amount of clay particles that have the ability to shrink and swell depending on the water content nearby. The *Geotechnical Engineering and Infiltration Updated Report* reported that soils observed on the project site were granular, indicating that site soils have no clay content. Furthermore, the Expansion Index of the project site soils is anticipated to be "very low" as defined by ATSM D 4829. Samples of building pads should be observed or tested during grading to confirm or modify these findings. Therefore, potential impacts from expansive soils located on the project site are less than significant with incorporation of Mitigation Measures GEO-1 and GEO-3.

e. Soils Incapable of Adequately Supporting Septic Tanks or Alternative Water Disposal System

No wastewater infrastructure or systems exists on or in the vicinity of the project site. The project site lies within the Coachella Valley Water District's (CVWD) service area. However, CVWD has neither the infrastructure nor immediate plans to provide wastewater service to the project site in the near future. One alternative considered for wastewater was to provide onsite septic tanks and leach fields. However, due to regional problems with shallow groundwater contamination, the Colorado River Basin Regional Water Quality Control Board has taken a firm stance against septic tanks and leach fields for future development in the area. Another alternative was offsite conveyance of wastewater via a 5.6 mile gravity line to the Palm Springs Wastewater Treatment Plant (WWTP) or a 3.5 mile force main to the Desert Hot Springs WWTP. However, neither of the two alternatives was preferred or feasible.

The DLVSP includes the provision of a centralized package plant system in the southeastern end of the project site. The centralized package plant system would include vendor-supplied packaged plant systems with nitrification/denitrification zones, as packaged plant technology can easily be applied to smaller capacity systems with minimal design and construction. The plants would be installed above grade with a predetermined capacity and phased in incrementally to account for additional capacity from future development of the project site. This treatment option requires a significantly higher investment of time and energy to operate,

but consistently produces high-quality effluent (secondary-treated water). The high-quality effluent helps reduce the impact on the region's water quality, a primary concern of the Colorado River Basin Regional Water Quality Control Board, and also helps provide for an alternative form of water supply for the project site, and greatly reduces the reliance on and need of pumping water via the proposed onsite wells. Future development in the project site shall consider subsurface disposal for ease of operation and sustainable resource management. The high-quality effluent shall be incorporated into the proposed irrigation system(s) of each development project within the project site. In addition to the centralized package plant system, other wastewater infrastructure includes the provision of sewer lines to convey wastewater generated by the uses of each planning area to the centralized package plant system.

Prior to development of onsite wastewater treatment system, the proponent must have an Onsite Wastewater Treatment System (OWTS) report prepared by a registered civil engineer, registered engineering geologist or registered environmentalist health specialist who has expertise in designing onsite wastewater treatment systems. Section 4.18, *Utilities and Service Systems,* identifies Mitigation Measure UT-1, which requires the proponent to submit a Land Use Application that includes an Onsite Wastewater Treatment System (OWTS) Report outlining the testing conducted at the site and the design of the system, for review and approval by the Riverside County Department of Environmental Health, prior to development of onsite office and sanitary facility. Section 4.9, *Hydrology and Water Quality,* identifies Mitigation Measure HWQ-3, which requires the project operator to submit a Report of Waste Discharge (ROWD), for review and approval by the Colorado River Basin Water Quality Control Board. Incorporation of Mitigation Measures UT-1 and HWQ-3 maintain consistency with the City's General Plan *GOAL 1* (*Geotechnical Goals, Policies and Programs)* regarding maximum protection and minimal vulnerability of the community from geotechnical hazards. Therefore, with the foregoing mitigation measures, the impacts associated with soils incapable of adequately supporting alternative water disposal system are less than significant.

Mission Springs and Coachella Valley Water Districts Memorandum of Understanding

The project proponent has worked with both CVWD and Mission Springs Water District (MSWD) to resolve the issue of water and wastewater service for the long-term operation of projects in the project site. MSWD has plans to serve the area for both water and wastewater. Exhibit 3-11, *Desert Land Ventures Properties Water and Sewer Service*, shows the optional alignments the project proponent could develop in order to hook up to MSWD facilities. MSWD has indicated that the proposed MSWD Regional Wastewater Treatment Plant to be located at the intersection of Little Morongo Road and 20th Avenue could be operational within the next two years. The proposed alignments between the project site and the new regional plant are shown in green and purple. The optional alignments for a water line extension from the project site to

a new water treatment plant located at the intersection of Varner Road and Indian Canyon Drive are shown in blue and lilac.

In order for the project site to be served by MSWD, CVWD and MSWD would enter into an agreement whereby CVWD relinquishes the right to serve the project site in favor of MSWD. This agreement only affects the project site and no other development projects in the area.

CVWD staff has indicated they would support, subject to CVWD Board of Directors approval, service to be provided by MSWD for this particular project, due to its proximity to MSWD facilities and lower cost to provide infrastructure for service. The project's entitlements would assume service by MSWD subject to a future interagency agreement with CVWD or an annexation into MSWD's service area through LAFCO (following entitlement).

4.6.5 Cumulative Impacts

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

4.6.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

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

GEO-2 The project applicant(s) shall ensure that overexcavation and recompaction of site soils are performed in accordance with the specifications outlined in the *Geotechnical Engineering and Infiltration Update Report*, or most recent geotechnical report, and the stipulations of the appointed licensed Geotechnical Engineer assigned to the Specific Plan to mitigate excessive dry seismic settlement.

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

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

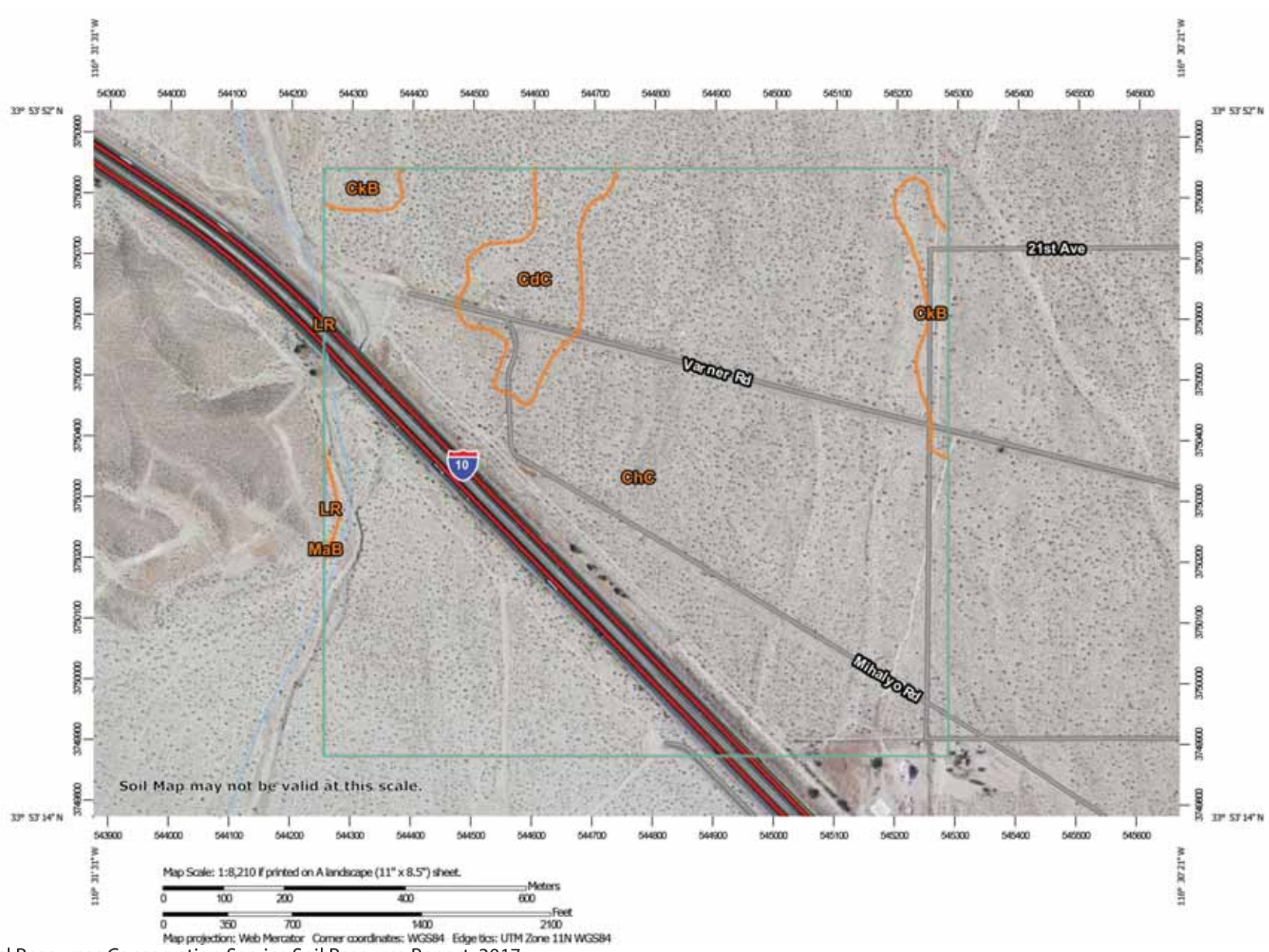
GEO-5 The project applicant(s) shall appoint a licensed engineer competent in corrosion mitigation review of corrosive results conducted by Earth Systems South West, to design corrosion protection appropriately. Additionally, a competent engineer in corrosion analysis shall also be appointed to evaluate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

Regulatory Requirements

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

4.6.7 Level of Significance After Mitigation

With implementation of the foregoing mitigation measures and regulatory requirement, impacts associated with seismic activity, grading and import of soil, and development of a package treatment plant, the proposed project would be reduced to less than significant.



Source: Natural Resources Conservation Service Soil Resource Report, 2017

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Geologic Map
Desert Land Ventures Specific Plan EIR

Exhibit 4.6-1

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1 inch = 0.72 miles

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Fault Locations
Desert Land Ventures Specific Plan EIR

Exhibit 4.6-2

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4.8 Hazards and Hazardous Materials

4.8.1 Introduction

With any mixed use specific plan project where a variety of light industrial and manufacturing uses are permitted or conditionally permitted, the potential for exposure to hazards and hazardous material is always prevalent due to transportation and distribution and use of hazardous materials. This section assesses potential hazards and hazardous materials impacts associated with new cannabis cultivation and related uses, as well as other permitted or conditionally permitted uses that could be developed at the project site. Sources used in the preparation of this section are from the EPA, California Department of Toxic Substances Control, Riverside County Department of Environmental Health, and the City of Desert Hot Springs General Plan. Sources used in the preparation of this section are identified in Chapter 8, *References,* at the end of this EIR.

4.8.2 Environmental Setting

Hazardous Materials Management

Hazardous waste is any liquid, solid, gas, or sludge that is potentially dangerous to human health and the environment, including everyday commercial products, such as pesticides, cleaning fluids, and household sprays, as well as byproducts of manufacturing processes. The EPA has classified hazardous waste into four types, including: listed wastes; characteristic wastes; universal wastes; and mixed wastes. Listed wastes include wastes from common manufacturing and industrial processes, waste from specific industries such as petroleum refining or pesticide manufacturing, and discarded commercial products. Characteristic wastes include non-listed wastes that exhibit ignitability, corrosivity, reactivity, and toxicity. Universal wastes include items such as batteries, mercury-containing equipment, and fluorescent lamps and bulbs. Mixed wastes contain radioactive and hazardous waste components. All hazardous waste poses a threat to humans and the environment, and therefore is regulated by federal, State and local programs.

Regulatory Setting

Federal Programs

Resource Conservation and Recovery Act

The EPA has been given authority and responsibility to regulate hazardous waste by the Resource Conservation and Recovery Act of 1976 (RCRA). Through RCRA, the EPA is responsible for monitoring the generation, transportation, treatment, storage, and disposal of hazardous waste. Amendments to RCRA, including the 1984 Federal Hazardous and Solid Waste Amendments, and those established in

1986, forced the EPA to increase enforcement of underground storage tanks of petroleum and other hazardous substances, focus on waste minimization programs, such as phasing out hazardous waste from landfills, and finally mandating corrective measures regarding the release of hazardous wastes.

Most recent EPA efforts and responsibilities for managing hazardous waste include management of wastes from homeland security incidents. The Waste Management for Homeland Security Incidents requires EPA to provide technical support to federal, State, local, and tribal authorities on waste management and cleanup efforts resulting from natural disasters, terrorist attacks, major accidents, and disease outbreaks. The main responsibility of EPA is to promote pre-planning efforts to deal with hazardous waste disasters and encourage various stakeholders to prepare for natural and man-made disasters. EPA is also required to review emergency response plans for federal agencies, and participate in exercises with federal, State, local, and tribal emergency responders.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

CERCLA, also known as the Superfund Act, was established in 1980 to provide a federal "superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. There are no Superfund sites at the project site or in the surrounding area. All environmental cleanups and permitted hazardous material facilities are included in the Envirostor database, including CERCLA sites, and none were found within the City of Desert Hot Springs. The Envirostor database was accessed on August 1, 2017 for the proposed project.

National Pollution Discharge Elimination (NPDES) Permit

The NPDES program regulates municipal, industrial, and construction stormwater discharges. The Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) are the permits required by NPDES to regulate stormwater associated with project construction and operation. Developers of future projects would be responsible for preparing a SWPPP for each development site that would include a list of Best Management Practices (BMPs) to be implemented in order to prevent soil erosion and discharge of construction-related pollutants that could contaminate nearby water sources. The SWPPP would be implemented during construction at each development site, and a copy of the SWPPP must be maintained onsite during construction. A WQMP is required to be prepared for each proposed project within the project site that would include BMPs to be implemented during post-construction operations at each site. More information on these requirements is included in Section 4.9, *Hydrology and Water Quality.*

State Programs

California Certified Unified Program Agencies (CUPA)

The California Certified Unified Program Agencies (CUPA), is a collection of State and regional agencies in charge of regulating hazardous waste. They are responsible for the administration, permits, inspection and enforcement of various environmental and emergency management programs, including the Underground Storage Tank Program, the Aboveground Petroleum Storage Act Program, Hazardous Materials Release Response Plans, and Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs. CalEPA is responsible for administrating and certifying the CUPA's. Two State agencies that are also heavily involved with CUPA activities include the California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

California Department of Toxic Substances Control (DTSC)

DTSC is responsible for protecting public health and environment from hazardous waste generated each year in the State. They regulate under the authority of the federal RCRA of 1976 and the California Health and Safety Code. DTSC operates a variety of programs including the following:

- Overseeing site cleanups at improperly managed waste sites.
- Ensuring those who generate, handle, transport, store, and dispose of hazardous waste to do so properly.
- Taking enforcement action against those who fail to manage hazardous waste appropriately.
- Exploring and promoting pollution and encouraging reuse and recycling.
- Evaluating soil, water and air samples at sites and developing new analytical methods.
- Practicing other environmental sciences, including toxicology, risk assessment, and technology development.
- Involving the public in DTSC's decision-making.

DTSC is required to compile and update each year, or as appropriate, a list of hazardous waste sites pursuant to Section 65962.5(a). DTSC has created the EnviroStor database of properties throughout California that may be contaminated. There are five sites within Desert Hot Springs city limits or sphere of influence that are listed pursuant to Section 65962.5(a), however the project site is not listed as one of these sites.

State Water Resources Control Board (SWRCB)

SWRCB is responsible for regulating wastewater discharges to surface waters and groundwater. This includes discharges from all construction, industrial, municipal, and agricultural activities. SWRCB delegates these responsibilities to various regional water quality control boards throughout the State. Desert Hot Springs falls under the jurisdiction of the Colorado River Basin Regional Water Quality Board (RWQCB). The Colorado River Basin RWQCB is responsible for overseeing corrective actions associated with leaks and improper disposal from underground storage tanks, such as gas station tanks, and

provides assistance to County of Riverside Department of Environmental Health on underground storage leaks.

Senate Bill 94 Section 140 Section 11362.768(b)

Senate Bill 94 (SB 94) addresses and defines 'volatile solvents' used to manufacture concentrated cannabis. The following clauses apply to the DLVSP related to cannabis cultivation:

(b) A manufacturing facility that operates pursuant to this section and manufactures medicinal cannabis products shall not, solely on the basis of that fact, be subject to state criminal sanctions under Section 11379.6 if the manufacturing facility abides by all of the following requirements:

(1) The manufacturing facility does either or both of the following:

(A) Utilizes only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

(B) Utilizes only manufacturing processes that use solvents exclusively within a closed-loop system that meets the following requirements:

(i) The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

(ii) The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.

(iii) A licensed engineer certifies that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).

(iv) The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.

(2) The manufacturing facility receives and maintains approval from the local fire official for the closed-loop system, other equipment, the extraction operation, and the facility.

(3) The manufacturing facility meets required fire, safety, and building code requirements in one or more of the following:

(A) The California Fire Code.

(B) The National Fire Protection Association (NFPA) standards

(C) International Building Code (IBC).

(D) The International Fire Code (IFC).

(E) Other applicable standards, including complying with all applicable fire, safety, and building codes in processing, handling, and storage of solvents or gasses.

(4) The manufacturing facility is in possession of a valid seller's permit issued by the State Board of Equalization

Regional Programs

The Riverside County Department of Environmental Health (DEH) provides programs and services related to protecting public health, safety and the environment. Within the DEH are two divisions: District Environmental Service; and Environmental Protection and Oversight (EPO). EPO is responsible for handling and regulating hazardous materials, land use, water systems, underground storage tanks, solid waste and business emergency plans and is responsible for managing a list of all hazardous waste generators in the County. Generators include golf courses, gas stations, dry cleaners, grocery stores, car dealerships and city maintenance facility yards.

Emergency response in Desert Hot Springs involves numerous State, regional, local and non-profit agencies whose goal is to prepare local residents for emergencies caused by natural or human incidents. The State passed the California Emergency Services Act in 1970 to provide basic legal authority for emergency management in the State. The Act created the Governor's Office of Emergency Services (OES), which serves as the lead agency for emergency management and to organize all levels of government, businesses, community organizations and volunteers to deal with local emergencies. The County of Riverside operates the OES through the Riverside County Fire Department. The Riverside County OES is responsible for mitigation, preparedness, response, and recovery activities from hazards and threats occurring in Riverside County.

In order to coordinate efforts related to hazardous materials engagement, the County has developed a Hazardous Waste Management Plan (HWMP), which addresses the proper disposal, processing, handling, storage and treatment of hazardous materials. Desert Hot Springs has also adopted the HWMP and implements it at the local level.

In the City, hazardous materials are limited to small quantity generators (those generating less than 1,000 kilograms of hazardous waste per month), ranging from individual households which store cleaning solutions and automotive products, to service stations and medical clinics, which may store or use larger quantities of hazardous materials. Some small quantity generators in the City include Mission Springs Water District, Mission Lakes Country Club, and Caliente Springs Hotel.

Hazardous Materials Business Emergency Plan

Federal, State and local laws require a Hazardous Materials Business Emergency Plan (HMBEP) to be prepared and submitted by owners and/or operators of facilities that store hazardous materials at or above reportable threshold quantities. In the Coachella Valley the County of Riverside, is charged with the responsibility to oversee compliance of these laws.

A HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. The intent of an HMBEP is to satisfy federal and State Community Right-To-Know laws and to provide detailed information for use by emergency responders.

A hazardous material is defined as any material that because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that a business or the local implementing agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released. Hazardous material also includes any substance or chemical product for which the manufacturer or producer is required to prepare a Material Safety Data Sheet (MSDS).

Per the California Health and Safety Code (HSC), Chapter 6.95, Section 25500 - 25532, a HMBEP must be submitted by any business that handles a hazardous material or a mixture containing a hazardous material in quantities equal to, or greater than, those outlined below:

- A total weight of 500 pounds or a total volume of 55 gallons.
- 200 cubic feet at standard temperature and pressure for compressed gas.
- A radioactive material handled in quantities for which an emergency plan is required pursuant to Parts 30, 40 or 70 of Chapter 10, Title 10, Code of Federal Regulations (CFR), or equal to or greater than the amounts specified above, whichever amount is less.

An HMBEP must outline the kind of hazards associated with the materials documented in the MSDS that are present at a business, and the following steps that would be taken to help prevent an accidental release of hazardous material:

- Mitigation – The procedures to be followed to reduce the severity of a release or threatened release of a hazardous material at the business. The procedures should detail the actions to be taken by employees to stop a release, contain a release, or to reduce the problems associated with a release.
- Abatement – How the business would handle the complete process of stopping a release, cleaning up, and disposing of released materials at the business.
- Evacuation - The procedures to be followed for immediate notification and evacuation of the business. This shall include a floor plan layout of the business showing escape routes and a safe area, designated regrouping area.
- Earthquakes – To identify areas and equipment that would require immediate inspection or isolation due to their vulnerability to earthquake related ground motion. This would include checking for equipment such as gas cylinders, piping, drums, etc., that may need to be secured or spillage that may require mitigation or abatement.

- Hazardous Waste Contingency – To identify specific procedures for prevention, mitigation and abatement of a release of hazardous waste generated at your business. Note: This section of the HMBEP only applies to hazardous waste generators.
- Unauthorized Release Response Plan – To identify specific procedures for mitigation, abatement and reporting of an unauthorized release from an underground storage tank (UST). The plan must address a release from a single wall or a double wall tank system as applicable. This plan should cover the entire UST system. This section only applies to UST owner/operators.

An HMBEP must include a training program, which is reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. The training program must take into consideration the responsibilities of the employees to be trained. The training program must at a minimum, include:

- Methods for safe handling of hazardous materials stored at the business, including familiarity with the characteristics and hazards of each material and measures employees can take to protect themselves from chemical hazards.
- Procedures for coordination with local emergency response organizations.
- Proper use of personal protective equipment.
- The prevention, abatement and mitigation procedures developed for the business and explained in the HMBEP, including proper use of emergency equipment and supplies.
- Emergency evacuation plans to provide the notification procedure used to alert people to evacuate, and the closest location to obtain appropriate emergency medical care.
- Procedures to coordinate with and assist the local emergency personnel that may respond to the business.
- Who and how to call for immediate assistance in the event of an accident involving hazardous materials.
- Procedures for ensuring that appropriate personnel receive initial and annual refresher training.

As applicable to future projects at the project site a copy of the HMBEP must be posted in a visible area of all eligible businesses in accordance with HSC standards and to be readily accessible by employees and for County inspectors.

Local – City of Desert Hot Springs

City of Desert Hot Springs Ordinance No. 585

Applicants of proposed medical marijuana manufacturing facilities shall adhere to the City's Ordinance No.585, specifically Section 17.180.060 of the City's Municipal Code which is included in the ordinance. Medical marijuana manufacturing facilities shall only be located in Industrial Districts within the City. Facilities shall obtain a City-issued Conditional Use Permit (CUP) and regulatory permit, and a Development Agreement if the property is raw land. All manufacturing shall be conducted only in the

interior of the fully enclosed structures, building, or other fully enclosed spaces, and shall not be visible from any public right of way. Manufacturers are limited to certain equipment, methods, solvents, gases and mediums when creating medical marijuana extracts. Manufacturing facilities with a Type-6 (non-volatile) or a Type 7 (volatile) classification on their State license would be allowed to operate within the City.

Hazardous Waste Transportation

There are four major transportation routes through or near the City of Desert Hot Springs commonly used for transporting hazardous waste. Interstate 10 is located approximately 0.1 miles southwest of the project site. The Union Pacific Railroad is approximately 0.73 miles southwest of the project site. State Route 62 runs north to south approximately 5 miles west of the project site. Finally, Highway 111 runs east to west approximately 3.45 miles southwest of the project site.

Hazardous waste cleanup on transportation routes is the responsibility of various State and federal agencies. Caltrans has created the Hazardous Waste Management program to assist local districts statewide with management and cleanup of hazardous materials encountered on roads that are under Caltrans responsibility. The California Highway Patrol (CHP) and the US Department of Transportation (USDOT) are responsible for regulating the shipment of hazardous waste by requiring appropriate labeling, packaging, and loading of hazardous materials. The CHP also requires motor carriers and drivers involved in transporting hazardous materials to obtain a hazardous materials transportation license. USDOT has created the Pipeline and Hazardous Materials Safety Administration Office of Hazardous Materials Safety (OHMS) to ensure safe transport of hazardous materials by air, rail, highway, and water.

Local Schools

The nearest child care facility to the site is Coyote Run Headstart, located approximately 2.2 miles southwest of the project site at 3701 N Sunrise Way in Palm Springs. Rio Vista Elementary School is the nearest school, located approximately 2.95 miles southeast of the project site at 6770 Verona Road in Palm Springs, followed by Bubbling Wells Elementary School, and located approximately 3.6 miles northeast of the project site at 67501 Camino Campanero.

Public Airports/Private Airstrips

Palm Springs International Airport is located approximately 3.75 miles south of the project site at 3400 Tahquitz Canyon Way. The project site is not located within the Riverside County Airport Land Use Commission (RCALUC) Compatibility Plan. The Bermuda Dunes Airport, a private airport, is located approximately 16.6 miles southeast of the project site.

Fire Hazards

Fire hazards exist where wildland areas are adjacent to, or are intermixed with urbanized areas. Many of these wildland areas include rugged topography with highly flammable vegetation. However, the wilderness areas surrounding the project site, including the Wouldow Hole Conservation area, largely consists of cobbly sands and sparse desert vegetation. The sparse desert vegetation do not provide an adequate fuel supply needed for wildland fires. Furthermore, according to the *CALFIRE Riverside County (WEST) Fire Hazard Severity Zone In State Responsibility Area Map*, the area where the project site is located is not listed as Fire Hazard Severity Zone.

4.8.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Hazardous and Toxic Materials that would apply to the DLVSP.

Hazardous and Toxic Materials Goals, Policies, and Programs

GOAL 1

The assured safety of City of Desert Hot Springs residents and visitors through the regulation of the manufacture, transport, use and disposal of toxic and hazardous materials.

Policy 1

Compile and maintain an inventory of all hazardous waste sites, and regulate, to the extent empowered, the delivery, use and storage of hazardous materials within the City limits and General Plan study area.

Program 1A

Confer with the appropriate WQCB responsible agencies to determine the need for, and the appropriateness of, developing a permitting process for the establishment of facilities, which manufacture, store, use or dispose of hazardous and toxic materials within the community or adjacent areas.

Policy 2

Pro-actively encourage and facilitate the safe and immediate cleanup of all existing and future hazardous waste sites within the City of Desert Hot Springs and General Plan study area.

Policy 3

Require and facilitate the safe and responsible disposal of all hazardous and/or toxic wastes in compliance with existing federal, state, and county regulations.

Program 3A

Whenever possible, encourage the development and/or use of innovative and safe chemical compounds, technologies and facilities.

4.8.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts from hazards and hazardous materials were derived from the CEQA Guidelines, Appendix G (Hazards and Hazardous Materials). Development of the DLVSP would have a significant effect from hazards and hazardous materials if it is determined that the project would:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project site
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site.
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

a/b. Hazards due to Routine Transport, Use, or Disposal of Hazardous Waste/ Hazard Involving Accidental Release of Hazardous Materials

Construction

Project construction activities for each phase of development may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals

used during construction. BMPs specific to construction waste management as administered through the project's SWPPP would be required as mandatory procedures to be exercised by each individual project developer, construction superintendent and all construction staff during construction of any project at the project site (see Section 4.9, *Hydrology and Water Quality*). The SWPPP would be implemented with Regulatory Requirement RR-8. Additionally, transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Upon completion of construction of individual projects all hazardous materials must be removed from a project site. Compliance would ensure that human health and the environment are not exposed to hazardous materials. Therefore, the risk of accidental release of hazardous substances during construction activities associated with the proposed project would be less than significant.

Operations – Mixed Use Commercial

The proposed project includes approximately 359,042 square feet of commercial uses including hotels and related uses such as restaurants, shops and entertainment. These uses are anticipated to use some hazardous materials associated with cleaning products. This issue would be identified on a project by project basis as individual projects are proposed. However, it is not anticipated that hazardous waste would be generated in quantities that would be significant. Therefore, implementation of commercial projects would result in less than significant impacts.

Operations - Industrial

Treatment of Recycled Wastewater

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

1) *Reverse Osmosis*

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

TDS waste. Therefore, implementation of Mitigation Measure HAZ-1 would ensure that cultivation projects utilizing an RO system for wastewater recycling would reduce impacts to less than significant in regard to routine transport, use, or disposal of hazardous waste.

2) *Hydroponics*

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

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

Hazardous Materials Business Emergency Plan (HMBEP)

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

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

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

Therefore, implementation of Regulatory Requirements RR-9 and RR-8, requiring applicable individual project activities to be operated under all current regulations to prepare a HMBEP and an SPCC, would ensure that the necessary procedures and protocols are in place and exercised in regard to the safe transportation and safe containment and handling of hazardous materials during operation of the project and impacts associated with accidental release of hazardous substances would be less than significant.

c. Emit Hazardous Emissions or Handle Hazardous Materials within One-quarter Mile of a School

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

d. Hazardous Materials Onsite pursuant to Government Code Section 65962.5

The project site is not located on the "Cortese" list of hazardous materials sites, as compiled and pursuant to Government Code Section 65962.5, and managed by DTSC (http://www.envirostor.dtsc.ca.gov/public/, accessed August 1, 2017). The closest active hazardous materials site in the region is located at the former Palm Springs Landfill located approximately 3.75 miles south of the project site. Hazardous materials at the site are associated with past construction and household debris. Nonetheless, new development within the project site would not be located on existing hazardous materials sites. Therefore, impacts associates with hazardous material sites are considered less than significant for development of the DLVSP.

e. Safety Hazard within Two Miles of a Public Airport or Within and Airport Land Use Plan

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

f. Safety Hazard in Vicinity of a Private Airstrip

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

g. Interfere with Adoption or Implementation of an Emergency Response Plan

The City of Desert Hot Springs currently contracts with Riverside County Fire Department for emergency services. The DLVSP would facilitate new development, and therefore would contribute to an increase in non-residential light industrial and commercial activities and in turn, would have the potential to affect emergency response.

To maintain consistency with the City's General Plan *GOAL 1* (*Hazardous and Toxic Materials Goals, Policies and Programs)*, the City prepared an Emergency Operations Plan (EOP) in 2008 that addresses the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City. The City is also involved in the Community Emergency Response Team (CERT) program.

Service, loading, and shipping and receiving areas in future development within the project site must be designed in a manner that emergency service vehicles have clear and convenient access and do not block adjacent vehicular circulation. Furthermore, all phases of project development with regard to parking and accessibility would be subject to review by City's Engineering Division and the County Fire Department. This would ensure that the development and placement of building structures provide the appropriate space and width for emergency vehicles to access each phase without obstruction. Therefore, with the City's commitment to EOP and CERT protocol in the project site and incorporation of Mitigation Measure RR-11 regarding Fire Department review of all projects, impacts with regard to an adopted emergency response plan or emergency evaluation plans would be reduced to less than significant.

h. Risk of Wildland Fires

The project site and surrounding area is situated on flat to gently-sloped terrain within the broad alluvial plain that comprises the northern portion of the Coachella Valley, and is more than four miles away from the base of the San Jacinto and Santa Rosa Mountains. The wilderness areas surrounding the project site, including the adjacent Willow Hole Conservation Area, are made up of cobbly sands and sparse desert vegetation. The sparse vegetation does not provide the explosive fuels needed for wildfires.

Furthermore, according to the *CALFIRE Riverside County (WEST) Fire Hazard Severity Zone In State Responsibility Area Map*, the area where the project is located is not listed as Fire Hazard Severity Zone. Therefore, the proposed project would have no impact with regard to wildland fires.

4.8.5 Cumulative Impacts

New development within the project site does not have the potential to create cumulative impacts associated with hazards and hazardous materials to the public from routine transport, use, or disposal, and in regard to conflict with emergency response and evacuation plans. Mitigation Measures HAZ-1 through HAZ-4 would ensure that all new development would comply with local, State, and federal regulations; California Health & Safety Code and Title 19; Division 2, of the California Code of Regulations (CCR) by preparing a Hazardous Materials Business Emergency Plan (HMBEP), the preparation of a Spill Prevention Countermeasures Contingency Plan (SPCC) and for required plan review and conditioning by the Fire Department. Therefore, with implementation of all mitigation and regulatory requirements in Section 4.8.6, and with adherence to goals, policies and programs as identified in this Section, all new development within the project site would ensure that cumulative impacts would be less than significant.

4.8.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

HAZ-1 Prior to issuance of Certificate of Occupancy, the project applicant(s) that propose to recycle onsite wastewater involving the use of a reverse osmosis (RO) wastewater purification system shall provide the City with information on how concentrated levels of TDS and brine solutions will be disposed of. Proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the cultivation site will be required.

HAZ-2 Prior to construction of any new building where cannabis cultivation utilizing a hydroponic growing system is proposed, the project applicant(s) shall provide the City and the Riverside County Department of Environmental Health with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation. This description shall include how the project applicant(s) will test and dispose of wastewater to the onsite centralized package treatment plant.

Regulatory Requirements

RR-8 Prior to issuance of building permits on vacant or undeveloped parcels within the project site, the project applicant(s) shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for

all developments that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

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

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

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

4.8.7 Level of Significance After Mitigation

With implementation of mitigation and regulatory requirements herein, impacts in regards to hazards and hazardous materials will be reduced to less than significant.

4.9 Hydrology and Water Quality

4.9.1 Introduction

This section discusses the existing hydrology and water quality setting in the City of Desert Hot Springs and the project site, and identifies the potential adverse effects from implementation of the DLVSP. Hydrological conditions in the DLVSP area have been analyzed in the *Hydrology Analysis For Vesting Tentative Map No. 37185* prepared by Hunsaker & Associates Irvine, Inc., August 2016 (Appendix F.1); the *Desert Land Ventures and Desert Dunes Geomorphic and Flood Hazard Assessment* prepared by JE Fuller, April 2017 (Appendix F.2); *Desert Land Ventures Water Supply Assessment* prepared by Terra Nova, September 2017 (Appendix F.3), *Desert Land Ventures Water and Wastewater Program* prepared by Flogh2, LLC, October 2017 (Appendix F.4), *MSWD Will Serve Letter for Tract Map 37185*, dated December 1, 2017 (Appendix F.5)*; Desert Land Ventures Regional Flood Protection Report* prepared by PACE, November 2017 (Appendix F.6), the *Flood Insurance Rate Maps (FIRM), panel 06065C0895G* retrieved from the Federal Emergency Management Agency (FEMA) Map Service Center Website accessed June 13, 2017 and the City of Desert Hot Springs. Sources used to prepare this section are included in Chapter 8, *References,* at the end of this EIR.

4.9.2 Environmental Setting

Existing Conditions

Hydrology is associated with the management of floodwaters and surface runoff, which are significantly influenced by the geography and climate of a particular locale. The local microclimate also affects the amount and intensity of precipitation and therefore plays an important role in local hydrology.

The North Coachella Valley, including the project site, lies in the northwestern end of the Salton Trough, a broad southeast-trending structural depression that includes the Coachella Valley, Salton Sea, and Imperial Valley. The Coachella Valley is filled with alluvial and lake-bed sediments that are several thousand feet thick. It is bordered on the north and east by the Little San Bernardino Mountains, on the northwest by the San Bernardino Mountains, and on the southwest by the San Jacinto and Santa Rosa Mountains.

The surrounding mountains help isolate the Coachella Valley and the City of Desert Hot Springs from Pacific maritime air masses, resulting in a subtropical desert climate with hot, dry summers and mild winters. Mean annual rainfall is very low from the desert floor into the foothills, ranging from 4 to 6 inches per year and averaging approximately 5 to 6 inches along the foothills. In some years measurable rainfall has been reported within the City of Desert Hot Springs. Summer daytime temperatures can occasionally exceed 125˚F and winter temperatures infrequently fall below freezing.

Other than during and immediately after rainstorms, there is seldom flow in the streams in the Coachella Valley. Flooding in the area most commonly occurs with short durations and sharp peaks. The floods carry considerable quantities of debris, some of which is deposited on the fans formed along the margins of the mountains and hills.

The project site consists of vacant and undeveloped land. It is bounded on the north by the Willow Hole Conservation Area, on the south by Interstate I-10 Freeway and two single-family residences, on the east by vacant land and on the West by Mission Creek which is vacant land.

The entire project site is located within the 100-year flood plain within Zone A (no base flood elevations determined) per Flood Insurance Rate Map (FIRM) Map No. 06065C0895G dated August 28, 2008, receiving flows from the Mission Creek and Big Morongo Wash Watersheds.

The project site contains mostly low lying desert plants and Sonoran Creosote Brush Scrub and the project site's topography is generally flat, sloping to the southeast, with elevations ranging from 665 feet (in the north) and 622 feet (in the southeast) above mean sea level.

Local Hydrological Conditions

The flood hazard at the project site comes from the alluvial watersheds in the mountains to the north. The runoff flows to the project site, across the desert valley floor where there are some weakly incised channels that contain part of the flow. During moderate to major flow events, flows are not contained in the channels, and so for the one percent chance event analysis, most of the regional flow is conveyed as broad overland surface flow.

The three main streams that drain from the Little San Bernardino Mountains towards the project site are Morongo Wash, Long and East, and West Wide Canyons. Mission Creek is not included in the study watersheds. Mission Creek flows very close to Morongo Wash at several points on the Morongo fan and past studies have considered if there is a potential for floodwaters from Mission Creek to flow into Morongo Creek. Watersheds associated with the project site and vicinity are shown in Exhibit 4.9-1, *Watersheds.*

The I-10 freeway, constructed on an elevated pathway running approximately east to west, forms a barrier to the overland flow, just south of the project. There are culverts at most locations where a major natural channel is crossed by the I-10 freeway. The west edge of the project is just touched by an existing natural channel, Mission Creek, which flows south through a box culvert under the I-10 freeway. Overland flow that impinges on the I-10 is impounded and then flows parallel to the I-10 to locations where it can flow through culverts, or flow over the I-10.

In large events, the culvert at Mission Creek does not have capacity for the full flow in the channel plus impounded and redirected overland flow, so some runoff at the project site pools up and flows east, parallel to the I-10, where overtops across a low area in the freeway surface, and a portion of it flows east, in a downhill direction, along the I-10 to culverts east of the project.

Regional Stormwater Management

The CVWD is responsible for regional stormwater planning and development of regional facilities within the Coachella Valley, including the City of Desert Hot Springs and the DLVSP area. Planning, maintenance and construction of improvements for regional facilities falls within the broad management responsibilities with which CVWD is charged. Of primary concern to CVWD are rivers, major streams and tributaries, as well as areas of substantial sheet flow.

The project site lies within the northwestern edge of the Coachella Valley Water District's (CVWD) service area; however, CVWD has neither the infrastructure nor immediate plans to provide stormwater management facilities to the Specific Plan area. The other nearby municipalities, Desert Water Agency (DWA) and Mission Springs Water District (MSWD), have infrastructure in closer proximity to the project site than CVWD, but still at a significant distance from the site.

Existing Drainage Infrastructure

There are no existing storm drain systems off-site or on-site for the proposed project. Natural drainage channels convey the storm runoff onto the project site on the north side and continue through the project site toward the south side, with storm runoff generally characterized as sheet flow to the existing drainage swale along I-10, which continues in a southeastern direction.

There is currently only one drainage area within the project site. It consists of the entirety of the property that is south of Varner road and contains an approximate area of 87.3 acres (the remaining 36.1 acres are natural and open spaces). The drainage area produces a 100-year storm peak flow rate of 176.7 cubic feet per second (cfs).

Hydraulic Modeling

J.E.Fuller Hydrology and Geomorphology, Inc. (Fuller) prepared the *Desert Land Ventures and Desert Dunes Geomorphic and Flood Hazard Assessment*, which included a Flowpath Uncertainty Assessment. The report presents the MIKE FLOOD hydraulic model results for existing conditions and four potential avulsion (change in flow direction) scenarios developed by Fuller hydrologists in their report.

The Flowpath Uncertainty Assessment evaluated four different scenarios to test the impact of fan avulsion on the distribution of the flows over the project area. The results obtained from placing artificial levees were compared to the distribution of the same flows under existing conditions. For each of the three scenarios, the maximum, 100-year effective discharge was calculated across several segments that make up the project boundaries.

The baseline existing conditions, and the proposed design conditions were modelled on a domain that included the project property, with enough surrounding area to eliminate the influence of boundary condition effects on the design project water surface elevations. The model area extended south of I-

10 s9 that impounding and overtopping along I-10 could be captured by the 2D models. The flow depths about the project in the existing condition are shown in *Exhibit 4.9-2, Existing Condition Flow Depth*.

Regulatory Setting

Federal Clean Water Act

The Clean Water Act (CWA) is the principal federal law that provides for the protection of water quality. The primary objectives of the CWA are to: *restore and maintain the chemical, physical, and biological integrity of the Nation's waters, and to make all surface waters fishable and swimmable*. The U.S. Environmental Protection Agency (EPA) is the designated federal agency responsible for implementing the CWA and it has further delegated authority to the State Water Resources Control Board (SWRCB) and associated Regional Water Quality Control Boards (RWQCB) for compliance with the CWA. The SWRCB is sanctioned under the California Porter-Cologne Water Control Act with the authority to adopt, review, and revise policies for all waters of the State as well as directing the Regional Water Quality Control Boards (RWQCB) around the State to develop regional basin plans. Relevant programs identified in the CWA include the National Pollution Discharge Elimination System (NDPES) program which regulates discharge of pollutants from known sources (point sources), as well as non-point sources, into waters of the United States through the issuance of permits. As part of the NPDES program, a Storm Water Pollution Prevention Plan (SWPPP) must be prepared for construction activities affecting greater than one acre because the discharge of stormwater during construction is considered a non-point source of water pollution.

Surface water quality is the responsibility of each RWQCB agency, water supply and wastewater treatment agencies, and City and County governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of wastewater discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water.

The City of Desert Hot Springs is located in the Colorado River Basin Regional Water Quality Control Board (CRWQCB). The Colorado River Basin Region covers approximately 20,000 square miles in the southeastern portion of California, including the Coachella Valley and other areas in Eastern Riverside County, all of Imperial County and parts of San Diego County. It is bounded on the east by the Colorado River; on the south by the Republic of Mexico; and on the west and north by several mountain ranges.

National Flood Insurance Program

As mandated by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized federal flood insurance to residents of communities where future floodplain development is regulated. FEMA has developed Flood Insurance Rate Maps (FIRMs) for many areas in the United States to determine the

need for and availability of federal flood insurance. FIRMs assist the federal government in establishing appropriate flood insurance premiums as well as determining elevations and flood proofing measures. Through the National Flood Insurance Reform Act (1994) established grant programs for flood mitigation is provided to states and local communities. The Community Rating System (CRS) was instituted through the 1994 legislation, and implements a system by which communities that manage and protect natural floodplain functions and erosion hazards are credited.

The City of Desert Hot Springs has held NFIP membership since 1979. Most recent Desert Hot Springs FIRM maps were updated in 2008. Property owners in the City are therefore eligible for flood insurance, and must purchase insurance prior to obtaining financing to buy, build or improve structures in a Special Flood Hazard Zone based on FEMA mapping.

FIRM maps include a variety of flood risk information based on historic, meteorological, hydrologic and hydraulic data, and on existing development, open space and topographic conditions within an area. They also incorporate the results of engineering studies conducted by FEMA, which establish the "base flood" (100-year flood). Areas subject to the 100-year flood are considered at high risk of inundation. FEMA uses these data to delineate Special Flood Hazard Zones.

FIRM maps are subject to updates as local conditions, including development, hydrologic conditions, populations, and other variables may change frequently. All areas of flooding are not necessarily identified on these maps. It has set a goal of creating digital maps to delineate 65 percent of the continental U.S. and 92 percent of the population.

Flood Hazard Zones in the Planning Area

Flood Hazard Zone data from corresponding FIRM Community Panels (maps) for the Desert Land Ventures Specific Plan area is described below and shown on Exhibit 4.9-3, *FEMA Flood Zones and Hazards.*

As noted above, FIRMs for Desert Hot Springs were published in 2008.

Zone A: Areas of 100-year flood where no base flood elevations or depths are shown. Requires flood insurance.

Zone AO: Areas of 100-year flood with average depths of 1-3 feet, generally from sheet flow on sloping terrain. Requires flood insurance.

Zone X: Areas of 500-year flood with average depth of less than 1 foot or less than one square mile drainage area; and protected by levees from 100-year flood. No base flood elevations or depths are shown. Flood insurance available but not required.

Zone D: Areas where flood hazards are undetermined but flooding is possible. Flood insurance available but not required.

The Specific Plan area is located in an area on the FEMA FIRM that is designated as Zone A (see Exhibit 4.9-3), which is defined by FEMA as an area of 100-year flood where no base flood elevations or depths are shown and requires flood insurance.

Water Supply Assessment

Requirements for the preparation of a Water Supply Assessment (WSA) are set forth in Senate Bill 610 (SB 610), which was enacted in 2001 and became effective January 1, 2002. SB 610 amended Section 21151.9 of the Public Resources Code, requiring cities and counties to request specific information on water supplies from the public water system (PWS) that would serve any project that is subject to CEQA and is defined as a "Project" in Water Code Section 10912. The information must be incorporated into the environmental document prepared, pursuant to CEQA.

State Water Code Section 10912 Defines a "Project" as any of the following:

1. A proposed residential development of more than 500 dwelling units.
2. A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
4. A proposed hotel or motel, or both, having more than 500 rooms.
5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
6. A mixed-use project that includes one or more of the projects specified in this subdivision.
7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Effective January 1, 2017, SB 1262 amends Water Code Section 10910, the WSA statute, to require that SGMA-related information be included in a WSA if a water supply for a proposed project includes groundwater from a basin that in not adjudicated and is designated medium or high-priority, as discussed earlier.

4.9.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Water resources that would apply to the development of the Desert Land Ventures Specific Plan:

Water Resources Goals, Policies, and Programs

GOAL 1

A dependable long-term supply of clean and healthful domestic water and hot mineral water to meet the needs of all segments of the community.

Policy 1

To the greatest extent practical, require the use of low water consuming, drought tolerant landscape plantings as a means of reducing water demand, and coordinate with DWA, MSWD and CVWD to strengthen education/public relations programs to inform residents of the full range of water saving techniques available.

Program 1A

Continue the implementation of the water conservation-oriented landscape ordinance in compliance with State Assembly Bill 325 (AB 325), by requiring the use of natural and drought resistant planting materials and efficient irrigation systems.

Policy 2

The City shall encourage, facilitate and/or require the use of water conserving appliances and fixtures in all new development, as required by state law.

Program 2A

The City shall provide information on the use of low-flush toilets, and low-flow showerheads and faucets, and shall require the application of water conserving technologies in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.

Policy 3

The City shall confer and coordinate with the DWA, MSWD and CVWD to enhance groundwater recharge concurrent with prudent flood plain management.

Program 3B

Establish regulations and guidelines for the development and maintenance of project-specific retention/detention basins, which implement the NPDES program, enhance groundwater recharge and complement regional flood control facilities.

Policy 4

Coordinate with the Desert Water Agency, Mission Springs Water District, Coachella Valley Water District, the California Regional Water Quality Control Board and other appropriate agencies to share information on potential groundwater contaminating sources.

Program 4B

Evaluate all proposed land use and development plans for their potential to create groundwater contamination hazards from point and non-point sources, and confer with other appropriate agencies to assure adequate review.

4.9.4 Project Impact Analysis

Thresholds of Significance

The thresholds are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential effect. Development of the DLVSP would have a significant effect on hydrology and water quality if it is determined that the project will:

a. Violate any water quality standards or wastewater discharge requirements.
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses as planned uses for which permits have been granted)?
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on- or off-site.
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in flooding on- or off-site.
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or substantially degrade water quality.
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
g. Place within a 100-year flood hazard area structures which would impede or redirect flood flow.
h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a levee or dam.
i. Inundation by seiche, tsunami, or mudflow.

a. Violation of Water Quality Standards or Waste Discharge Requirements

Construction activities within the Specific Plan area could expose soils to erosion from rainfall, runoff, and wind. Wind erosion could result in the generation of fugitive dust, which is addressed in Section 4.3, *Air Quality*. Erosion from rainfall and runoff is more problematic because pollutants from heavy

equipment or construction related materials, such as diesel, gasoline, oils, grease, solvents, lubricants, or other petroleum products could mix with the water and run offsite.

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

A copy of the SWPPP prepared by a Qualified SWPPP Developer (QSD) and implemented by a Qualified SWPPP Practitioner (QSP) must be maintained and updated for each project site and available for review during the entirety of the construction period.

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

Therefore, through implementation of Regulatory Requirement RR-8 and RR-12, all applicants proposing developments within the project site that disturb one acre or more will be required to prepare and implement a SWPPP during construction and prepare and implement a WQMP for post construction at each site. This will ensure that the project's impact to water quality will be reduced to less than significant with the proper operation and maintenance of structural BMPs, continued use of non-structural BMPs such as education programs for local residents, property owners, operators, tenants, occupants, or employees, and continued inspection of low impact development/treatment BMPs such as inspection of infiltration basins.

b. Depletion of Groundwater Supplies or Interference with Groundwater Recharge

A WSA was prepared for the DLVSP that provides estimates of existing water demand within the CVWD service area and the projected water demands that would be generated from Implementation of the DLVSP.

Proposed Water Supply Sources

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

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

of-way, north in the Palm Drive right-of-way and then west in the 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue (See Exhibit 3-11).

Because the DLVSP site is in CVWD's Water Service Area, a Water Service Agreement will need to be finalized between CVWD and MSWD in order to address roles of both agencies in providing potable water to the project site. The project proponent has been coordinating with both CVWD and MSWD to develop water supply options and MSWD supplied a will-serve letter to the project proponent, agreeing to provide water services to the project site due to its close proximity to the MSWD service area. The will-serve letter is included as Appendix F5 in this EIR.

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

Proposed Development

Project water demand was estimated using the land uses proposed in the DLVSP. The sources used to estimate the water demand per land use are as follows:

Indoor Commercial Demand

AWWA Research Foundation's Commercial and Institutional End Uses of Water (2000) provides the selected commercial units use coefficients for mixed-use commercial/industrial development projects located in desert areas within southern California and Arizona. These coefficients set water efficiency benchmarks for specific commercial uses and are applicable to the mixed-use commercial/industrial developments. Unit use coefficient of 0.26 gallons per day (gpd) is used for the hotel land use, and 0.11 gpd is used for the proposed mixed-use commercial/industrial land uses in the Desert Land Ventures Specific Plan.

The total water demand for indoor commercial uses is estimated to be 58.29 acre-feet per year (AFY).

Medical Marijuana Greenhouse Cultivation Water Demand

Currently, there is no an established water consumption standard for medical marijuana greenhouse cultivation in CVWD's service area. An average of 4.12 AFY/acre of water is used as a standard by the City for greenhouse cultivation of medical marijuana. Recent studies show that marijuana greenhouse cultivation water demands on a per plant basis can range from 0.5 gpd/plant to 3 gpd/plant depending on the grow method and associated growth stage. The specific grow method proposed for the project is

currently unknown. Therefore, the water demand factor of 4.12 AFY/acre was increased to reflect a potentially higher water demand based on the average water demand for multiple grow methods & growth stages. For the purposes of the WSA, a factor of 7.41 AFY/acre is used for projecting cultivation water demands. This demand factor accounts for recycling (30% return) of any unused cultivation water, which is a standard practice in medical marijuana cultivation. The AWWARF general commercial/industrial factor was used for the mixed-use areas. The total water demand for cannabis cultivation practices on the project site is estimated to be 308.18 AFY.

Landscape Irrigation and Outdoor Water Demand

Landscape water demand for the Project is based on the estimated landscape irrigation area and water usage equations of the District's Ordinance No.1302.1 (Landscape ad Irrigation System Design Criteria). This method ensures that a sufficient budget is provided to have a sustainable landscape that meets the criteria established in CVWD's ordinance and DLVSP.

The overall goal of the CVWD's Ordinance 1302.2 is to reduce landscape water use, reduce or eliminate runoff in streets, and limit turf. As applicable to the DLVSP, CVWD's Maximum Applied Water Allowance (MAWA), as outlined in CVWD's Ordinance No. 1302.2, is a calculative tool used to estimate outdoor irrigation usage. The MAWA complies with Division 2, Title 23, California Code of Regulation, Chapter 7, Section 702 and is found in Appendix D of Ordinance 1302.2.

The following factors are pertinent to the Project:

- Outdoor irrigation based on CVWD's MAWA; and
- Common area landscape (e.g. parks, catchments, medians) based on MAWA.

Currently, Southern California Gas Company's gas transmission lines are present under a portion of the project site; therefore, the type and amount of landscaping that may be planted along the easement shall be in accordance with the Southern California Gas Company's "General Design Parameters for Development Near Gas Transmission Facilities." Landscape improvements may include but not be limited to drainage swales and parkway landscaping. The total outdoor annual water demand is estimated to be 38.97 AFY.

Total Project Water Demand

At build out, the DLVSP total indoor and outdoor domestic water demand is expected to be approximately 405.44 AFY, or 0.35 percent of the total water supply (114,600 acre-feet per year) for the CVWD service area in 2020 and would represent 0.20 percent of the total water supply (194,300 AFY) for the CVWD service area in 2040 as identified in the CVWD 2015 UWMP for the period from 2020 to 2040. Project-specific estimates include water demand for industrial, commercial, and landscaping uses. The summary of Project water demands is shown in Table 4.9-1, *Water Demand Projections.*

Table 4.9-1 Water Demand Projections

	Land Use	Annual Demand (AFY)
Project Water Demand Breakdown	Industrial	308.18
	Commercial	58.29
	Landscaping	38.97
	TOTAL	405.44

Source: Terra Nova Planning and Research Inc., Water Supply Assessment for the Desert Land Ventures Specific Plan, Table 4, September 2017.

Under Option 1, connecting to the MSWD water main, there is evidence based on the WSA, to support a determination that there will be sufficient water supplies to meet the demands of the project and future demands of the project plus all forecasted demands in the next 20 years. This is based on the volume of water available in the aquifer, CVWD's Colorado River contract supply, SWP Table A amounts, and water rights and water supply contracts and CVWD's commitment to eliminate overdraft and reduce per capita water use in CVWD's service area.

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

If either Option 1 (connecting to MSWD's supply) or Option 2 (a well) is implemented, a Replenishment Assessment would need to be processed in accordance with the State Water Code prior to development. If approved by the State Water Resources Control Board (SWRCB), would require all water wells (under Option 2) to be equipped with a water measuring device to be maintained by CVWD. Under Option 1, the proposed project would also require a water measuring device to be maintained by MSWD.

Therefore, with implementation of State requirements and CVWD and MSWD monitoring of the project's water supply source, full build-out of the DLVSP will have a less than significant impact on groundwater resources.

c. Alteration of Existing Drainage Pattern Which Would Result in Erosion or Siltation

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

A large portion of the currently vacant project site will be developed with impervious surfaces during construction. Therefore, development will reduce the amount of area that can be impacted by erosion during storm events. Additionally, the site will be designed to direct all storm flows toward the nine proposed onsite infiltration basins via surface storm drain, catch basins and drainage swales. The infiltration basins will be designed to contain a 100-year, 24-hour storm event per Chapter 13.08 of the Desert Hot Springs Municipal Code. Furthermore, preparation and implementation of a project-specific WQMP will further reduce impacts associated with storm flows onsite. Therefore, project drainage design and implementation of a WQMP and SWPPP will ensure that onsite stormwater runoff does not cause substantial erosion in the vicinity and impacts will be less than significant.

d. Alteration of Existing Drainage Pattern Which Would Increase Surface Run-off, Resulting in Flooding

The existing flows and anticipated onsite flows associated with the project are shown in Table 4.9-2, *Summary of Hydrology Analysis,* analyzed using the 100-year storm with 1-hour and 24-hour storm periods. The total additional runoff generated by commercial development of the DLVSP is anticipated to be 196.6 cfs for a 100-year storm event.

4.9-2 Summary of Hydrology Analysis

Existing (1)				Proposed (2)				Difference (3) = (2) - (1)		
Drainage Area	Area (ac)	10-year (cfs)	100-year (cfs)	Drainage Area	Area (ac)	10-year (cfs)	100-year (cfs)	Area (ac)	10-year (cfs)	100-year (cfs)
Overall Project	87.3	82.5	176.7	A	1.0	2.6	4.6	N/A	N/A	N/A
				B	1.5	3.2	5.7			
				C	0.7	1.7	2.9			
				D	1.2	2.3	4.0			
				E	19.2	42.4	76.3			
				F	28.2	67.6	121.4			
				G	24.8	53.2	94.8			
				H	7.9	13.9	25.7			
				I	2.7	5.9	10.9			
Total	**87.3**	**82.5**	**176.7**	**Total**	**87.2**	**192.8**	**346.3**	**-0.1**	**110.3**	**169.6**

Source: Hunsaker and Associates, Hydrology Analysis for Vesting TTM No. 37185, Table 1, August 2016.

Based on the Hydrology Analysis prepared for the project, nine drainage areas are proposed on the project site that will comply with the Stormwater Management and Discharge Controls outlined in Chapter 13.08 of the Desert Hot Springs Municipal Code. Each drainage area would be tributary to an infiltration basin and infiltration basins would be sized to contain the 100-year, 24-hour duration storm event. The infiltration basins would also be designed for low impact development and include water quality treatment. The proposed drainage on the project site is shown on Exhibit 4.9-4, *Project Site*

Drainage Plan. The exhibit shows the proposed location of storm drains, drainage swales, catch basins, and infiltration basins that would be developed to mimic an overall drainage path that is similar to the existing condition with all the project flows sheet flow to the existing drainage swale along I-10.

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

e. Runoff Water that Would Exceed Capacity of Existing Stormwater Drainage Systems

The proposed stormwater drainage condition involves implementation of 9 drainage areas with each drainage area tributary to an infiltration basin. The overall drainage path is similar to the existing condition with all project sheet flow to the existing drainage swale along Interstate 10. The project provision of 9 on-site stormwater infiltration basins will comply with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03). The provided basin capacities are sized to contain the 100-year 24-hour duration storm event and therefore meet the City's requirements on Stormwater Management and Discharge Controls and minimize the discharge and transport of pollutants associated with new developments.

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

f. Degradation to Water Quality

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

1) Reverse Osmosis

A reverse osmosis (RO) water purification treatment system uses a semipermeable membrane and high pressure to remove ions, molecules, and larger particles from water. Irrigation water infused with fertilizers for cannabis cultivation would be sent through an RO system to remove fertilizers and be purified to be reused for irrigation. The bi-product result of this process is the accumulation of concentrated levels of total dissolved solids (TDS) and brine solutions in filter, which can be hazardous to the groundwater supply if not treated and disposed of properly. Therefore, if RO is utilized, the

applicant must provide documentation to the City of how concentrated levels of TDS and brine solutions will be disposed of and the licensed entity that will be appointed in receiving the TDS waste, implemented through Mitigation Measure HAZ-1.

2) Hydroponics

Hydroponics is a method of growing plants in a water-based, nutrient rich solution. This growing method does not utilize soil, rather the root systems of the cultivated plants are supported using an inert growing medium such as clay pellets, rockwool, or perlite. The water-based, nutrient rich solution, or hydroponic water media, is replaced periodically and recycled and reused until concentrations of the water media's total dissolved solids is so high that the media is determined as unusable. Prior to issuance of Certificate of Occupancy, any applicant that proposes to recycle and discharge onsite wastewater involving the use of a hydroponic grow system will be required to notify the City prior to initial discharge of hydroponic water media. Testing must be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been installed and wastewater has been retested to ensure TDS concentrations are below the maximum allowable threshold. Mandatory testing for hydroponic practices will be implemented through Mitigation Measure HAZ-5.

Implementation of Mitigation Measure HAZ-1 and HAZ-2 will ensure that TDS from cultivation practices will not enter the sewer system and impacts to water quality will be less than significant.

g. Housing within a 100-year Flood Hazard Area

The Specific Plan area is relatively flat with low lying desert plants and Sonoran Creosote Bush Scrub. FIRM Panel 06065C0895G shows that the project site is located in Zone A, which includes areas of 100-year flood zone where no base flood elevations or depths are shown. However, the Specific Plan's proposed land uses consist of mixed industrial and commercial use and open space/conservation, with no plans to develop any residential-dwelling uses. Therefore, development of the Specific Plan will not place housing structures within a 100-year flood hazard area and there will be no impacts.

h. Structures in 100-year Flood Hazard Area that would Impede or Redirect Flood Flows

The project site is located within FEMA Zone A on the effective FEMA FIRM panel. The Zone A designation implies that the area is subject to one percent annual chance flooding of some unspecified depth, with no specific base flood elevations (BFEs) calculated or shown on the map. The proposed project includes development for light industrial use, with a complementary mix of commercial and hotel facilities adjacent to I-10. Development on the DLV project property requires a complete analysis and quantification of the regional flood hazards, and creation of a project design that provides regional flood protection.

Local hydraulics at the project site were performed to establish the flood depths and flow velocities and ensure that the project design provides flood protection. The modelling analyzed the effects of overland flow impinging on the project, the effects of flow conveyed in the Mission Creek channel at the northwest side of the property, the effects of water impounded north of the I-10, and the effects of the proposed project development grading.

Based on the results of the hydraulic modeling conducted for the project site, the proposed drainage plan was created to provide flood protection to the project development areas, and to not adversely interfere with the normal course of regional drainage. Proposed project drainage would consist of multiple large development pads that will remain dry during a large runoff event, and corridors between the pads to allow impinging surface runoff to flow through the project property and thus maintain the existing regional flow patterns. In this design, a portion of the project site, on elevated pads, would be developable. The remainder of the project site would consist of roadways, parking, water quality basins, open space landscaping, and other uses that are permissible in a mapped floodplain and would remain at or near existing grade. Flow depths associated with the proposed development are shown in Exhibit 4.9-5, *Proposed Project Flow Path*. In order for the structures developed on the project site to be protected from potential flooding, implementation of Mitigation Measure HWQ-2 would be required to ensure that building pads are elevated above the FEMA floodplain base flood elevations.

Floodplain Mapping

The proposed elevated development pad areas would be removed from the mapped FEMA floodplain and developed. At a subsequent development phase, prior to construction document preparation, specifics of the project grading and flood hazard drainage design will be analyzed and specified in a final flood hazard and design report. The final flood hazard report will document the final project design for conformance with FEMA regulations and the City of Desert Hot Springs Floodplain Management and Construction requirements as detailed in the Municipal Code. FEMA and the City of Desert Hot Springs require the lowest floor of all structures to be at or above the calculated Base Flood Elevations (BFEs).

To comply with National Flood Insurance Program (NFIP) requirements, the project proponent would be required to obtain revisions to the effective Flood Insurance Rate Map (FIRM). Since NFIP regulations prohibit grading and construction operation in a mapped floodplain that would result in changes to the BFEs, the first step would be to obtain a Conditional Letter of Map Revision (CLOMR) for the project, which would be implemented with Regulatory Requirement RR-13. This process would allow the local floodplain management authority, The City of Desert Hot Springs, and FEMA to review the proposed design, analysis, and changes to the floodplain. Once the CLOMR is issued by FEMA, grading and construction operations would be permitted, and the project may be constructed.

After all elements of the project that would affect the floodplain, such as site grading and embankment protection, are constructed, the second step would be to obtain a Letter of Map Revision (LOMR) for the project, which would be implemented with Regulatory Requirement RR-14. This process would mirror

the CLOMR process, and would allow The City of Desert Hot Springs and FEMA to review the constructed project, final analysis, and the final revised floodplain mapping.

With implementation of Mitigation Measure HWQ-2 and Regulatory Requirements RR-13 and RR-14, the proposed project would be designed to raise building pads to an elevation that would no longer be at risk of flooding during a 100-year storm and the corresponding FEMA FIRM panel would be revised accordingly. Therefore, impacts would be less than significant.

i. Expose People or Structure to Risk of Flooding, Including Failure of Levee or Dam

Impacts associated with flooding due to development of the DLVSP are discussed in 4.9.4.d above. The project site is not located near a levee or a dam that would increase impacts associated with flooding if failure occurred. Therefore, the drainage plan developed for the DLVSP will be designed in accordance with the City's Municipal Code and drainage improvements that are developed on the project site will contain the anticipated storm flows onsite. Impacts associated with flooding will be less than significant.

j. Inundation by Seiche, Tsunami, or Mudflow

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

4.9.5 Cumulative Impacts

Development of the project site with the DLVSP has the potential to create cumulative impacts on hydrology and water quality. The WSA prepared for the proposed project concluded that CVWD would have sufficient water resources to supply the project at build out. Nonetheless, the project would contribute to a cumulative increase in groundwater demand that could result in overdraft if no countermeasures are enforced. In accordance with SWRCB regulations, either water supply option (A or B) would require the applicant to process a Replenishment Assessment prior to development because the total project water demand is estimated to be greater than 25 AFY. Once processed, a monitoring device would be installed at the water hookup (pipe or well) to measure the actual water demand on the site. Replenishment Assessment funds would contribute to groundwater replenishment programs that aim to recharge the aquifer, as outlined in the 2015 UWMP. Therefore, the applicant's payment of the RAC would contribute to aquifer replenishment efforts and reduce the overall amount of water removed from the aquifer.

Although new projects will increase runoff as a result of development of parking and building structures, the project applicant has developed a drainage plan (Exhibit 4.9-4) that is compliant with Chapter 13.08 of the Desert Hot Springs Municipal Code, and capable of containing a 100-year, 24-hour storm event. The containment of onsite storm flows will reduce impacts on the natural drainage facilities south of the project site where historic flows from the site would normally be deposited. Additionally, regulatory

requirements RR-8 and RR-12, requiring preparation and implementation of SWPPPs and WQMPs with best management practices (i.e., landscaped swales, porous pavers, etc.) would assure that individual projects maintain onsite permeability to a degree that does not cumulatively add to the project area's overall runoff potential. Additionally, based on hydrologic analysis conducted for the proposed project, the project site would be designed with six elevated development pads to protect buildings and the remainder of the site would be designed as flow corridors that preserve existing regional flow patterns. Therefore, the project is not expected to have a cumulative impact with regard to flooding in the vicinity.

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

4.9.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

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

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

The following mitigation from Section 4.8, *Hazards and Hazardous Materials,* applies to Hydrology and Water Quality as well:

HAZ-1 Prior to issuance of Certificate of Occupancy, the project applicant(s) that propose to recycle onsite wastewater involving the use of a reverse osmosis (RO) wastewater purification system shall provide the City with information on how concentrated levels of TDS and brine solutions will be disposed of. Proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the cultivation site will be required.

HAZ-2 Prior to construction of any new building where cannabis cultivation utilizing a hydroponic growing system is proposed, the project applicant(s) shall provide the City and the Riverside County Department of Environmental Health with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation. This description shall include how the project applicant(s) will test and dispose of wastewater to the on-site centralized package treatment plant.

Regulatory Requirements

RR-12 Prior to issuance of building permits on vacant parcels within the DLVSP site, a WQMP for post-construction conditions shall provide a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

RR-13 Prior to issuance of grading permits, the project proponent must obtain a CLOMR from FEMA for the proposed development areas on the project site.

RR-14 Prior to issuance of building permits, the project proponent must obtain a LOMR from FEMA to finalize the revised floodplain mapping.

The following regulatory requirement from Section 4.8, *Hazards and Hazardous Materials,* applies to Hydrology and Water Quality as well:

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

4.9.7 Level of Significance After Mitigation

With implementation of mitigation and regulatory requirements discussed herein, impacts with regard to Hydrology and Water Quality would be less than significant.

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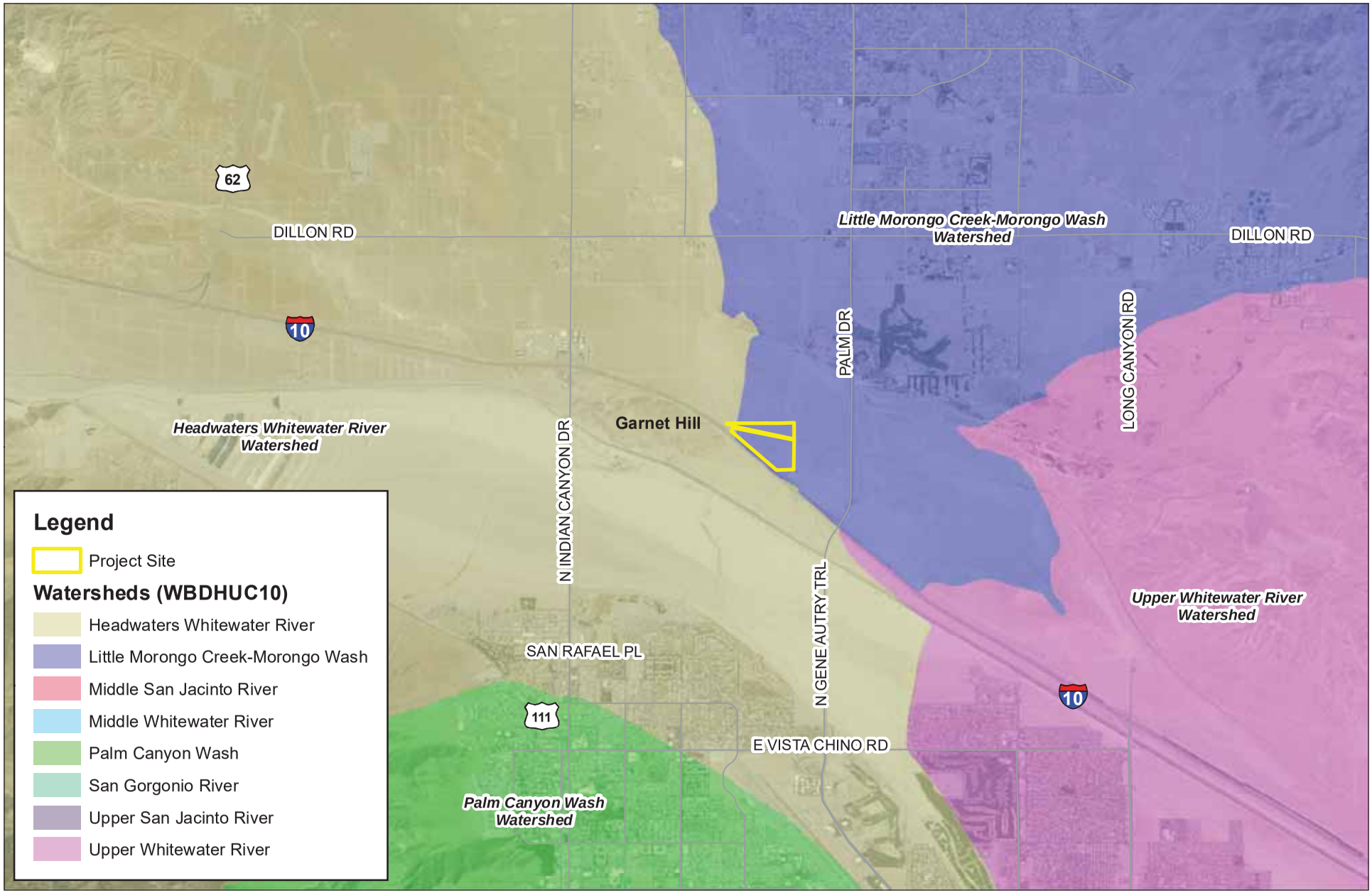

1 inch = 7,750 feet

The Altum Group

Watersheads (WBDHU10)
Desert Land Ventures Specific Plan EIR

Exhibit
4.9-1

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, USGS, County of Riverside

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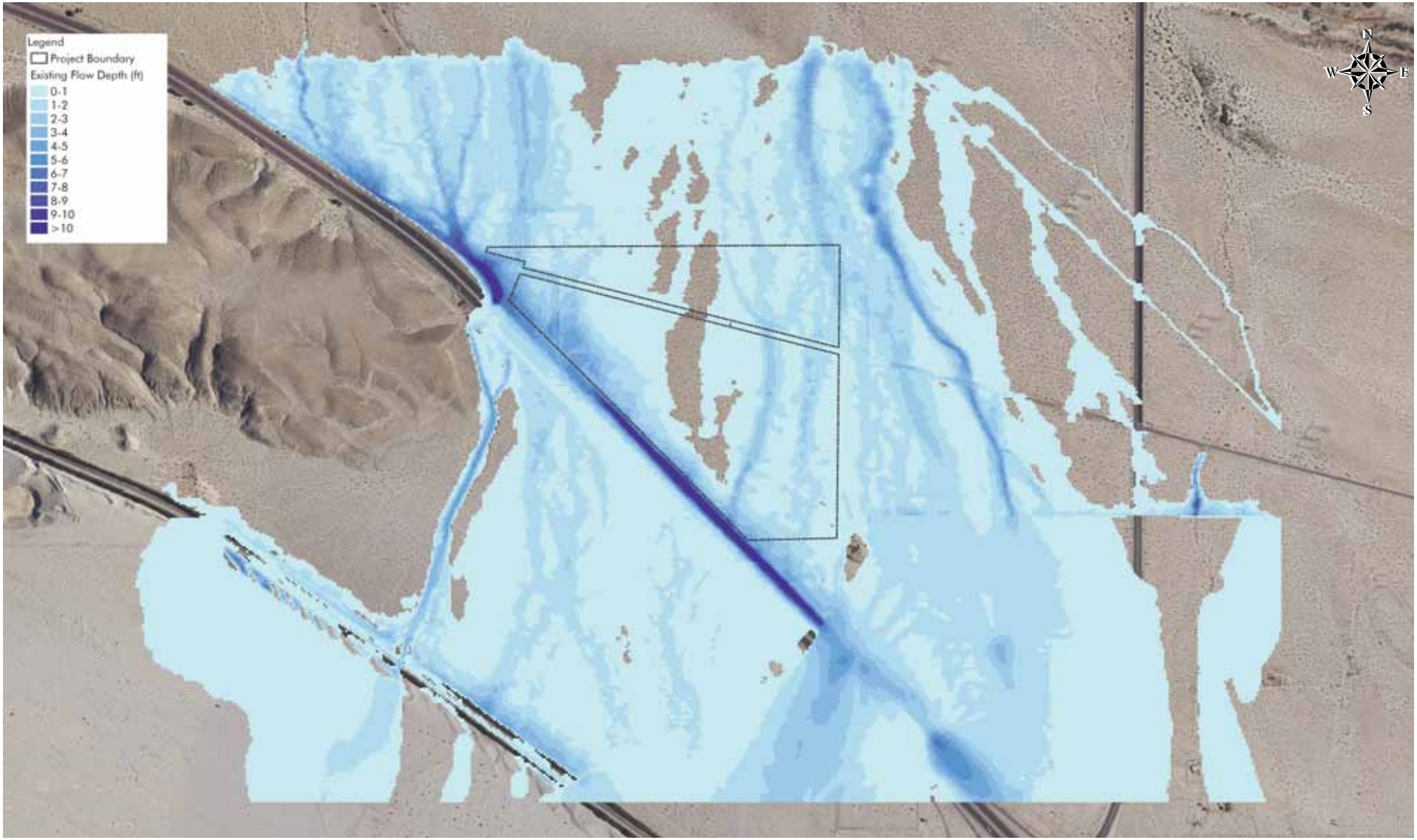

Source: PACE Advanced Water Engineering., 2017

The Altum Group

Existing Condition Flow Path
Desert Land Ventures Specific Plan EIR

Exhibit
4.9-2

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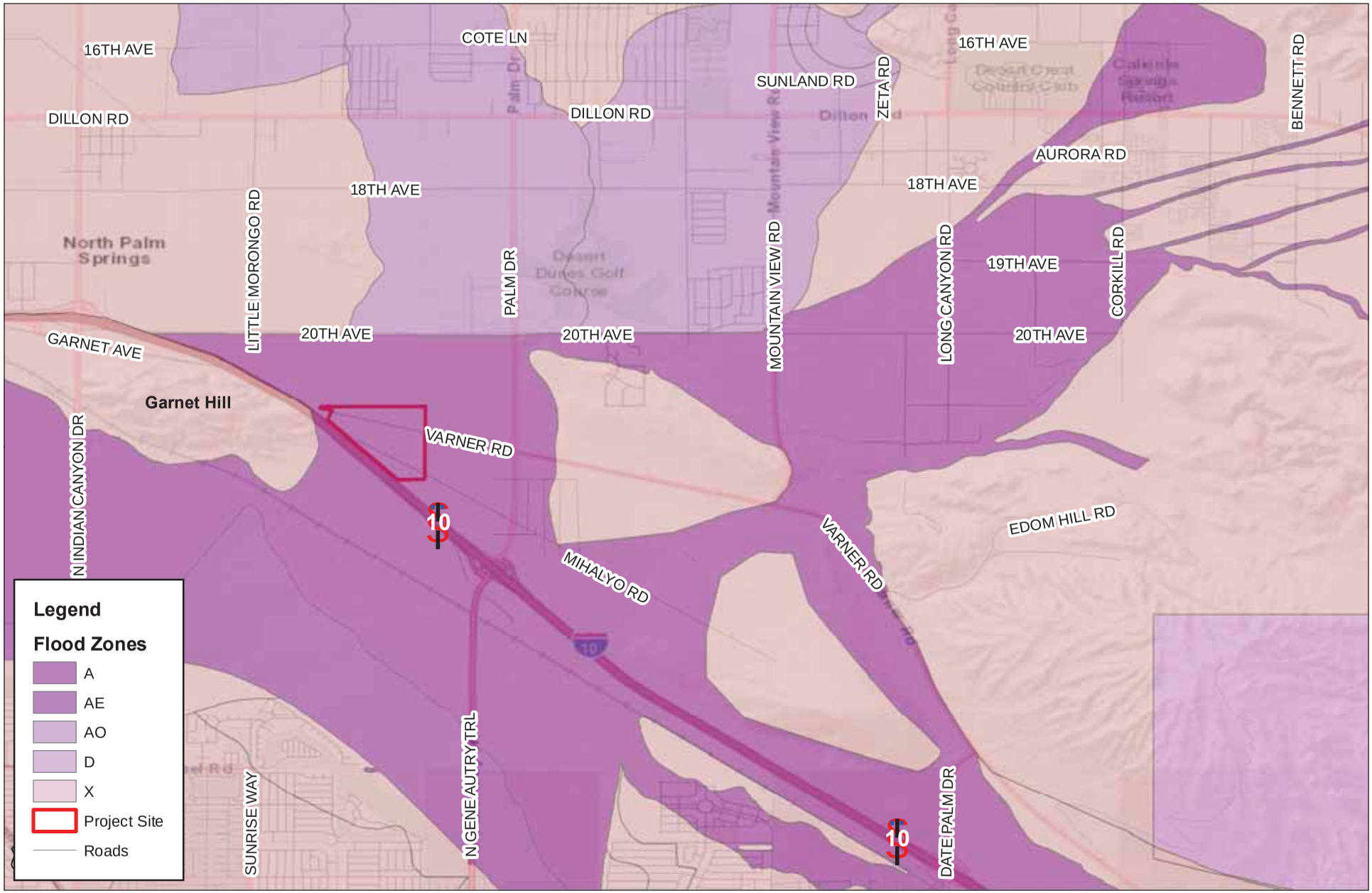

1 inch = 5,000 feet

The Altum Group

FEMA Flood Zones and Hazards
Desert Land Ventures Specific Plan EIR

Exhibit 4.9-3

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, CVAG, County of Riverside

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Source: Hunsaker & Associates, 2017

The Altum Group

Project Site Drainage Plan
Desert Land Ventures Specific Plan EIR

Exhibit
4.9-4

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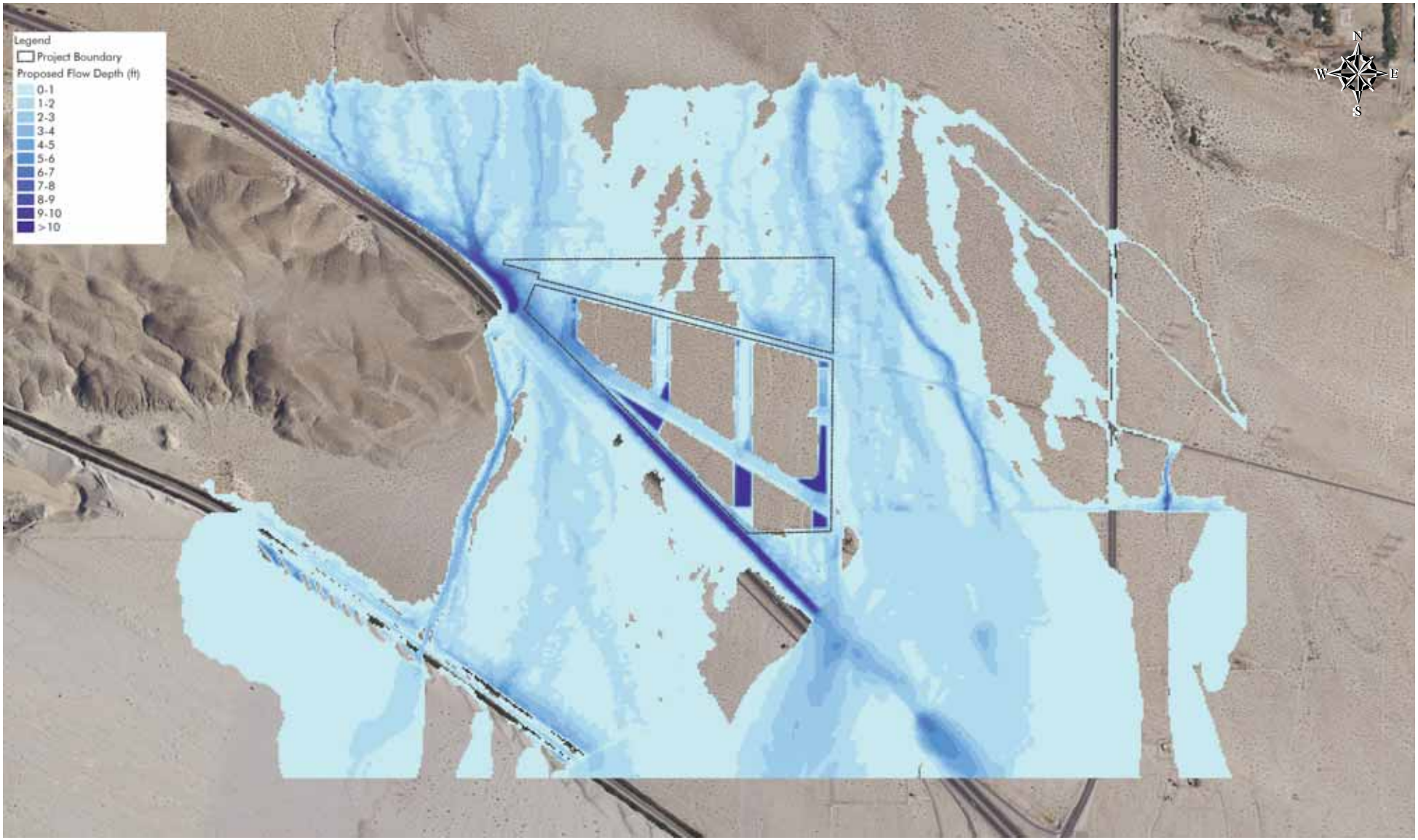

Source: PACE Advanced Water Engineering., 2017

The Altum Group

Proposed Project Flow Path
Desert Land Ventures Specific Plan EIR

Exhibit
4.9-5

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4.10 Land Use and Planning

4.10.1 Introduction

This section of the EIR addresses potential impacts and opportunities associated with land use and planning resulting from implementation of the DLVSP. The existing conditions, within the project site and surrounding vicinity, along with the proposed land use designations are described within this section. Sources used to prepare this section are included in Chapter 8, *References,* at the end of this EIR.

4.10.2 Environmental Setting

The DLVSP consists of approximately 123.4 acres of undeveloped open desert land with shrubs, boulders and rocks scattered throughout the area and is located north of Interstate 10 (I-10) and west of the intersection of Palm Drive and Varner Road (see Exhibit 3-2 in Chapter 3, *Project Description*). The project area is in the largely undeveloped southern portion of the Desert Hot Springs and lies approximately 5.25 miles south of the City's downtown core. The project area is generally bounded by I-10 freeway to the south; Mission Creek to the west; the Willow Hole Conservation Area of the CVMSHCP to the north; and vacant land to the east. Regional access is provided by the I-10 freeway, with local access provided via Palm Drive and Varner Road. Existing conditions for the DLVSP project site are shown in Exhibit 3-3 in Chapter 3, *Project Description*.

As shown in Exhibit 3-3 there is very little developed land surrounding the project site. The only exception is an existing occupied residence just beyond the southeastern end of the project area. Beyond this at approximately 0.6 mile southeast from the project are two gas stations, the Arco AM/PM Station and minimart and a Chevron Station with minimart and a sit down, drive-thru fast-food restaurant (Jack in the Box) are all located southeast of the project area, on Palm Drive just north of the I-10/Palm Drive intersection. Mission Creek is located approximately 320 feet west of the project area's northwestern boundary and Garnet Hill is located approximately 1,000 west, across the I-10 freeway.

General Plan and Zoning Designations

The project site is part of a larger 4,000-acre area that was the subject of an annexation - the I-10 Community Annexation - approved by the Riverside County Local Agency Formation Commission (LAFCO) in 2010. The Existing General Plan and Zoning Designations within the 123.4-acre project area are Light Industrial (LI) and Rural Desert (RD) (See Exhibit 3-4, Existing General Plan and Zoning Land Use Designations). The RD and LI designations are representative of Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L).

Riverside County General Plan Land Use Designation Definitions

Light Industrial (LI) - The Light Industrial land use designation allows for a wide variety of industrial and related uses, including assembly and light manufacturing, repair and other service facilities, warehousing, distribution centers, and supporting retail uses. Building intensity ranges, currently adopted under this designation, are from 0.25 to 0.6 Floor Area Ratio (FAR). It should be noted that the FAR may be subject to change upon when the City's Draft General Plan is drafted and the corresponding zoning is changed.

Rural Desert (RD) - The Rural Desert land use designation allows for single family residences, limited agriculture and animal keeping uses, with a maximum residential density of 1 dwelling unit per 10 acres. Limited recreational uses; renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources; compatible resource development (which may include the extraction of mineral resources with approval of a surface mining permit); governmental and utility uses are also allowed within this designation. This designation is generally applied to remote desert areas characterized by poor access and a lack of water and other services. Neighborhood-serving small-scale commercial uses that are compatible with the surrounding uses are allowed.

Desert Hot Springs Zoning Designation Definitions

Residential Estates (R-E-10) – This designation provides for single-family residential development on lots with a 10-acre minimum in size. This land use provides intermediate steps in development density between more typical open space lands and low residential densities by providing lots sufficient in size for rural, estate lifestyle and various recreational land uses. The R-E-10 designation also provides adequate size in area to limit site and environmental impacts.

Light Industrial (I-L) – This designation provides for business parks and the development of any and all industrial uses operating entirely in enclosed buildings, and those requiring limited and screenable outdoor storage. Additional examples of land uses permitted within this designation include clean manufacturing operations, energy generation, warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing businesses. Siting Industrial lands in close proximity to major regional highways is also desirable. Preferred development type includes master planned business and industrial parks with integrated access and internal circulation. Per Zoning Ordinance 553, marijuana cultivation facilities are also permitted in I-L district within the City, which includes the project site's designation through a required issuance of a conditional use permit and a regulatory permit.

Regulatory Setting

City of Desert Hot Springs Municipal Code

Section 17.180.050(B) – Medical Marijuana Cultivation Facilities

B. Interior Only. Medical marijuana cultivation shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this chapter. No medical marijuana cultivation operations, including harvesting and growing plants at any stage, shall be visible from any public right-of-way.

Ordinance No. 635

Ordinance No. 635 was adopted by the Desert Hot Springs City Council on November 7, 2017, to amend Chapter 17.180 of the Municipal Code. Chapter 17.180 now applies to all marijuana facilities instead of medical marijuana facilities only, to be consistent with the Adult Use of Marijuana Act (AUMA) that will go into effect on January 1, 2018. Additionally, on December 12, 2017, the City Council will review an urgency ordinance that will convert all existing medical marijuana CUPs (dispensaries and cultivation operations) to medical and recreational use.

4.10.3 Applicable Goals and Policies

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Land Use and Planning that would apply to the development of the DLVSP:

City of Desert Hot Springs Comprehensive General Plan (2000)

General Land Use Goals, Policies and Programs

Policy 2

The City Zoning Ordinance shall directly correspond to the General Plan land use designations and shall include appropriate zoning regulations that implement the Land Use Element.

Commercial Goals, Policies and Programs

Policy 2

Development standards for commercial land uses shall include setbacks, pad elevations, massing and height limitations, and other requirements, which provide adequate visibility and accessibility, while preserving the scenic viewsheds from adjoining properties and public rights-of-ways.

Industrial Goals, Policies and Programs

GOAL

Lands that provide for the development of non-polluting, energy-related and other clean industrial development that broadens the economic and employment base of the City, and assures compatible integration with other, non-industrial land uses.

Policy 1

Provide adequate and appropriate lands designated for industrial uses to provide a broad range of industrial development.

Policy 2

Industrial lands shall be located in areas that maximize all available and planned infrastructures, including but not limited to water and sewer service, electric and natural gas service, and major transportation corridors, and should minimize the impact on public health and safety.

Policy 3

To enhance the efficient use of industrial lands, the City shall encourage the preparation of a Specific Plan on larger industrial areas, which master plans the extension of roadways, drainage facilities, utilities and other infrastructure.

Program 3A

Prior to or concurrent with the issuance of development permits, the City shall require the development of Specific Plans on larger assembly of lands designated for industrial development, which shall address circulation, infrastructure, drainage and development standards and guidelines to assure efficient industrial development consistent with the character and quality of the community.

Policy 6

The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.

Program 6A

As an integral part of industrial park planning, the City shall require thoughtful site planning and extensive use of landscaping to enhance the appearance of industrial areas.

Open Space and Conservation Goals

GOAL 1

Open space areas which protect environmental resources, guard against environmental hazards, provide recreational opportunities and enhanced aesthetic character of the City.

GOAL 2

A land use pattern which preserves the City's resort residential atmosphere, including scenic resources such as hillside and mountain vistas, waterways, and native desert communities.

Policy 1

Lands suitable and appropriate for preservation as open space areas shall be maintained and enhanced.

4.10.4 Project Impact Analysis

Thresholds of Significance

The thresholds for this section are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential effect. The significant criteria are at least, in part, based on the recommendations set forth in Section 15064 of the CEQA Guidelines. For analysis purposes, the DLVSP would have a significant effect on land use and planning if it is determined that the project will:

a. Physically divide an established community;
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and,
c. Conflict with any applicable habitat conservation plan or natural community conservation plan.

a. Physical Division of an Established Community

Implementation of the DLVSP will not physically divide an established community. As discussed in this section (Section 4.10.2, *Existing Conditions*), the project site is currently vacant land and void of any physical structures and consists of desert land, with shrubs, boulders and rocks scattered throughout the area. Very little developed land surrounds the project site. The only exception is an existing occupied residence just beyond the southeastern end of the project site. Beyond this at approximately 0.6 mile to the southeast from the project site are two gas stations, the Arco AM/PM Station and minimart and a Chevron station with minimart and a sit down, drive-thru fast-food restaurant (Jack in the Box) are all located southeast of the project area, on Palm Drive just north of the I-10/Palm Drive intersection. The DLVSP sets forth the development for a master-planned industrial and technology business park.

Therefore, the proposed project will not divide an established community as a result of implementation of the DLVSP. There is no impact.

b. Conflict with any Land Use Plan, Policy or Regulation

Implementation of the DLVSP will not conflict with any Land Use Plan, Policy or Regulation. The following discussion analyzes the DLVSP in relation to the City of Desert Hot Springs Comprehensive General Plan (2000), the City's Zoning Ordinance and with Southern California Association of Government's (SCAG) Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS).

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

As discussed in Section 3.3.1, *General Plan*, Desert Hot Springs employs a "single map" system of land uses where General Plan land use designations are the same as zoning districts. The Specific Plan allows for greater specificity and flexibility in carrying out the General Plan, and serves as a bridge between the General Plan and development activities and improvements that will occur within the Specific Plan project site. The Specific Plan would be consistent with *Policy 3* of the City's General Plan (*Industrial Goals, Policies and Programs*) in requiring projects with larger size industrial areas to create a Specific Plan with the inclusion of a master plan for the required infrastructure (i.e., extension of roadways, drainage facilities and utilities). Furthermore, the DLVSP would be consistent with *Program 3A* of the City's General Plan (*Industrial Goals, Policies and Programs*) by incorporating development standards and guidelines into the document in order to assure efficient industrial development consistent with the character of the community.

General Plan Amendment

The project includes a General Plan Amendment (GPA 01-16) to allow for a change in the site's land use designations from Light Industrial (LI) and Rural Development (RD) (County-designated) to Light Industrial (I-L) (City-designated) and Commercial Retail (CR) (City-designated), in order to allow for the more intense development envisioned by the Specific Plan. The General Plan Amendment was undertaken in accordance with the process outlined in Chapter 17.100 (*General Plan Amendments*) of the City's Zoning Ordinance (Title 17 of the Desert Hot Springs Municipal Code). When adopted, GPA 01-16 will maintain consistency with *Policy 2* and *Policy 6* of the City's General Plan (*Industrial Goals, Policies and Programs)* in regards to maximizing all infrastructure for locations of industrial lands, and adhering to applicable development standards and guidelines.

Zoning Map Amendment

As discussed in Chapter 3, Project Description, Section 3.3.2, *Zoning Ordinance*, the DLVSP will be adopted by the Desert Hot Springs City Council as an ordinance and will function as the regulatory document that serves as the implementing zoning for the project site. The Specific Plan establishes the prevailing land use regulations for all development activities within the project site.

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

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

The Specific Plan's general development standards and regulations shall incorporate the City of Desert Hot Spring's Zoning and Municipal Code ordinances pertaining to general provisions, commercial district standards, industrial district standards, property development standards, and off-street loading, art in public places, special uses, massage establishments, and motion picture production. The development standards and regulations listed above shall apply to all development projects and activities accommodated by the Specific Plan, as applicable.

In regards to marijuana facilities standards and regulations, the Specific Plan shall incorporate the following ordinances:

- Cultivation Tax: Marijuana facilities shall comply with the provisions of Chapter 3.33 (Marijuana Cultivation Tax) and 3.35 (Medical Marijuana Cultivation Tax) of the Desert Hot Springs Municipal Code, in compliance with City Council Ordinance No.559.
- Marijuana Tax: Marijuana facilities shall comply with the provisions of Chapter 3.34 (Marijuana Tax) and 3.37 (Medical Marijuana Tax) of the Desert Hot Springs Municipal Code, in accordance with City Council Ordinance No. 560.
- Regulatory Permit: Marijuana facilities shall comply with the provisions of Chapter 5.50 (Medical Facilities Regulatory Permit) of the Desert Hot Springs Municipal Code, in accordance with City Council Ordinance No.552.
- Proposition 64: All City-adopted Proposition 64 provisions (once in effect) shall apply to nonmedical (personal/recreational) marijuana facilities proposed under the Specific Plan.
- Development Agreement: In accordance with current City direction, marijuana cultivation facilities shall require the processing and approval of a Development Agreement (DA)—the DA shall be prepared and processed in accordance with the provisions of Section 17.84 (Development Agreements) of the Desert Hot Springs Municipal Code. The Desert Hot Springs Municipal Code (Section 17.84) and California State law provide that the City and a developer may enter into a DA for the purpose of providing the developer with assurances that their development entitlements will not be subject to revocation, termination or modification because of future changes in the City's zoning, planning, and land use regulations. In exchange, the City receives certain benefits in the form of revenue, improvements, etc. that the City could not otherwise legally impose on the particular project for a variety of reasons.

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

c. Conflict with any Habitat or Natural Community Conservation Plan

Implementation of the DLVSP will not conflict with any established conservation plan adopted by the City of Desert Hot Springs. The northern portion of the project site, north of Varner Road (35.6 acres), along with a smaller site south of Varner Road in the northwestern portion (3.1 acres) of the project site are completely within the Willow Hole Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). Combined, approximately 38.7 acres of the project site are within the CVMSHCP. Under the DLVSP, as shown in Exhibit 3-6, *Proposed Specific Plan Land Use,* Planning Area 2 shall consist of two separate but contiguous areas, consistent with the Willow Hole Conservation areas within the project site, which will be preserved and designated as an Open Space/Conservation land use district. The entirety of this planning area will be dedicated as part of the CVMSHCP Willow Hole Conservation Area. Thus, the project's implementation of the DLVSP would maintain consistency with *Policy 2* of the City's General Plan (*General Land Use Goals, Policies and Programs*).

The CVMSHCP preserves thousands of acres of desert habitat in the Coachella Valley, including undeveloped desert land within Desert Hot Springs. The CVMSHCP not only safeguards the desert's natural beauty and heritage for future generations, but also allows for more timely construction of roads and other infrastructure needed to accommodate population growth in the Coachella Valley. The Coachella Valley Conservation Commission, in administering the CVMSHCP, targets 90 percent conservation within areas covered under the CVMSHCP, including the Willow Hole Conservation Area. That being said, the commission gives consideration to developing limited portions of the conservation area, as provided under the CVMSHCP.

Planning Area 2 will largely remain in its existing condition, as undeveloped desert land and habitat, with the exception of permitted the solar fields proposed in Planning Area 2 and water/sanitary sewer facilities for up to a maximum of 10 percent of the land coverage (approximately 3.9 acres) of the overall planning area acreage, as provided by the CVMSHCP. Therefore, the DLVSP will maintain consistency with *Goal 1, Goal 2, and Policy 1* of the City's General Plan (*Open Space and Conservation Goals, Policies and Programs*) regarding protecting environmental resources, preserving the City's atmosphere, including native desert communities, and preserving open space areas. Therefore, impacts to any habitat or natural community conservation plan will be less than significant.

4.10.5 Cumulative Impacts

The Desert Land Ventures Specific Plan project area is part of a larger 4,000-acre area that was the subject of an annexation (the I-10 Community Annexation) approved by the Riverside County Local Agency Formation Commission in 2010. The Existing General Plan and Zoning Designations within the 123.4-acre project area are Light Industrial (LI) and Rural Desert (RD). However, the project includes a General Plan Amendment (GPA 01-16) to allow for a change in the area's land use designations from

Light Industrial (LI) and Rural Development (RD) (County-designated) to Light Industrial (I-L) (City-designated) and Commercial Retail (CR) (City-designated), in order to allow for the more intense development envisioned by the Specific Plan. The General Plan Amendment was undertaken in accordance with the process outlined in Chapter 17.100 (*General Plan Amendments*) of the City's Zoning Ordinance (Title 17 of the Desert Hot Springs Municipal Code). Furthermore, the project includes ZMA 01-16 to change the land use/zoning districts from LI and RD (County Designated) to Specific Plan, in order to allow for the more intense development envisioned and allowed by the DLVSP. Therefore, subject to the City's adoption of both GPA 01-16 and ZMA 01-16, and adherence to the City's Zoning and Municipal Code ordinances, implementation of the DLVSP shall not result in any potential cumulative impacts.

4.10.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

No regulatory requirements are required.

4.10.7 Level of Significance After Mitigation

Not applicable.

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4.11 Mineral Resources

4.11.1 Introduction

This section describes the existing mineral resources in the City of Desert Hot Springs, and the potential effects from implementation of the DLVSP. Descriptions and analysis in this section are primarily based on information contained in the California Department of Conservation's Mineral Land Classification Report. Sources used in the evaluation of potential impacts to mineral resources are included in Chapter 8, *References.*

4.11.2 Environmental Setting

Existing Conditions

The project site and surrounding area consists of vacant land and is void of any physical structures. The project site consists of desert land, largely sand and gravel. Topographically there is a downward southeast slope.

Regulatory Requirements

State Regulations

The Surface Mining and Reclamation Act (SMARA) requires the State Geologist to research and prepare reports that designate mineral deposits of statewide and regional significance. The California Geological Survey has produced a report and Mineral Land Classification Map for the area that designates Mineral Resources Zones (MRZs) that define areas where important Production-Consumption deposits occur. The MRZs are defined as follows:

MRZ-1 Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

MRZ-2 Defined as areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.

MRZ-3 Defined as areas containing mineral deposits, the significance which cannot be evaluated from available data, but that may contain deposits that are marketable under present technologic and economic conditions or which can be estimated to exist in the foreseeable future.

MRZ-4 Areas where available information is inadequate for assignment to any other MRZ zone.

The project site is located within an area that has been classified as MRZ-3.

4.11.3 Applicable Plans and Policies

According to the City of Desert Hot Springs General Plan *Energy and Mineral Resources Element*, the nonrenewable character of mineral deposits requires their careful and efficient development to prevent unnecessary waste or exploitation. The excavation of mineral resources can also have significant environmental impacts that may only be marginally mitigated by surface mining reclamation plans. Evidence of mining, particularly surface mining in desert areas, can remain for centuries if not properly reclaimed through extensive importation of fill, grading, and replanting. According to the City of Desert Hot Springs General Plan, the project site is located in the deep fault-controlled Coachella Valley which has filled in with eroded materials from the surrounding hills and mountains to a depth of thousands of feet. Consequently, the mineral resources of the desert floor are limited to sands and gravels. Important deposits of these minerals occur within the region and are actively being mined however, no existing mining operations are located within the project site or surrounding area. Other mineral deposits occurring in the region include copper, limestone, specialty sands, and tungsten. These deposits are limited to rocky outcroppings occurring in the Little San Bernardino Mountains, located outside the City.

4.11.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to mineral resources were derived from the CEQA Guidelines, Appendix G (Mineral Resources). Development of the DLVSP would have a significant effect to mineral resources if it is determined that the project would:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

a. Loss of Availability of known Mineral Resource of Value in the Region

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

mineral resource that could be of value on a regional or State level. Therefore, impacts from the development of the site would be less than significant.

b. Loss of Availability of a Locally-important mineral Resource Recovery Site

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

4.11.5 Cumulative Impacts

No project-related impacts would occur. Therefore, the project would not contribute to cumulative impacts to mineral resources.

4.11.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

No regulatory requirements are required.

4.11.7 Level of Significance After Mitigation

Not applicable.

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4.12 Noise

4.12.1 Introduction

This section describes existing noise conditions in the vicinity of the project site and evaluates the potential impacts that could result from various potential noise sources associated with implementation of future development projects at the project site. Information for this section was obtained from the *Noise Impact Assessment*, prepared by Kunzman Associates, November 2017 (Appendix G). Other sources used in the preparation of this section are listed in Chapter 8, *References,* at the end of this EIR.

4.12.2 Environmental Setting

Noise is defined as an, *unwanted sound that and can have serious physiological and psychological effects on people, ranging from the disturbance of sleep to hearing loss*. Although noise has been accepted as a necessary by-product of urban development, it can become an environmental hazard. A variety of components of the urban environment generate noise; these include construction equipment and activities, motor vehicles, air traffic, mechanical equipment, household appliances, and other sources.

In the City of Desert Hot Springs, the primary source of noise, as in most Coachella Valley communities, is a consequence of motor vehicle traffic. The U.S. Interstate-10/Southern Pacific Railroad corridor has a substantial impact on the southern portion of the City Sphere-of-Influence, where the project site is located. Other sources of community noise include mechanical equipment serving commercial land uses, resorts and other large operations.

The effects of noise increase dramatically when incompatible land uses are located next to one another. Potential land use incompatibilities include residential areas or other sensitive receptors located near industrial and commercial uses.

Noise Fundamentals

The changes in air pressure which result in sound are most often measured in decibels (dB). That measurement is further modified by the A-weighted decibel scale (dBA), which gives less weight to very low and very high sounds, consistent with the way a human ear reacts to sound. A conversation between two people measures about 60 dBA, while construction equipment can register at 110 dBA. Decibels are measured on a logarithmic scale, which quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. Thus, a doubling of the energy of a noise source, such as a doubled traffic volume, would increase the noise levels by 3 dBA; halving of the energy would result in a 3 dBA decrease.

Noise standards for land use compatibility are stated in terms of the Community Noise Equivalent Level (CNEL) and the Day-Night Average Noise Level (L_{dn}). CNEL is the weighted average of the intensity of a

sound, with corrections for time for the day, and averaged over 24 hours. The time of day corrections require the addition of 5 decibels to sound levels in the evening from 7 p.m. to 10 p.m., and the addition of 10 decibels to sound levels at night between 10 p.m. and 7 a.m. These additions are made during these time periods because during the evening and night hours, with the decrease in overall amount and loudness of noise generated compared to daytime hours, there is an increased sensitivity to sounds. L_{dn} is a very similar 24-hour average measure that weights only the nighttime hours. Therefore, sounds seem louder and are weighted accordingly.

Noise sources can result from "line sources" or "point sources". Line sources include linear sources of noise, such as a freeway or busy street. Point sources are generally stationary, such as HVAC units or air compressors. Noise transmission is affected by a variety of factors, such as temperature, wind speed and direction, as well as type of ground surface. Soft ground surfaces tend to reduce sound levels better than hard surfaces. This reduction of sound intensity caused by surfaces, walls, vegetation or other material is called, "attenuation". Effective noise barriers, such as walls or berms, can help reduce noise levels by 10 to 15 decibels. These types of barriers can provide relief from traffic noise. Vegetation, on the other hand, is less effective for reducing noise levels. For a noise barrier to work, walls need to be high enough and long enough to block the view of the road.

Vibration Fundamentals

The way in which vibration is transmitted through the earth is called propagation. Propagation of earthborn vibrations is complicated and difficult to predict because of the endless variations in the soil through which waves travel. There are three main types of vibration propagation: surface, compression and shear waves. Surface waves, or Raleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. Compression waves, or P-waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. Shear waves, or Swaves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse or "side-to-side and perpendicular to the direction of propagation".

As vibration waves propagate from a source, the energy is spread over an ever-increasing area such that the energy level striking a given point is reduced with the distance from the energy source. This geometric spreading loss is inversely proportional to the square of the distance. Wave energy is also reduced with distance as a result of material damping in the form of internal friction, soil layering, and void spaces. The amount of attenuation provided by material damping varies with soil type and condition as well as the frequency of the wave.

Construction operations generally include a wide range of activities that can generate groundborne vibration. Vibratory compactors or rollers, pile drivers, and pavement breakers can generate perceptible amounts of vibration at up to 200 feet. Heavy trucks can also generate groundborne vibrations, which

can vary depending on vehicle type, weight, and pavement conditions. Potholes, pavement joints, discontinuities, or the differential settlement of pavement all increase the vibration levels from vehicles passing over a road surface. Construction vibration is normally of greater concern than vibration from normal traffic flows on streets and freeways with smooth pavement conditions.

Typically, particle velocity or acceleration, which is a measurement of movement of molecular particles within the ground, is used to describe vibration. Table 4.12-1 shows the peak particle velocities (PPV) of some common construction equipment and Table 4.12-2 shows typical human reactions to various levels of PPV as well as the effect of PPV on buildings.

Table 4.12-1 Vibration Source Levels for Construction Equipment

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level LV (dVB) at 25 feet
Pile driver (impact)	1.518 (upper range)	112
	0.644 (typical)	104
Pile driver (sonic)	0.734 upper range	105
	0.170 typical	93
Clam shovel drop (slurry wall)	0.202	94
Hydromill	0.008 in soil	66
(slurry wall)	0.017 in rock	75
Vibratory Roller	0.21	94
Varner Road	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 1, Kunzman Associates, November 2017.

Table 4.12-2 Typical Human Reaction and Effect on Buildings Due to Groundborne Vibration

Vibration Level Peak Particle Velocity (PPV)	Human Reaction	Effect on Buildings
0.006-0.019 in/sec	Threshold of perception, possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08 in/sec	Vibrations readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10 in/sec	Level at which continuous vibration begins to annoy people	Virtually no risk of “architectural” (i.e., not structural) damage to normal buildings

Table 4.12-2 Typical Human Reaction and Effect on Buildings Due to Groundborne Vibration (continued)

Vibration Level Peak Particle Velocity (PPV)	Human Reaction	Effect on Buildings
0.20 in/sec	Vibrations annoying to people in buildings	Threshold at which there is a risk to "architectural" damage to normal dwelling – houses with plastered walls and ceilings
0.4-0.6 in/sec	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 2, Kunzman Associates, November 2017.

Regulatory Setting

Federal Regulations

The EPA Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. After its inception, EPA's Office of Noise Abatements and Control issued the Federal Noise Control Act of 1972, establishing programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. In response, EPA published information on *Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (Levels of Environmental Noise)*. This report recommended that the L_{dn} should not exceed 55 dBA outdoors or 45 dBA indoors to prevent significant activity interference and annoyance in noise-sensitive areas.

Additionally, the EPA report on levels of environmental noise identified 5 dBA as an "adequate margin of safety" for a noise level increase relative to a baseline noise exposure level of 55 dBA L_{dn} (i.e., there would not be a noticeable increase in adverse community reaction with an increase in 5 dBA or less from this baseline level). EPA did not endorse these findings as universal standards or regulatory goals with mandatory applicability to all communities, but rather as advisory exposure levels below which there would be no risk to a community from any health or welfare effect of noise.

In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at lower levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to State and local governments. However, noise control guidelines and regulations contained in EPA rulings in prior years remain in place by designated federal agencies, allowing more individualized control of specific issues by designated federal, State, and local government agencies.

State Regulations

The State of California has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control, and noise insulation. Title 24 of the California Code of Regulations, also known as the California Building Standards Code, establishes building standards applicable to all occupancies throughout the State. The code provides acoustical regulations for both exterior-interior sound insulation, as well as sound and impact isolation between adjacent spaces of various occupied units. Title 24 regulations state that interior noise levels generated by exterior noise sources shall not exceed 45 dBA L_{dn}/CNEL, with windows closed, in any habitable room for general residential uses.

Section 1208A, Sound Transmission, of the California Building Code requires acoustical evaluation and insulated building design and construction when exterior noise levels exceed 60 L_{dn}. New residential construction must always be acoustically designed and construed to reduce this intrusion of transportation noise and local fixed noise sources. The California Building Code requires a minimum Sound Transmission Class of 50 (STC50) and Impact Isolation Class 50 (IIC50) for multi-family attached residential dwelling units.

Though not adopted by law, the State of California General Plan Guidelines 2003, published by the California Governor's Office of Planning and Research (OPR), provides guidance for the compatibility of projects within areas of specific noise exposure. The OPR Guidelines identify the suitability of various types of construction relative to a range of outdoor noise levels and provide each local community some flexibility in setting local noise standards that allow for the variability in community preferences. Findings presented in the Levels of Environmental Noise Document (EPA 1974) influenced the recommendations of the OPR Guidelines, most importantly in the choice of noise exposure metrics (i.e., L_{dn} or CNEL) and in the upper limits for the normal acceptable outdoor exposure of noise sensitive uses.

The OPR Guidelines a Noise and Land Use Compatibility Matrix which identifies acceptable and unacceptable community noise exposure limits for various land use categories. Where the "normally acceptable" range is used, it is defined as the highest noise level that should be considered for the construction of the buildings which do not include any special acoustical treatment or noise mitigation. The "conditionally acceptable" or "normally acceptable" ranges include conditions calling for detailed acoustical study or construction mitigation to reduce interior exposure levels prior to the construction or operation of the building under listed exposure levels. The City of Desert Hot Springs has incorporated these guidelines in the City's General Plan Noise Element.

The California Department of Transportation and Vibration Guidance Manual recommends a maximum vibration level standards of 0.2 inches per second (in/sec) PPV for the prevention of structural damage to typical residential buildings.

Local Regulations

City of Desert Hot Springs

The City of Desert Hot Springs General Plan utilizes a Land Use Compatibility Noise Matrix for Community Noise Exposure Standards, shown in Table 4.12-3 *City of Desert Hot Springs Land Use Compatibility Noise Guidelines.* The interior and exterior noise standards are in terms of the CNEL. The standards state that for residential land uses, exterior noise exposure levels of up to 60 dBA CNEL are considered "normally acceptable" and noise levels of up to 65 dBA CNEL are considered "conditionally acceptable". Heavy Commercial/Industrial land uses are considered "normally acceptable" in environments where the noise level reaches up to 75 dBA CNEL.

Municipal Code Section 8.12.030 states that it is unlawful for any person to make, suffer, permit, allow, continue, or cause to be made, suffered, permitted, allowed, or continued, within City limits or within 200 feet thereof, any noise disturbance. Per Section 8.12.020 a noise disturbance is any sound that endangers safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

Section 8.12.090 of the Municipal Code states that it is unlawful for any person to cause, suffer, allow, or permit any of the following outside of the following hours: Monday through Friday, 7:00 AM through 6:00 PM.; Saturday, 8:00 AM through 6:00 PM and Sunday, 9:00 AM through 5:00 PM.

- Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential real property boundary.
- Operating any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device so as to cause a noise disturbance across a residential real property boundary.

Under Section 8.12.100 of the Municipal Code, it is unlawful for any person to cause, suffer, allow or permit any construction, drilling or demolition work, or the use of tools or equipment therefore, between the hours of 5:00 p.m. of each day and 7:00 a.m. of the next day, except when daylight savings time is in effect. During such times as daylight savings is in effect in the City, no such activities shall be permitted between the hours of 6:00 p.m. of each day and 6:00 a.m. of the next day. No such activities shall be permitted on Sundays.

Under Section 9.04.030, the Ordinance states except as herein otherwise provided, no person shall be engaged or employed nor shall any person cause any other person to be engaged or employed in any work of construction, erection, alteration, or repair, addition to or improvement of any building, structure, road or improvement to realty between the hours of 5:00 PM of each day and 7:00 AM of the next day, except when daylight savings time is in effect. During such time as daylight savings time is in effect in the City, no such activities shall be permitted between the hours of 6:00 PM of each day and 6:00 AM of the next day. No such activities shall be permitted on Sundays.

Table 4.12-3 City of Desert Hot Springs Land Use Compatibility Noise Guidelines

Land Uses	CNEL						
	50	55	60	65	70	75	80
Residential Land Uses: Single & Multi-family Dwellings, Group Quarters Mobile Homes	A	B	B	C	D	D	D
Transient Lodging: Hotels & Motels	A	A	B	B	C	D	D
School Classrooms, Libraries, Churches, Hospitals, Nursing Homes & Convalescent Hospitals	A	B	B	C	D	D	D
Recreational Land Uses: Golf Courses, Open Space (walking, bicycling, or horseback riding trails, etc.)	A	B	C	D	D	D	D
Office Building, Personal Business, & Professional Services	A	A	B	B	C	D	D
Commercial Land Uses: Retail Trade, Movie Theater, Restaurant, Bars, Entertainment, Services	A	A	B	B	C	C	D
Heavy Commercial/Industrial: Wholesale, Manufacturing, Utilities, Transport, Communication	A	A	A	A	C	D	D
Auditorium, Concert Halls, Aphitheaters, Music Shells (may be sensitive receptor/generator)	B	B	B	D	D	D	D
Sports Arenas, Outdoor Spectator Sports	B	B	B	D	D	D	D

A = NORMALLY ACCEPTABLE - Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
B = CONDITIONALLY ACCEPTABLE - New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
C = NORMALLY UNACCEPTABLE - New Construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
D = CLEARLY UNACCEPTABLE - New construction or development should generally not be undertaken.

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 4, Kunzman Associates, November 2017.

Section 17.40.180 No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention attracting, or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms and church bells. The following provisions shall apply:

A. In residential areas, no exterior noise level shall exceed 65 dBA and no interior noise level shall exceed 45 dBA.

B. All residential developments shall incorporate the following standards to mitigate noise levels:

   1. Increase the distance between the noise source and receiver.

   2. Locate land uses not sensitive to noise (i.e., parking lots, garages, maintenance facilities, utility areas, etc.) between the noise source and the receiver.

   3. Bedrooms should be located on the side of the structure away from major rights-of-way.

   4. Quiet outdoor spaces may be provided next to a noisy right-of-way by creating a U-shaped development which faces away from the right-of-way.

C. The minimum acceptable surface weight for a noise barrier is 4 pounds per square foot (equivalent to 3/4-inch plywood). The barrier shall be of a continuous material which is resistant to sound including: (1) masonry block; (2) precast concrete; or (3) earth berm or a combination of earth berm with block concrete.

D. Noise barriers shall interrupt the line of sight between noise source and receiver.

Section 17.40.300 of the Municipal Code states no vibration associated with any use shall be permitted which is discernible beyond the boundary line of the property.

Willow Hole CVMSHCP Regulations

Approximately 38.7 acres in DLVSP Planning Area 2, the northern portion of the project site (mostly north of Varner Road) are within the Willow Hole Conservation Area; an approximately 5,600-acre conservation area. Exhibit 4.4-1 in Section 4.4, *Biological Resources*, shows the relationship between the project site and the conservation area. As such, the project proponent must comply with the Adjacency Guidelines regarding noise listed in Section 4.5 of the CVMSHCP to minimize indirect effects from development sharing a common boundary with a designated Conservation Area. The guidelines specific to noise are as follows:

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

Existing Noise Measurements in the Project Area

The land immediately north of the project site (including approximately 38.7 acres of the project site) is within the CVMSHCP Willow Hole Conservation Area. The I-10 freeway is southwest of the project site, and just past the I-10 Freeway is vacant industrial land. A single-family residence is located directly south of the project site in an otherwise undeveloped area designated by the City as Light Industrial. Rural desert vacant land is located east of the project site. Sensitive receptors that may be affected by project

generated noise include the single-family residence located south of the project site, and wildlife that may reside in the conservation area.

Existing ambient noise levels were determined for the project site during a field survey on July 10, 2017. Two 10-minute daytime noise measurements were taken between 4:29 PM and 5:00 PM along the project site's perimeter. Exhibit 4.12-1, *Noise Measurement Location,* shows the locations where ambient noise measurements were taken. Table 4.12-4, *Short-Term Noise Measurement Summary (dBA)*, provides a summary of the short-term ambient noise data. Ambient noise levels were 67.1 and 67.5 dBA Leq during the daytime. The dominant noise source was from vehicles traveling along the I-10 freeway.

Table 4.12-4 Short-Term Noise Measurement Summary (dBA)

Daytime[1]									
Site Location[2]	**Time**	**Leq**	**Lmax**	**Lmin**	**L(2)**	**L(8)**	**L(25)**	**L(50)**	**L(90)**
1	4:29 PM	67.5	72.4	62.0	71.8	70.1	68.3	66.9	64.4
2	4:50 PM	67.1	71.0	60.9	69.9	69.1	68.1	66.8	64.2

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 3, Kunzman Associates, November 2017.

Notes:

1. Noise measurements performed on July 9, 2017.
2. Site Location Corresponds with Exhibit 4.12-1. Each noise measurement was performed over a 10-minute duration.

Table 4.12-4, *Existing (Without Project) Exterior Noise Levels Along Roadways,* shows existing traffic noise conditions in the project site and surrounding area. Traffic noise levels were calculated 50 feet from the centerline of the analyzed roadway. The modeling is theoretical and does not take into account any existing barriers, structures, and/or topographical features that may further reduce noise levels.

Table 4.12-5 Existing (Without Project) Exterior Noise Levels Along Roadways

Roadway	Segment	CNEL at 50 feet (dBA)	Distance to Contour (feet)			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Palm Drive	Dillon Road to 20th Avenue	79.0	198	427	921	1,984
	20th Avenue to Varner Road	79.1	203	437	941	2,027
	Varner Road to I-10 Freeway	79.2	206	443	954	2,055
Gene Autry Trail	I-10 Freeway to Vista Chino	78.9	197	425	916	1,974
Dillon Road	West of Palm Drive	69.0	43	93	200	431
	East of Palm Drive	69.1	43	94	202	434
20th Avenue	West of Palm Drive	48.0	2	4	8	17
	East of Palm Drive	59.5	10	21	46	100
Varner Road	West of Palm Drive	0.0	0	0	0	0
	East of Palm Drive	62.6	16	35	75	161

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 7, Kunzman Associates, November 2017.

Notes:

1. Exterior noise levels calculated 5-feet above pad elevation, perpendicular to subject roadway.

4.12.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to ambient noise environment that would apply to the future development projects within the project site:

Noise Goals, Policies, and Programs

GOAL 1

A noise environment providing peace and quiet that complements and is consistent with the City's spa resort and residential character and the various mix of land uses comprising the community.

Policy 1

The potential of land use patterns, associated traffic and distribution, and individual development shall be assessed for their potential to generate adverse and incompatible noise impacts, and significant impacts identified shall be appropriately mitigated.

Policy 2

Protect noise sensitive lands uses, including residences, resorts and community open space, schools, libraries, churches, hospitals and convalescent homes from high noise levels from both existing and future noise sources.

Policy 3

Project designs shall be required to include measures, which assure that interior noise levels for residential development do not exceed 45 CNEL, as required by Title 25 (California Noise Insulation Standards).

Policy 4

Land uses that are compatible with higher noise levels shall be located adjacent to the City's major arterial roads and highways, Interstate-10 corridor, or designated industrial lands in order to maximize noise related land use compatibility.

4.12.4 Project Impact Analysis

Thresholds of Significance

According to the CEQA Guidelines Appendix G Environmental Checklist, implementation of future projects within the project site would have a significant effect on the acoustic environment if it is determined that a project would:

a. Expose of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

b. Expose of persons to or generation of excessive ground-borne vibration or groundborne noise levels;
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
e. Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, a project would expose people residing or working in the project area to excessive noise levels; and
f. Be located within the vicinity of a private airstrip, a project would expose people residing or working in the project area to excessive noise levels.

To further define the thresholds above, roadway noise impacts would be considered significant if future development projects within the project site increase noise levels at a noise sensitive land use by 3 dBA CNEL and if the existing noise levels already exceed acceptable noise levels for industrial land uses as shown in Table 4.12-3. Project operations (including noise from loading and unloading activities, and parking lot noise etc.) may produce an increase noise levels which disturbs the peace and quiet of adjacent residential areas or cause discomfort/annoyance to area residents. The California Department of Transportation considers a 5 dBA increase to be "readily audible", which seems to correlate most closely to "substantial increase." For the purposes of this analysis, a substantial permanent increase in ambient noise levels due to stationary noise sources shall be considered 5 dBA Leq. Additionally, The California Department of Transportation Vibration Guidance Manual recommends a maximum vibration level standard of 0.2 in/sec PPV for the prevention of structural damage to typical residential buildings. For the purposes of this analysis, a substantial impact from vibration shall be considered greater than 0.2 in/sec PPV.

Noise Modeling

Road Construction Noise Model (RCNM)

A worst-case construction noise scenario was modeled using the Federal Highway Administration's RCNM. RCNM utilizes standard noise emission levels for many different types of equipment and includes utilization percentage, impact, and shielding parameters.

Federal Highway Administration (FHWA) Traffic Noise Prediction Model

The FHWA Traffic Noise Prediction Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). Adjustments are then made to the REMEL to account for: total average daily trips (ADT), roadway classification, width, speed and truck mix, roadway grade and site.

Existing and Existing Plus Project vehicle mix were obtained from the traffic impact analysis (Appendix H) prepared for the proposed project. The City of Desert Hot Springs does not have published vehicle/truck mixes or Day/Evening/Night (D/E/N) for use in acoustical studies. Vehicle/truck mixes and D/E/N splits for use in acoustical studies published by the Riverside County Department of Industrial Hygiene were utilized for noise modeling. Existing Plus Project vehicle mixes were calculated by adding the proposed project trips to existing conditions.

SoundPLAN

SoundPLAN acoustical modeling software was utilized to model project operational worst-case stationary noise impacts from the proposed project to adjacent sensitive uses (e.g., residences).

The future worst-case noise level projections have been modeled using reference sound level data for the various stationary on-site sources. The loading/unloading area was modeled as an area source with noise levels reaching up to 80 dBA. The parking lot was modeled with 370 parking stalls with an approximate turnover rate of 25 percent during peak hour. Noise levels associated with parking lots can reach peak levels of 80 dBA. Parking lot noise sources may include but are not limited to idling cars, doors closing, and starting engine noise.

Coachella Valley Multiple Species Habitat Conservation Plan Adjacency Guidelines

The Adjacency Guidelines specific to Noise are as follows:

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

a. Generation of Noise Levels in Excess of Established Standards

Construction

The existing single-family residence located south of the project site may be affected by short-term noise impacts associated with the transport of workers, the movement of construction materials to and from the project site, ground clearing, excavation, grading, and building activities.

Project generated construction noise would vary depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week) and the duration of the construction work. Site preparation is expected to produce the highest sustained construction noise levels. Typical noise sources and noise levels associated with the site grading phase of construction are shown in Table 4.12-6, *Typical Construction Equipment Noise Levels.* Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to

four minutes at lower power settings. A likely worst-case construction noise scenario assuming the use of this equipment was calculated using the Federal Highway Administration's Roadway Construction Noise Model (RCNM) assuming the use of a grader, a dozer, two (2) excavators, two (2) tractors, and two (2) scrapers at 50 feet from any nearby sensitive receptors. 50 feet was selected as a very conservative estimate and the typical distance at which reference construction equipment is measured (see Table 4.12-6). Assuming a use factor of 40 percent for each piece of equipment, unmitigated noise levels at 50 feet would reach 90 dBA Leq and 94 dBA_{Lmax}.

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

City of Desert Hot Springs Municipal Code

The City of Desert Hot Springs does not have a specific not to exceed construction noise limit. The City does however outline specific times when construction is allowed to occur. Construction is anticipated to occur during the allowable hours as indicated in the City's Municipal Code. While occurring near the southeast corner of the project site, construction noise could reach up 84 dBA Leq at the nearest sensitive receptor (130 feet south of the southern property line). These noise levels would be temporary and would lower as equipment moved to other portions of the project site. The construction noise levels would be below any Occupation Safety and Health standards of 85 dBA and would be consistent with the City's Municipal Code for construction noise.

Table 4.12-6 Typical Construction Equipment Noise Levels

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Rock Drills	83-99	96
Jack Hammers	75-85	82
Pneumatic Tools	78-88	85
Pumps	74-84	80
Dozers	77-90	85
Scrappers	83-91	87
Haul Trucks	83-94	88
Cranes	79-86	82
Portable Generators	71-87	80
Rollers	75-82	80
Tractors	77-82	80
Front-End Loaders	77-90	86
Hydraulic Excavators	81-90	86

Table 4.12-6 Typical Construction Equipment Noise Levels (continued)

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Graders	79-89	86
Air Compressors	76-89	86
Trucks	81-87	86

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 5, Kunzman Associates, November 2017.

Willow Hole Conservation Area (Planning Area 2)

A 3.9-acre area within Planning Area 2 (approximately 10 percent of the conservation area on-site) is proposed for development with a solar field and electric substation to provide a portion of the electricity needed for future uses within the project site. The CVMSHCP allows for the development of up to 10 percent of a project site located within a conservation area to be developed, subject to the Adjacency Guidelines. The remaining acreage in Planning Area 2 must remain in conservation and no development can occur. Development of the 3.9 acres of energy improvements would require some grading and may require creation of concrete pads. Construction of concrete pads would require concrete mixers. As described above, maximum noise levels during construction could reach 90 dBA at 50 feet from the noise source. However, as the area is a relatively small site at 3.9 acres, and is relatively flat, grading would be minimal and would likely be completed within one to two days. Finally, the installation of the energy improvements would require a truck mounted crane or similar piece of equipment, plus pickup trucks for workers which would generate less noise than the grading equipment. Development of the energy improvements is anticipated to be of relatively short in duration and require equipment that would generate intermittent noise levels in excess of 75 dBA at 50 feet.

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

With regard to the 3.1-acre portion of Planning Area 2 (located south of Varner Road), no development would occur at this site. However, construction of Street A, and improvements to Varner Road, as well as construction of buildings in Planning Area 1, immediately east of the 3.1-acre conservation area would require site preparation (grading) and construction of buildings. The potential for noise to adversely affect wildlife in Planning Area 2 would be intermittent and of short duration (road construction and development of the buildings closest to Planning Area 2). Once the buildings closest to Street A are built, these buildings would act as noise attenuation for other construction, thus reducing the potential for

construction noise to adversely affect wildlife in the Conservation Area. Therefore, impacts associated with construction may be adverse in the short term but would be less than significant once road improvements and building construction has ceased.

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

Operational Impacts

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

The Willow Hole Conservation Area (CVMSHCP) is located immediately north of the project site. The I-10 Freeway, and vacant land located just past the I-10 Freeway is situated southwest of the project site; and one single-family detached residential property is located approximately 150 feet south of the project site. East of the project site is vacant rural desert land.

Although detailed plans and the exact locations of all parking lots and associated parking spaces within the boundaries of each parcel are not yet known, worst-case noise impacts to residences due to parking lot related activities can be estimated based on parking lot noise reference levels with the assumption that a parking lot could be located anywhere within the confines of each parcel expected to contain a parking lot.

Typical parking lot noise includes car doors slamming, engines starting-up, alarm activation and car pass-by's. Estimates of the maximum noise levels associated with some parking lot activities are presented in Table 4.12-7, *Parking Lot Noise Sources*. These noise levels are based on measurements conducted at a distance of 50 feet from the source. A range is given to reflect the variability of noise generated by various automobile types and driving styles. A parking lot sweeper is the loudest expected noise to occur in a typical parking lot (72dBA at 50 feet). A person standing five feet from the property line in the rural residential lot located south of the project could be exposed to noise level of 92 dBA as a sweeper passes by. The noise level of the sweeper pass-by at the home located on the same lot could reach up to 63 dBA as the sweeper passes by. This would be a one-time event per day at the most frequent and would not last long enough to substantially raise the ambient Leq. Parking lot activities are not expected to exceed 65 dBA Leq at the nearest sensitive receptor.

Loading dock noise includes the movement of goods into garage door bays and possibly forklift operations. Truck delivery noise is generated when a truck drives to or from the loading dock. Trucks are

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

Table 4.12-7 Parking Lot Noise Sources

Source[1, 2]	Level (dBA)	
	50 feet	100 feet
Autos at 14 mph	50	44
Sweepers	72	66
Car Alarm Signal	69	63
Car Alarm Chirp	54	48
Car Horns	69	63
Door Slams	64	58
Talking	36	30
Radios	64	58
Tire Squeals	66	60

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 10, Kunzman Associates, August 2017.

Notes:

1. Adapted from: Gordon Bricken & Associates, 1996. (as Cited in Trancas Canyon Community Park EIR, 2007).
2. Estimates are based on actual noise measurements taken at various parking lots as measured by Kunzman Associates, Inc.

It is expected that the buildings associated with the proposed project would include roof-top mounted heating, ventilation, and air conditioning (HVAC) units. The type, size and number of mechanical equipment are not known at this time. All roof-top mechanical equipment would be screened from view by the use of parapet walls, which would also assist in controlling the equipment's noise production. Noise associated with HVAC systems are not expected to exceed the City's noise standard of 65 dBA Leq at the nearest sensitive receptor.

Wastewater treatment for the project site would be best served by a centralized package plant system in the southeastern end of the project site, near the West Drive and Thornton Road intersection. The centralized package plant system would include vendor-supplied packaged plant systems with nitrification/denitrification zones. Packaged plant technology can easily be applied to smaller capacity systems with minimal design and construction. The plants would be installed above grade with a

predetermined capacity and phased in incrementally to account for additional capacity from future development of the project site. It is anticipated that all mechanical equipment would be screened or contained within the confines of the project site for the water treatment facility.

Heating, Ventilation, and Air Conditioning (HVAC)

It is expected that the buildings associated with the proposed project would include roof-top mounted heating, ventilation, and air conditioning (HVAC) units. The type, size and number of mechanical equipment are not known at this time however. All roof-top mechanical equipment would be screened from view by the use of parapet walls, which would also assist in controlling the equipment's noise production. Future development projects would be required to ensure that new development, including HVAC equipment would not result in the generation of noise that exceeds the City's noise standards. At this time, the DLVSP does not propose specific development, but lays out a plan for the development of the project site with industrial and mixed use land uses. To ensure that proper noise attenuation is applied to proposed HVAC systems, each project proposes development within the project site would be required to prepare a site specific final acoustical study, implemented through Mitigation NOI-6, so project specific noise can be analyzed and the facilities are designed with specific noise attenuation features to ensure that noise levels would not exceed thresholds. Preparation of a project specific acoustical study would ensure that each project within the project site would develop necessary noise attenuation to avoid significant noise impacts associated with HVAC systems and impacts would be less than significant.

Wastewater Treatment Plant

Until such time as CVWD extends water and sewer services to this area, or the MSWD regional wastewater facilities come on-line the project requires the installation and operation of a wastewater package treatment plant. The site of this plant is in the southeast corner of the project site approximately 300 feet from the property boundary (see Exhibit 3-6 in Chapter 3, *Project Description*). The treatment plant would be separated from the property boundary by a retention basin, and would be surrounded by a wall. It should be noted that the existing residence is located within an area designated by the City as Light Industrial area and the 70 dBA CNEL contour of the I-10 freeway. During the planning process for the wastewater treatment plant to determine the exact location and size of the facility, the project proponent would be required to prepare a noise study to address proximity to the residence and determine the optimum location of the plant, as well as the type and height of the perimeter wall around the treatment plant. This study may also identify additional attenuation requirements that meet the City's noise standards.

Operations of the proposed project would be subject to Section 8.12 of the Desert Hot Springs Municipal Code which regulates noise within the City. A noise disturbance is defined as, *a noise that endangers the safety or health of any person; disturbs a reasonable person of normal sensitivities; or endangers*

personal or real property. Conducting project specific noise studies for future projects within the project site that would determine how projects would operate and how noise attenuation would occur in compliance with the City's Noise Chapter of the Municipal Code, and compliance with all other applicable chapters of the Municipal Code would ensure that operational impacts would be less than significant.

b. Generation of Excessive Groundborne Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings respond to these vibrations with varying results ranging from no perceptible effects at the low levels to slight damage at the highest levels. Table 4.12-1 gives approximate vibration levels for particular construction activities. Table 4.12-2 summarizes the typical human reaction and effect on buildings due to groundborne vibration. The City of Desert Hot Springs prohibits any land uses that generate a discernible vibration impact from 50 feet and beyond the property line or source. The nearest existing structure (residence) to the project site is located approximately 130 feet south of the project site.

As shown in Table 4.12-1, the threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV in/second. Primary sources of vibration during construction would be from grading equipment. As shown in Table 4.12-1, a large bulldozer could produce up to 0.089 PPV at 25 feet.

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

c. Permanent Increase in Ambient Noise Levels

Traffic Noise Impacts

Federal Highway Administration (FHWA) Traffic Noise Prediction Model

In order to determine if project traffic would result in a substantial increase in ambient noise levels, Existing and Existing Plus Project noise levels along affected roadways were modeled utilizing the FHWA Traffic Noise Prediction Model – FHWA-RD-77-108, as modified for CNEL and the "Calveno" energy curves.

Project traffic volumes were obtained from the project's Traffic Impact Analysis (Kunzman Associates, Inc., July 2017). The Traffic Impact Analysis utilized the County of Riverside's (Industrial Hygiene Department) recommended vehicle mix and split data. In addition, the traffic volumes and mix data from the California Department of Transportation AADT were utilized to calculate the I-10 Freeway noise

impacts to the project site. A growth rate of 1.5% was utilized between the existing 2015 (latest ADTs available) and Year 2035. Vehicle speeds were based on posted speed limits.

SoundPLAN

SoundPLAN acoustical modeling software was utilized to model future worst-case vehicle traffic noise and stationary noise impacts to the proposed on-site sensitive uses.

The future noise levels were modeled at the project site using buildout volumes along the I-10 Freeway and the subject roadways (Varner Road) adjacent to the project site. Vehicle mix data utilized the California Department of Transportation and County of Riverside mix data for secondary or arterial roadways.

Noise Impacts to Off-Site Receptors Due to Project Generated Trips

A worst-case project generated traffic noise level was modeled utilizing the FHWA Traffic Noise Prediction Model - FHWA-RD-77-108. Traffic noise levels were calculated 50 feet from the centerline of the analyzed roadway. The modeling is theoretical and does not take into account any existing barriers, structures, and/or topographical features that may further reduce noise levels. Therefore, the levels are shown for comparative purposes only to show the difference in with and without project conditions. In addition, the noise contours for 55, 60, 65 and 70 dBA CNEL were calculated. Roadway input parameters including average daily traffic volumes (ADTs), speeds, and vehicle distribution data is shown in Table 4.12-8, *Project Average Daily Traffic Volumes and Roadway Parameters*.

Table 4.12-8 Project Average Daily Traffic Volumes and Roadway Parameters

Roadway	Segment	Average Daily Traffic Volumes		Posted Travel Speeds (MPH)	Site Conditions
		Existing	Existing Plus Project		
Palm Drive	Dillon Road to 20th Avenue	27,500	32,200	60	Soft
	20th Avenue to Varner Road	28,400	33,100	60	Soft
	Varner Road to I-10 Freeway	29,000	53,000	60	Soft
Gene Autry Trail	I-10 Freeway to Vista Chino	27,300	33,000	60	Soft
Dillon Road	West of Palm Drive	7,800	8,300	55	Soft
	East of Palm Drive	7,900	8,400	55	Soft
20th Avenue	West of Palm Drive	100	100	45	Soft
	East of Palm Drive	1,400	1,400	45	Soft
Varner Road	West of Palm Drive	0	29,200	55	Soft
	East of Palm Drive	1,800	2,300	55	Soft

Table 4.12-8 Project Average Daily Traffic Volumes and Roadway Parameters (continued)

Arterial - Vehicle Distribution (Truck Mix)[1]				
Motor-Vehicle Type	Daytime % (7 AM – 7 PM)	Evening % (7 PM - 10 PM)	Night % (10 PM - 7 AM)	Total % of Traffic Flow
Automobiles	75.5	14.0	10.5	92.00
Medium Trucks	48.0	2.0	50.0	3.00
Heavy Trucks	48.0	2.0	50.0	5.00

Secondary - Vehicle Distribution (Truck Mix)[1]				
Motor-Vehicle Type	Daytime % (7 AM - 7 PM)	Evening % (7 PM - 10 PM)	Night % (10 PM - 7 AM)	Total % of Traffic Flow
Automobiles	75.5	14.0	10.5	97.42
Medium Trucks	48.9	2.2	48.9	1.84
Heavy Trucks	47.3	5.4	47.3	0.74

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 6, Kunzman Associates, August 2017.

Notes:

1. Vehicle percentages are typical based County of Riverside Mix.

The potential off-site noise impacts caused by an increase of traffic volumes from operation of the proposed project on the nearby roadways were calculated for the following scenarios:

Existing Year (without Project): This scenario refers to existing year traffic noise conditions and is demonstrated in Table 4.12-5.

Existing Year (Plus Project): This scenario refers to existing year traffic noise conditions and is demonstrated in Table 4.12-9.

Table 4.12-9 Existing Plus Project Exterior Noise Levels Along Roadways (dBA CNEL

Roadway	Segment	CNEL at 50 feet (dBA)	Distance to Contour (feet)			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Palm Drive	Dillon Road to 20th Avenue	79.7	220	475	1,023	2,204
	20th Avenue to Varner Road	79.8	224	484	1,042	2,245
	Varner Road to I-10 Freeway	81.8	307	662	1,426	3,072
Gene Autry	I-10 Freeway to Vista Chino	79.8	224	483	1,040	2,240
Dillon Road	West of Palm Drive	69.3	45	97	208	449
	East of Palm Drive	69.3	45	97	210	453
20th Avenue	West of Palm Drive	48.0	2	4	8	17
	East of Palm Drive	59.5	10	21	46	100
Varner Road	West of Palm Drive	74.7	103	222	478	1,029
	East of Palm Drive	63.7	19	41	88	189

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 8, Kunzman Associates, August 2017.

Notes:

1. Exterior noise levels calculated 5-feet above pad elevation, perpendicular to subject roadway.

Consistency with Applicable Standards

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

Table 4.12-11 Change in Existing Noise Levels Along Roadways as a Result of Project

Roadway	Segment	CNEL at 50 Feet dBA[1]			
		Existing Without Project	Existing Plus Project	Change in Noise Level	Potential Significant Impact
Palm Drive	Dillon Road to 20th Avenue	79.0	79.7	0.7	No
	20th Avenue to Varner Road	79.1	79.8	0.7	No
	Varner Road to I-10 Freeway	79.2	81.8	2.6	No
Gene Autry Trail	I-10 Freeway to Vista Chino	78.9	79.8	0.8	No
Dillon Road	West of Palm Drive	69.0	69.3	0.3	No
	East of Palm Drive	69.1	69.3	0.3	No
20th Avenue	West of Palm Drive	48.0	48.0	0.0	No
	East of Palm Drive	59.5	59.5	0.0	No
Varner Road	West of Palm Drive	0.0	74.7	74.7	Yes
	East of Palm Drive	62.6	63.7	1.1	No

Source: Desert Land Ventures III LLC Property, Noise Impact Analysis, Table 8, Kunzman Associates, August 2017.

Notes:

1. *Exterior noise levels calculated 5-feet above pad elevation, perpendicular to subject roadway.*

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

CVMSHCP Conservation Area (Willow Hole)

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

Noise Impacts to Proposed Project

The City of Desert Hot Springs land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed project would be "normally acceptable" in areas with noise levels up to 75 dBA CNEL.

Acoustically significant roadways located adjacent to the project site include the I-10 Freeway and Varner Road. The City of Desert Hot Springs Circulation Element does not include buildout ADT values for said segments; therefore, future buildout noise levels associated with roadways were calculated using the California Department of Transportation AADT traffic data (latest year available) and Riverside County traffic noise modeling parameters (see County of Riverside Industrial Hygiene Guidelines for Determining and Mitigating Traffic Noise Impacts to Residential Structures).

The proposed project has the potential to experience noise levels approaching 78 dBA CNEL for year 2035 at 300 feet from the centerline of the I-10 Freeway. The noise level exceeds the City's "normally acceptable" 75 dBA CNEL compatibility limit and would therefore fall within the "normally unacceptable" 75 to 80 dBA CNEL range. The 75 dBA CNEL noise contour is located approximately 450 feet from the centerline of the I-10 Freeway and any development that occurs beyond 450 feet from the centerline would be within the City's "normally acceptable" 75 dBA CNEL compatibility limit for industrial use.

Per the City's General Plan, the proposed project must provide detailed construction noise reduction measures as part of the construction design to ensure the proper sound attenuation for interior spaces for uses that are located within 300 feet of the centerline of the I-10 Freeway.

Exhibit 4.12-2, *Future Noise Level Contours*, illustrates the contours associated with the I-10 Freeway as it relates to the project site.

Consistency with Applicable Standards

2016 CalGreen Code – NonResidential – Section 5.507 Environmental Comfort Acoustical Control

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

City of Desert Hot Springs

The City of Desert Hot Springs land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The majority of the site is within the "normally acceptable" limits for heavy commercial/industrial use. A hotel or light commercial land uses such as retail or restaurants built on the project site should be located outside the 65 dBA CNEL contour to be within the "normally

acceptable" limits and within the 65-70 dBA CNEL contour to be within the "conditionally acceptable" limits.

CVMSHCP Conservation Area (Willow Hole)

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

d. Temporary or Periodic Increase in Ambient Noise Levels

See discussion under Section 4.12.4.a above.

e. Excessive Noise Levels due to Proximity to Airport

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

f. Excessive Noise Levels due to Proximity to Private Airstrip

There are no private air strips in the area. Therefore, there would be no noise impacts associated with proximity to a private air strip.

4.12.5 Cumulative Impacts

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

With regard specifically to Varner Road, under the Existing Plus Project scenario, the model showed that the change in traffic noise levels as a result of the proposed project along the section of Varner Road

west of Palm Drive went from 0 dBA (no traffic volumes under existing conditions) to approximately 74.7 dBA CNEL at 50 feet from the centerline, once development projects at the project site are operational. Although the increase in noise level is significant, there are no sensitive receptors located within the 60 dBA CNEL contour of Varner Road. Furthermore, the nearest sensitive receptor is located approximately 1,800 feet from the centerline of Varner Road and would fall outside of the 55 dBA CNEL contour line of Varner Road. Therefore, the proposed project would not contribute to a cumulative increase in noise levels that would be significant.

4.12.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

Grading and Site Development

In addition to adherence to the City of Desert Hot Springs's policies found in the Noise Element and Municipal Code limiting the construction hours of operation, the following mitigation measures shall be implemented to reduce construction noise and vibrations emanating from future construction projects at the project site. These measures shall be included as notes on all grading plans and construction plans as appropriate, to the satisfaction of the City Engineer or his/her designee.

Construction

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

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

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

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

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

Building Development

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

NOI-7 The project applicant(s) will be required to adhere to 2016 Title 24 during all construction activities, which states that interior noise levels within multiple-family or habitable dwelling units generated by exterior noise sources shall not exceed 45 dBA Ldn/CNEL, with windows closed, in any habitable room for general residential uses. In order to ensure this standard is met, all exposed exterior wall assembly/window combinations that face the I-10 freeway and subject roadways need to provide an exterior to interior noise reduction of at least 33 dBA if located within 300 feet of the centerline of the I-10 freeway and/or a noise reduction of 30 dBA if located within 450 feet of the centerline of the I-10 freeway. Prior to issuance of building permits, the project proponent for any development project within the project site shall submit site specific noise studies that show how noise from the freeway would be attenuated, to the satisfaction of the Community Development Director or his/her designee.

NOI-8 Prior to construction of the wastewater treatment plant, proposed to be located in the southeast corner of the project site, a site specific noise study shall be prepared to determine the amount of noise generated by the plant, and to establish attenuation requirements, to the satisfaction of the Community Development Director or his/her designee, to address proximity to the existing single family residence located approximately 200 feet south of the project site; as well as any future noise sensitive uses (hotel) that may be located on the project site in close proximity to the plant site.

The following mitigation measures from Section 4.4, *Biological Resources*, apply to Noise as well:

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

1) *Drainage* – Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing

conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

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

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

Regulatory Requirements

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

to issuance of building permits the project proponent shall submit an acoustic report that demonstrates compliance to acoustic requirements set forth by CalGreen Code. The acoustic report shall provide either a prescriptive or performance based evaluation.

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

4.12.7 Level of Significance After Mitigation

Compliance with existing City of Desert Hot Springs noise requirements, implementation of mitigation measures for construction and operation, impacts associated with Noise would be less than significant.

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1 inch = 583 feet

The Altum Group

Noise Measurement Location
Desert Land Ventures Admin Draft EIR

Exhibit
4.12-1

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The Altum Group

Future Noise Level Conturs
Desert Land Ventures Specific Plan EIR

Exhibit
4.12-2

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4.13 Population and Housing

4.13.1 Introduction

This section describes the existing setting regarding population and housing and analyzes potential impacts that could result from implementation of the DLVSP. Descriptions and analysis in this section are based on population and housing information provided by the California Department of Finance (DOF), Southern California Association of Governments (SCAG), and the City of Desert Hot Springs Comprehensive General Plan. Sources used in the preparation are included in Chapter 8, *References*.

4.13.2 Environmental Setting

The 2010 U.S. Census estimated Desert Hot Spring's population to be 25,938. Based on recent Department of Finance data in the 2017 E-5 Report, the population in Desert Hot Springs grew by 10.9 percent to 29,111 as of January 1, 2017. This represents an average annual growth of 1.82 percent over the 6-year period between 2010 and 2017.

The project site consists of vacant land and is void of any physical structures. The surrounding area consists of undeveloped desert land. The northern portion of the project site (the area north of Varner Road) is completely within the Willow Hole Conservation Area of the CVMSHCP. A small area of northwestern portion of the project site is also within the Conservation Area.

Housing

According to the California Department of Finance, E-5 Report data, there were a total of 10,902 housing units in the City in 2010 as shown in Table 4.13-1, Housing *Characteristics — 2010 vs. 2017.* It should be noted that approximately 65.4 percent of all dwelling units were single family homes in 2010. According to 2017 E-5 Report data, there were a total of 11,507 housing units in the City of Desert Hot Springs as of January 1, 2017. This represents a 5.3 percent increase over the 6-year period. The ratio of housing types has remained consistent.

Table 4.13-1 Housing Characteristics – 2010 Vs. 2017

	2010		2017	
Unit Type	**Number of Units**	**% Total Units**	**Number of Units**	**% Total Units**
Single-Family Detached	7,135	65.4	7,241	63
Single-family Attached	189	1.7	189	1.6
Multi-family, 2-4 Units	1,574	14.4	1,671	14.5
Multi-family, 5 or more Units	1,418	13	1,535	13.3
Mobile Homes	586	5.3	871	7.6
TOTAL	**10,902**	**100.0%**	**11,507**	**100.0%**

Source: Department of Finance, E-5 Population and Housing Estimates, January 1, 2017

Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG) is responsible for allocating housing needs to each jurisdiction in its region, including the City of Desert Hot Springs. A local jurisdiction's "fair share" of regional housing need is the number of additional housing units that will need to be constructed in the jurisdiction to accommodate the forecast growth in the number of households, to replace expected demolitions and conversion of housing units to non-housing uses, and to achieve a vacancy rate that allows for healthy functioning of the housing market. The Regional Housing Needs Allocation (RHNA) for Desert Hot Springs between 2014 and 2021 is 4,196 housing units. The allocation is divided into four income categories. The allocation is further adjusted to avoid an over-concentration of lower-income households in any one jurisdiction. Table 4.13-2, *Desert Hot Springs RHNA Allocation 2014-2021,* shows the RHNA for the City of Desert Hot Springs by each income category.

Table 4.13-2 Desert Hot Springs RHNA Allocation 2014-2021

Income Category	Number of Units
Above Moderate	1,817
Moderate	772
Low	661
Very Low	946
TOTAL	4,196

Source: SCAG, 5th Cycle Regional Housing Needs Assessment Final Allocation Plan, 1/1/2014-10/1/2021

4.13.3 Applicable Goals and Policies

The City of Desert Hot Springs Housing Element of the General Plan (2009), includes the following goals, policies and programs relevant to Population and Housing resources that would apply to the development of the Desert Land Ventures Specific Plan:

Housing Program Category 1— Adequate Housing Sites

GOALS

Accommodate a portion of the housing needs of all income groups as quantified by the Regional Housing Needs Assessment.

A variety of housing types that meet the diversity of needs within the City. Project Impact Evaluation

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to population and housing were derived from the CEQA Guidelines, Appendix G (Population and Housing). Development of the DLVSP would have a significant effect to population and housing if it is determined that the project would:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
b. Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere; or
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere.

There is no standard methodology set forth in CEQA to assess the population and housing impacts of a proposed project. However, CEQA Section 15064(e) does offer guidance for the assessment of socio-economic impacts:

> *Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.*

Impacts on population and housing were assessed by reviewing existing and anticipated population and housing figures provided by the DOF, SCAG, and the City of Desert Hot Springs Housing Element. The projects' impacts were evaluated by determining their consistency with these estimates and projections.

a. Induce Substantial Population Growth

The project consists of a General Plan Amendment, Zoning Map Amendment, Vesting Tentative Map, a Specific Plan and a Development Agreement to allow for the development of a mixed use (industrial/commercial) development with approximately 1.5 million square feet for industrial uses, approximately 360,000 square feet of commercial use, and up to 150 hotel rooms/keys. Development of land uses within the project site has the potential to generate approximately 2,212 employees, upon buildout (2019). Using the Department of Finance estimate of 3.12 persons per household, the proposed project has the potential to generate 6,901 new residents in the City. The potential new residents would represent approximately 24 percent of the current population of Desert Hot Springs. To accommodate the potential increase in household demand, the Desert Hot Springs 2014-2021 RHNA has allocated 4,196 housing units to accommodate the forecast population growth of the City. However, the potential

number of required housing units for the proposed project's potential employees would require over half of the total RHNA allocation. Conversely, the City has a vacancy rate of 19.3 percent as of January 2017 (Department of Finance E-5 Report, 2017), which translates to approximately 2,220 vacant housing units. Although the worst case scenario population increase for the proposed project is assumed to be 6,901 new residents, the majority of the employees are anticipated to be local, either from the City of Desert Hot Springs or surrounding communities close enough to commute from. Currently, the unemployment rate in the City of Desert Hot Springs is 6.7 percent, which translates to approximately 1,950 unemployed residents. It is 1.1 percent higher than the Riverside County rate, and 1.8 percent higher than the national rate. Due to the high unemployment rate within the City of Desert Hot Springs, there is sufficient labor force within the City for approximately 90 percent of the employees needed for operation of the DLVSP at build out. Hiring local employees would reduce the City's unemployment rate without a significant increase to the overall population. Thus, implementation of the DLVSP would not induce substantial population growth, and impacts would be less than significant.

b. Displacement of Existing Housing

The project site is located on a vacant parcel within the City. Therefore, implementation of the DLVSP would not displace any existing houses.

c. Displacement of a Substantial Number of People

The project site is located on a vacant parcel within the City. Therefore, implementation of the DLVSP would not displace any people.

4.13.4 Cumulative Impacts

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

4.13.5 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

No regulatory Requirements are required.

4.13.6 Level of Significance After Mitigation

Not applicable.

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4.14 Public Services

4.14.1 Introduction

Current public services for the project site and surrounding area are described in this section along with a discussion of the potential constraints, risks and opportunities associated with these services. Potential impacts associated with implementation of the DLVSP are also considered.

A variety of resources have been consulted, including personal communication with service providers have been used to assess potential impacts to public service providers and are included in Chapter 8, *References.*

4.14.2 Existing Conditions

Fire Protection

Fire protection for the project site and surrounding area is provided by the Riverside County Fire Department. In the event of an emergency incident, three Riverside County Fire Department Stations in the City of Desert Hot Springs would respond in the following order:

Fire Station 37 at 65958 Pierson Boulevard is equipped with one Type -1 Fire Engine and staffed with three personnel providing paramedic service. This station is located approximately 4.6 miles north of the DLVSP on the northwest corner of Pierson Boulevard and West Drive. The average response time to the project site is between 9 and 10 minutes.

Fire Station No. 66 at 11535A Karen Avenue is equipped with one Type-1 Fire Engine and staffed with three personnel providing paramedic service. This station is located approximately 5.65 miles northwest of the project site. The average response time to the project site is approximately between 11 to 12 minutes.

Emergency response to the project site is also available through two other Riverside County Fire stations, one in Sky Valley/Desert Edge, and the other in Thousand Palms. The Sky Valley/Desert Edge Station No. 56 is located at 72985 Dillion Road. It is equipped with one Type-1 Fire engine and staffed with three personnel providing paramedic service. The station is located approximately 7.35 miles northeast of the project site. The average response time to the project site is 12 to 13 minutes. The additional station is Station No. 35, located at 31920 Robert Road. It is equipped with a Type-I Fire Engine, and staffed with three personnel providing paramedic services. This station is located approximately 8.5 miles southeast of the project site and the average response time is between 13 to 14 minutes. County Fire dispatches all calls through its centralized Emergency Command Center, where responding stations are determined based on incident location and need.

The County Fire Department cities a threshold established in its 1986 Master Plan, which calls for one new fire station per every 2,000 dwelling units or 3.5 million square feet of commercial development. The Fire Department has developed a Strategic Plan to update thresholds and plan for staffing, facilities and services through 2029. Goals and strategies include developing a "standard of cover" analysis to establish appropriate staffing levels to meet operational needs within the various jurisdictions the Department serves.

Police Protection

Police protection for the project site and surrounding area is provided by the City of Desert Hot Springs Police Department. The Desert Hot Springs Police Department operates out of the Desert Hot Springs City Hall located at 65950 Pierson Boulevard about 5.8 miles north of the project site. As of August 21, 2017, at full strength, the Desert Hot Springs Police Department employs 32 sworn officers and 9 non-sworn support staff; however, current staffing levels are below ideal. The Police Department's desirable ratio of law enforcement officers with a full contingent staff to population ratio would be 1.06 officers per 1,000 persons. The current staffing ratio is 0.88 officers per 1,000 persons. City-assigned officers provide high-visibility preventive patrol, enforcement of local, State, and federal laws and ordinances, traffic enforcement, traffic collision investigation, and non-criminal requests for service. All major crimes and follow-up investigations are conducted by the Desert Hot Springs Police Department's Detective Bureau.

Hospitals

In addition to a number of local physicians' offices and urgent care facilities, several large health care facilities are located near the project site. The Desert Regional Medical Center in Palm Springs, located approximately 3.95 miles southwest of the project site, is a private hospital that is licensed for 382 acute-care beds. Facilities include a 24-hour emergency room, trauma center, and outpatient services. The hospital operates a Home Health Care Department that provides in-home nursing care and household maintenance services to those in need. A Hospice of the Desert, which offers services to the terminally ill is also included. The Eisenhower Medical Center in Rancho Mirage, located 4.5 miles south of the project site, is also a private hospital that is licensed for 381 beds and includes an emergency room, intensive care unit, cardiac care unit and other specialized units.

Schools

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

Table 4.14-1 Palm Springs Unified School District Enrollment and Capacity

School Type[1]	2015/16 Capacity[2]	2015/16 Enrollment[3]	Excess/ (Shortage) Capacity
Elementary School (Grades K-6)	13,923	12,663	1260
Middle School (Grades 7-8)	3,127	3,552	(425)
High School (Grades 9-12)	8,604	7,110	1,494
Total	**25,654**	**23,325**	**2,329**

Source: Palm Springs Unified School District Commercial/Industrial School Fee Justification Study, Table 1, 2016.

Notes:

1. The School District's school level configuration has been altered to be consistent with the State Allocation Board (SAB) Form 50-02.
2. SAB Form 50-02 plus State funded capacity and teaching stations purchased by the School District.
3. 2015/2016 student enrollment provided by the School District

Although PSUSD as a whole still has capacity for new students, as shown in Table 4.14-1, *Palm Springs Unified School District Enrollment and Capacity,* current student enrollment exceeds capacity at the middle school level while the student enrollment at the elementary and high school levels has sufficient capacity for additional students. PSUSD utilizes portable classrooms to accommodate over-capacity student enrollment at its schools until enrollment warrants construction of new school facilities. PSUSD plans to add one new elementary school 2022, depending on funding availability.

Within the City of Desert Hot Springs and its sphere of influence, PSUSD operates five elementary schools, one middle school, one alternative high school, and one high school. The nearest PSUSD school is Rio Vista Elementary, located 2.95 miles southeast of the project site, at 6770 Verona Road, Cathedral City. The nearest PSUSD school within the City's Sphere of Influence (SOI) is Bubbling Wells Elementary, located 3.6 miles northeast of the project site, at 77501 Camino Campanero. The second nearest school within the City's SOI is Two Bunch Palms Elementary, located 4.3 miles northwest of the project site at 14250 West Drive.

Other Public School Facilities

PSUSD also provides adult education programs, such as English learner programs, early childhood education, special education services, and an after school education and safety program.

School Funding

There are a variety of funding sources for school districts, including a portion of local property taxes and State funds. In addition, State Assembly Bill 2926 (AB 2926), enacted in 1986, authorizes school districts to levy an impact development fee on developers. These fees may be used to construct new facilities. They are updated periodically and currently PSUSD fees are $0.56 per square foot of commercial/industrial development.

Higher Education Institutions

There are three regional higher education institutions in the Coachella Valley. They include the College of the Desert, a community college with Associates degree programs and adult education, with multiple campuses, including a Desert Hot Springs campus located at the Edward L. Wenzlaff Education Center at 11625 West Drive, approximately 5.6 miles northwest of the project site; and a main campus in Palm Desert. Bachelor's and Master's degree programs are offered through California State University, San Bernardino (Palm Desert campus), and University of California, Riverside (Palm Desert campus).

Parks

See Section 4-15, *Recreation.*

Other Public Facilities

The Desert Hot Springs Public Library is located at 11691 West Drive and is a branch of the Riverside County Library System. According to the *Desert Hot Springs General Plan EIR*, the Library contains 29,728 volumes within a 3,500 square foot building. A bookmobile, which is operated in conjunction with Sunline Transit Agency and contains approximately 10,000 volumes, provides mobile library services to residents within unincorporated areas of the City's General Plan area and the Coachella Valley.

4.14.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000) Fire and Police Protection Element, includes the following goals, policies and programs relevant to the DLVSP.

Fire and Police Protection Element

GOAL-1

A high level of police and fire protection and service.

Policy 1

All new and improved developments shall be reviewed for their impact on safety and the provision of police and fire protection services.

Program 1A

Consult and coordinate with the Riverside County Fire Department to establish potential fire station locations to provide for future adequate levels of services.

Policy 2

Enforce fire standards and regulations in the course of reviewing building plans and conducting building inspections.

Policy 3

Potentially hazardous material use and storage shall be regulated by the City and other appropriate agencies.

Program 3A

The siting of facilities which involve the storage of hazardous, flammable or explosive materials shall be conducted in such a manner as to assure the highest level of safety in strict conformance with the Uniform Fire Code and other applicable codes and regulations.

Policy 5

Emergency police, fire, and paramedic vehicle access shall be provided with all new development to the satisfaction of the City.

Policy 6

Utilize crime prevention principles through the integration of project planning which results in "defensible space" or high security designs as a means of providing increased security in residential, commercial and industrial development.

4.14.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to public services were derived from the CEQA Guidelines, Appendix G (Public Services). Development of the DLVSP would have a significant effect to public services if it is determined that the project would:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or create a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives for fire protection, police protection, schools, parks, and other public facilities.

a. Result in Substantial Impacts to Service or Facilities of the Following:

ai. Fire Protection

Implementation of the DLVSP and the expected increase in additional structures, roadway congestion, and population is expected to result in an increase in demand for fire protection services. Additional equipment, vehicles and staff may be needed as the project site develops with increased density of uses. Equipment and staffing needs would be determined as the DLVSP is built out. Installation of new water mains and hydrants would be required because the site is currently undeveloped. On-going monitoring and evaluation of the need for additional facilities and staff may be necessary throughout development

of the DLVSP. Implementation of Regulatory Requirement RR-17 would ensure that funding to maintain an acceptable level of fire protection is met.

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

aii. Police Protection

As indicated by the Desert Hot Springs Police Department, the desirable ratio of officers to population is 1.06 officers per 1000 persons. However, the current ratio is 0.89 officers per 1000 persons. Full build-out of the DLVSP has the potential to generate 6,901 new residents. Based on the desired officer to person ratio, the Police Department would require 1 additional officer at build out. The developer would be required to pay a City Development Impact Fee (DIF) to Law Enforcement Facilities at the rate of $4.49 per square foot of commercial and office use development and $0.70 per square foot of industrial and manufacturing development to help fund additional resources necessary for police protection services.

In addition, pursuant to City of Desert Hot Springs Municipal Code Section 5.50.040, project applicants are required to prepare a security plan and install security measures at each medical marijuana cultivation facility to ensure the safety of employees and patients. The required security plan would include measures such as installation of security cameras, audible interior and exterior alarm systems, and employment of a licensed security guard during all hours of operation. This would help reduce the need for police protection. All proponents proposing marijuana facilities on the project site shall adhere to the City's Medical Marijuana Ordinances 552, 553, and 552 regarding medical marijuana permit requirements, location, and operation.

Implementation of Regulatory Requirements RR-20 through RR-23 would ensure that the City would continue to monitor population growth to ensure that the Police Department can provide adequate police protection in the DLVSP. Therefore, impacts would be less than significant.

aiii. Schools

Build-out of the DLVSP would occur over time, and student populations are also expected to increase gradually. PSUSD facilities planners look for new school sites or ways to increase the efficiency of existing school sites to accommodate additional students as the population increases. According to the PSUSD

Commercial/Industrial Fee Justification Report (2016), a total of 46,689 dwelling units are projected to be developed within the School District through calendar year 2035, creating a need for new school facilities.

Education Code Section 17620 allows school districts to impose school impact fees against "construction" occurring within its boundaries. "Construction" is defined to include "new construction and reconstruction of existing building for residential, commercial, or industrial" use (Government Code § 65995(d)). PSUSD has been and would continue to receive developer's impact fees for commercial and industrial development. Under PSUSD's most current fee schedule, commercial and industrial development proposed for the DLVSP would pay the School Fee of $0.56 per square foot.

These measures are expected to minimize impacts to PSUSD schools. However, some schools are currently operating at or beyond capacity, and new facilities would be needed to serve the student population for the entire City, including student generation derived from potential Specific Plan-related job creation. Regulatory Requirement RR-24 is set forth to ensure that potential adverse effects to public schools are reduced to less than significant levels.

aiv. Parks

See Section 4-15, *Recreation*.

av. Other Public Facilities

Libraries

In order to meet the need for public facilities and improvements, Riverside County imposes development impact fees (DIFs) in order to support projected future development. The County imposes a Library Construction DIF, however, the DIF is only applicable to residential developments. Residential developments are not proposed within the project site. Therefore, the County does not require this project to participate in the library construction DIF. Additionally, the City does not require commercial and industrial developments to pay a DIF towards library services and facilities. Therefore, impacts would be less than significant.

4.14.5 Cumulative Impacts

Although implementation of the DLVSP would increase demand for public services and facilities, impacts would primarily due to the proposed land uses. As development occurs within the project site, the new land uses would require additional police and fire protection since the project site is currently undeveloped. Additionally, population growth spurred by new employees has potential to impact school and library services, parks and recreation facilities, and public and quasi-public utilities, including electricity, natural gas, water, sanitary sewer and solid waste management. The proposed project has potential to generate approximately 2,212 employees upon buildout, but the proposed project would

not substantially impact population growth in the City because there is no residential development proposed within the DLVSP. Public services would incur proportional increases in service demands as generated by new development at the project site. Fees collected would be used to offset increased demands to public services and facilities by funding school and library expansions, roadway improvements, new police and fire services and development of new expanded public buildings. Therefore, with implementation of Mitigation Measures PS-1 through PS-8 and adherence to goals, policies and programs as identified in this section, impacts to public services and facilities are expected to be less than significant.

4.14.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

Fire

RR-17 The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to compensate for the costs necessary to maintain an acceptable level of service to the project site.

RR-18 The City and Riverside County Fire Department shall continue to confer and coordinate with the City of DHS to ensure that facilities and services associated with the DLVSP are expanded in a timely manner.

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

Police

RR-20 The project applicant(s) shall participate in the Development Impact Fee Program as adopted by the City of Desert Hot Springs for applicable development projects to compensate for the costs necessary to maintain an acceptable level of service.

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

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

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

Schools

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

4.14.7 Level of Significance After Mitigation

Not applicable.

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4.15 Recreation

4.15.1 Introduction

This section describes the existing recreational facilities in the City and assesses potential impacts on recreational resources from future growth associated with development of the DLVSP. Information for this section was obtained from the City of Desert Hot Springs, *Comprehensive General Plan* 2000, the City of Desert Hot Springs *Final Parks and Recreation Master Plan* 2013, and the California Department of Finance, *E-5 Population and Housing Estimates.* Sources used in the evaluation of potential impacts to Recreation resources are included in Chapter 8, *References.*

4.15.2 Environmental Setting

Existing Conditions

The City of Desert Hot Springs offers a variety of passive and active recreational opportunities for residents and visitors to the region. According to the Desert Hot Spring's Final Parks and Recreation Master Plan, there are approximately 27.29 total acres of parkland. There are seven parks, recreational facilities including a skate park, two community centers, a Community Health & Wellness Center/Boys & Girls Club, Senior Center and the Cabot's Pueblo Museum. None of these facilities are on or in close proximity to the project site. However, the City's largest park is Mission Springs Park, located approximately 3.9 miles north of the project site, 0.2 miles east of Palm Drive and Park Lane. This 14.9-acre park is the closest recreational facility to the project site.

4.15.3 Applicable Goals and Policies

Desert Hot Springs Final Park and Recreation Master Plan (2013)

The City of Desert Hot Springs Final Park and Recreation Master Plan (2013) includes the following goals, policies and programs relevant to Recreation resources that would apply to DLVSP:

GOAL 1

A balanced quality system of parks, trails and recreational areas that support a broad range of activities, as well as active, and passive open space enjoyment opportunities for current and future residents.

> ***Policy 1***
>
> *Update and maintain the City's Master Parks Plan to assure adequate parklands, trails, and open space lands meeting or exceeding developed parkland acreage standards as stated in the Quimby Act.*

Desert Land Ventures Specific Plan

The DLVSP provides the following *Land Use Principles*, *Goals* and *Objectives* that are relevant to Recreation resources:

Goals and Objectives

- *Implement the vision, goals and policies of the Desert Hot Springs General Plan for the Specific Plan area, as well as the objectives of City of Desert Hot Springs I-10 Community Annexation.*

4.15.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to recreational resources were derived from the CEQA Guidelines, Appendix G (Recreation). Development of the DLVSP would have a significant effect to recreational resources if it is determined that the project would:

a. 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.
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

a/b. Impacts on Parks and Facilities/ Impacts on the environment due to parks and facilities

Implementation of the DLVSP has the potential to generate approximately 2,212 employees. It is possible that many of the potential employees would be living in the City or the general surrounding area. Based on a family of 3.12 persons per household (State Department of Finance E-5 Report, 2017), the proposed mixed industrial and commercial development has the potential to increase the population of the city by approximately 6,901 residents, which would represent approximately 24 percent of the current population of Desert Hot Springs. Therefore, implementation of the DLVSP has the potential to increase demands on local recreation facilities. In accordance with City's Final Park and Recreation Master Plan *Policy 1*, the addition of 6,901 residents to the current City population of 29,111 would require a minimum acquisition of 7 acres of parkland at the current parkland ratio of 1 acre to 1,000 residents, or 21 acres of parkland at the recommended parkland ratio of 3 acres to 1,000 residents.

Developers proposing commercial and industrial use projects would not be required under Desert Hot Springs Municipal Code Section 16.16.40A to pay the Parkland Acquisition and Improvements Fee to the City because these types of projects are exempt from this development impact fee. Section

4.13 – Population and Housing, concludes that the current vacancy rate and the allocated 4,196 housing units for forecast population growth in the City is sufficient to accommodate the population increase resulting from implementation of the DLVSP. However, in the event that new housing is required in the City, residential developers would be required to pay the Parkland Acquisition and Improvements Fee. Therefore, the City would have funding to ensure that substantial physical deterioration of park and recreation facilities would not occur and impacts would be less than significant.

Full build-out of the DLVSP would not include recreational facilities or require the construction or expansion of such facilities. Therefore, no adverse physical effect on the environment would occur.

4.15.5 Cumulative Impacts

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

4.15.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation measures are required.

Regulatory Requirements

No Regulatory requirements are required.

4.15.7 Level of Significance after Mitigation

Not applicable.

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4.16 Transportation and Traffic

4.16.1 Introduction

This section describes the existing setting and potential impacts regarding traffic and circulation around and throughout the project site and surrounding area. This section is based on information contained in the *Desert Land Ventures III LLC Property Traffic Impact Analysis* (TIA), prepared by Kunzman Associates, July 2017, and the City of Desert Hot Springs *Comprehensive General Plan Circulation Element* 2000. The TIA is included as Appendix H of this EIR. Sources used to prepare this section are included in Chapter 8, *References,* at the end of this EIR.

The TIA analyzed traffic impacts for existing conditions, existing plus project conditions, the Opening Year (2019) with and without project conditions, and the year 2035 with and without project conditions.

4.16.2 Environmental Setting

Environmental Setting

Implementation of the DLVSP would result in the development of a master planned industrial and technology business park that accommodate a mix of industrial warehouses and businesses, as well as accommodating freeway-oriented commercial and hospitality uses. The project site consists of approximately 123.4 acres of vacant land located north of Interstate 10 and west of the intersection of Palm Drive and Varner Road.

Study Area

Exhibit 4.16-1, *Study Area Intersection*s and Table 4.16-1, *Study Area Intersections*, show a study area comprising 18 intersections. Intersecting streets are characterized as north-south (NS) or east-west (EW).

Analysis Scenarios

Based on the City-approved scoping agreement, the following scenarios were analyzed:

1. Existing Conditions,
2. Existing Plus Project Conditions,[1]
3. Opening Year (2019) Without Project Conditions,
4. Opening Year (2019) With Project Conditions,
5. Year 2035 Without Project Conditions, and
6. Year 2035 With Project Conditions.

Table 4.16-1 Study Area Intersections

ID	Intersection	Jurisdiction
1	Avenida Caballeros (NS) at Vista Chino (EW)	Palm Springs
2	Sunrise Way (NS) at Vista Chino (EW)	Palm Springs
3	Farrell Drive (NS) at Vista Chino (EW)	Palm Springs
4	Palm Drive (NS) at Pierson Boulevard (EW)	Desert Hot Springs
5	Palm Drive (NS) at Desert View Avenue (EW)	Desert Hot Springs
6	Palm Drive (NS) at Hacienda Avenue (EW)	Desert Hot Springs
7	Palm Drive (NS) at Two Bunch Palms Trail (EW)	Desert Hot Springs
8	Palm Drive (NS) at Camino Campanero (EW)	Desert Hot Springs
9	Palm Drive (NS) at Camino Aventura (EW)	Desert Hot Springs
10	Palm Drive (NS) at Dillon Road (EW)	Desert Hot Springs
11	Palm Drive (NS) at 20th Avenue (EW)	Desert Hot Springs
12	Palm Drive (NS) at Varner Road (EW)	Desert Hot Springs
13	Palm Drive (NS) at I-10 Freeway Westbound Ramps (EW)	Desert Hot Springs
14	Palm Drive (NS) at I-10 Freeway Eastbound Ramps (EW)	Desert Hot Springs
15	Gene Autry Trail (NS) at Vista Chino (EW)	Palm Springs
16	Gene Autry Trail (NS) at Ramon Road (EW)	Palm Springs
17	Avenida Quintana/Desert Princess Drive (NS) at Vista Chino (EW)	Cathedral City
18	Landau Boulevard (NS) at Vista Chino (EW)	Cathedral City

Source: Desert Land Ventures III LLC Property, Page 1-2, Kunzman Associates Inc., July 2016.

Notes:

1. The existing plus project conditions have been analyzed to comply with the Sunnyvale West Neighborhood Association v. Sunnyvale CEQA court case. This scenario assumes the full development of the proposed project and full absorption of the proposed project trips on the circulation system at the present time.

Regulatory Setting

The TIA was prepared in accordance with the guidelines contained in the Riverside County Transportation Department *Traffic Impact Analysis Preparation Guide* (April 2008).

Intersection Analysis Methodology

Initial existing peak hour traffic volumes were determined based upon morning and evening peak period intersection turning movement counts conducted in June 2017 during typical weekday conditions.

The TIA analyzed the proposed project using the intersection delay method based on the procedures contained in the *Highway Capacity Manual (Transportation Research Board, 2010).* The methodology compares the volume of traffic using the intersection to the capacity of the intersection to calculate the delay associated with the traffic control at the intersection. The intersection delay is then correlated to a performance measure known as Level of service. Definitions for levels of service (LOS) are provided in Table 4.16-2, *Level of Service Intersection Control Delay.*

Table 4.16-2 Level of Service Intersection Control Delay

Level of Service	Intersection Control Delay (Seconds / Vehicle)	
	Signalized Intersection	Unsignalized Intersection
A	≤ 10.0	≤ 10.0
B	> 10.0 to ≤ 20.0	> 10.0 to ≤ 15.0
C	> 20.0 to ≤ 35.0	> 15.0 to ≤ 25.0
D	> 35.0 to ≤ 55.0	> 25.0 to ≤ 35.0
E	> 55.0 to ≤ 80.0	> 35.0 to ≤ 50.0
F	> 80.0	> 50.0

Source: Desert Land Ventures III LLC Property TIA, Study Intersections Table, Page 5, Kunzman Associates Inc., July 2017.

LOS is used to qualitatively describe the performance of a roadway facility, ranging for LOS A (free-flow conditions) to LOS F (extreme congestion and system failure). Signalized intersection input parameters, such as saturation flow rates and default values for *Highway Capacity Manual* calculations, were used in accordance with the recommended values shown on Exhibit C of the Riverside County Guidelines.

Performance Standards

The General Plan Circulation Elements of the City of Desert Hot Springs, City of Palm Springs, and City of Cathedral City have established level of Service D as the minimum acceptable Level of Service for their transportation system. Roadway facilities operating at Level of Service E or F are considered deficient.

Existing Conditions

Regional access to the project site is provided by the I-10 freeway at the Palm Drive interchange. Local north-south circulation for future projects at the project site is provided by Palm Drive. Local east-west circulation is provided by Varner Road.

Existing Intersection Delay and Level of Service

The morning and evening peak hour LOS for existing traffic conditions at intersections have been calculated and are shown on Table 4.16-3, *Existing Intersection Delay and Level of Service.*

Table 4.16-3 Existing Intersection Delay and Level of Service

Intersection	Jurisdiction[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	8.5-A	5.6-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	18.6-B	20.5-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	25.6-C	24.9-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	15.8-B	14.2-B
Desert View Avenue (EW) - #5	DHS	CSS	17.4-C	21.4-C
Hacienda Avenue (EW) - #6	DHS	TS	16.9-B	18.6-B
Two Bunch Palms Trail (EW) - #7	DHS	TS	47.0-D	28.2-C
Camino Campanero (EW) - #8	DHS	TS	10.4-B	8.8-A
Camino Aventura (EW) - #9	DHS	CSS	31.7-D	35.2-E
Dillon Road (ES) - #10	DHS	TS	28.7-C	18.1-B
20th Avenue (EW) - #11	DHS	CSS	99.9-F[4]	99.9-F[4]
Varner Road (EW) - #12	DHS	TS	6.4-A	6.9-A
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	12.1-B	7.5-A
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	5.9-A	5.3-A
Gene Autry Trail (NS) at: Vista Chino (EW) - 15	PS/CAL	TS	38.9-D	32.3-C
Ramon Road (EW) - #16	PS/CAL	TS	26.4-C	20.3-C
Avenida Quintana/Desert Princess Drive (NS) at:				
Vista Chino (EW) - #17	CAT	TS	31.7-C	23.0-C
Landau Boulevard (NS) at: Vista Chino (EW) - #18	CAT	TS	18.5-B	17.3-B

Source: Desert Land Ventures III LLC Property TIA, Table 1, Kunzman Associates Inc., July 13, 2017.

Notes:

1. Jurisdiction -- PS = Palm Springs; CAL = Caltrans; DHS = Desert Hot Springs; CAT = Cathedral City
2. Traffic Control -- TS = Traffic Signal; CSS = Cross Street Stop
3. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall single average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.
4. 99.9-F = Delay High, Intersection Unstable, Level of Service F.

Bicycle and Pedestrian Facilities

Currently, bicycle infrastructure is non-existent in the project site. Additionally, there is no pedestrian circulation system currently serving the project site or its surroundings. Along Palm Drive east of the project site, public sidewalks are limited to the frontage of the development pads of the gas stations and fast food restaurant near the intersection of Palm Drive and Mihalyo Road. However, there is a Class II Bike Lane along Palm Drive that extends north toward the urban area of Desert Hot Springs and south into Palm Springs along Gene Autry Trail.

Transit Service

The project site is currently served by SunLine Transit Agency routes 14, 15, 20, 24, 30, and 32. Line 14 runs along Palm Drive, Hacienda Avenue, Gene Autry Trial, Vista Chino, and Farrell Drive Line 15 runs along Palm Drive and Hacienda Avenue. Line 20 runs along Palm Drive, Pierson Boulevard, and the I-10 Freeway. Line 24 runs along Sunrise way and Ramon Road. Line 30 runs along Ramone Road. Line 32 runs along Gene Autry Trail, Vista Chino, and Ramon Road.

4.16.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Circulation resources that would apply to the development of the project site:

Circulation Goals, Policies, and Programs

GOAL 1

A circulation network that efficiently, safely and economically moves people, vehicles, and goods using transportation facilities that meet current demands and projected needs of the City, while maintaining and protecting its residential and spa resort character.

Policy 2

Coordinate and cooperate with CalTrans, CVAG and Riverside County to assure preservation of capacity and maximized efficiency along Palm Drive, Highway 62 and other major roadways.

Program 2A

Maintain a liaison with CalTrans, CVAG and Riverside County planning and engineering staffs to study and implement effective means of preserving and improving capacity along Interstate-10 and its interchanges. Palm Drive, Highways 62 and other major roadways serving inner-city traffic. Strategies shall include but are not limited to synchronized signalization, consolidation of access drives and restriction of access, construction of additional travel and turning lanes, raised median islands, and improvements to critical intersections.

Program 2B

Review new and redeveloping projects along Palm Drive and Pierson Boulevard with the intent of limiting access and aligning and/or consolidating access drives in a manner which minimizes conflicting turning movements and maximizes the use of existing and planned signalized intersections.

Policy 4

Encourage expansion of the service area and the ridership of the public transit systems operated by the Sunline Transit Agency within the City.

Program 4B

When reviewing development proposals, consult and coordinate with the Sunline Transit Agency and solicit comments and suggestions on how bus stops and other public transit facilities and design concepts, including enhanced access, should be integrated into project designs.

Program 4

When reviewing development proposals, consult and coordinate with Sunline Transit Agency to encourage the development of rideshare and other alternative, high occupancy transit programs for employers with sufficient numbers of employees.

Policy 5

As a means of reducing traffic associated with work-related out-migration, make every reasonable effort to enhance the City's jobs/housing balance.

Program 5A

In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to increase City-based employment; encourage mixed-use development with a residential component contiguous with or near to employment and/or commercial centers; facilitate use of the City's home occupation ordinance; and encourage major employers to evaluate telecommuting opportunities, either home-based or local centers, as well as part-time options for employees.

Community Design Goals, Policies, and Programs

GOAL 1

City-wide design and development which enhances the community's distinctive character as a desert-oriented resort residential community and preserves and enhances the natural scenic resources in harmony with the built environment.

GOAL 2

Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.

Policy 4

Commercial development and mixed use projects shall consist of integrated designs that incorporate safe and convenient vehicular and pedestrian-oriented circulation, safe and convenient ingress and egress, shared parking, screened outdoor storage/loading and other noisy or unsightly areas, and protected outdoor seating areas, lighting, signage and the planting of mature landscaping to provide an immediate effect of permanency and quality.

Policy 4A

Review all commercial development plans to assure pedestrian-oriented circulation, visually and functionally integrated design safe and convenient ingress and egress, screened loading and other noisy or unsightly area, protected outdoor seating areas, and the planting of mature landscaping to provide an immediate effect of permanency.

Southern California Association of Governments (SCAG) Sustainable Communities Strategy

In April of 2016, SCAG adopted the 2016-2040, Regional Transportation Plan/Sustainable Communities Strategy (RTPSCS) (April 2016) with a set of Goals and Guiding Policies. Since its adoption, the 2016-2040 RTPSCS has gone through two amendments but they do not affect the project. Nonetheless, it is the April 2016 RTPSCS that was used to evaluate the DLVSP.

SB 375, *Sustainable Communities and Climate Protection Act of 2008*, requires Metropolitan Planning Organizations (MPOs) such as SCAG to develop a Sustainable Communities Strategy (SCS) – an element of the RTP – to strive to reach the greenhouse gas (GHG) reduction target established for each region by the California Air Resources Board.

SCAG's 2016-2040 RTP/SCS is a plan for mobility, accessibility, sustainability and a high quality of life in the region. It is first and foremost, a transportation plan that integrates land use planning into its framework to improve mobility and access to transportation options in response to SB375.

The following Goals and Guiding Policies relevant to the project are set forth in the 2016-2040 RTP/SCS:

2016 RTP-SCS Goals

1. *Maximize mobility and accessibility for all people and goods in the region.*
2. *Ensure travel safety and reliability for all people and goods in the region.*
3. *Preserve and ensure a sustainable regional transportation system.*
4. *Maximize the productivity of our transportation system.*
5. *Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).*
6. *Actively encourage and create incentives for energy efficiency, where possible.*
7. *Encourage land use and growth patterns that facilitate transit and active transportation.*
8. *Maximize the security of the regional transportation system through improved system*

monitoring, rapid recovery planning, and coordination with other security agencies. Note: SCAG does not yet have an agreed-upon security performance measure.

2016 RTP-SCS Guiding Policies

1. *Transportation investments shall be based on SCAG's adopted regional Performance Indicators.*
2. *Ensuring safety, adequate maintenance and efficiency of operations on the existing multimodal transportation system should be the highest RTP/SCS priorities for any incremental funding in the region.*
3. *RTP/SCS land use and growth strategies in the RTP/SCS would respect local input and advance smart growth initiatives.*
4. *Transportation demand management (TDM) and active transportation would be focus areas, subject to Policy 1.*
5. *HOV gap closures that significantly increase transit and rideshare usage would be supported and encouraged, subject to Policy 1.*
6. *The RTP/SCS would support investments and strategies to reduce non-recurrent congestion and demand for single occupancy vehicle use, by leveraging advanced technologies.*
7. *The RTP/SCS would encourage transportation investments that result in cleaner air, a better environment, a more efficient transportation system and sustainable outcomes in the long run.*
8. *Monitoring progress on all aspects of the Plan, including the timely implementation of projects, programs, and strategies, would be an important and integral component of the Plan.*

4.16.4 Project Impacts

Thresholds of Significance

The following thresholds are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential effect. The significance determination is based on the recommended criteria set forth in Section 15064 of the CEQA Guidelines. The proposed project's effects on traffic and circulation would be significant if it is determined that the project would:

a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
e. Result in inadequate emergency access.
f. Result in inadequate parking capacity.
g. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

To further define threshold b above, a potentially significant project traffic impact is defined to occur at any signalized intersection if the addition of project trips would result in the level of service for a given intersection to meet or exceed the criteria below:

Post-Project Level of Service	Change in Level of Service
E	Either an increase in delay of 2 seconds or more (HCM) or 30 peak hour trips or more (ICU) on critical movements per lane
F	Either an increase in delay of 1 second or more (HCM) or 15 peak hour trips or more (ICU) on critical movements per lane

A potentially significant project traffic impact at an unsignalized study intersection is defined to occur when, with the addition of project traffic, an intersection has a projected LOS F on a side street for two-way stop control or LOS E or worse for the intersection at an all-way stop controlled intersection and the addition of project traffic results in an addition of three (3) seconds or more of delay for any movement.

Roadway segment impacts are those defined to occur on any roadway segment if the segment is projected to be operating at LOS E or LOS F with project traffic included and the peak hour V/C in the peak direction is increased by 0.02 or more by addition of project traffic at existing plus project or at project opening years.

If the proposed project is forecast to result in a significant impact at a particular study intersection or roadway segment, feasible mitigation measures must be identified that reduce the impact to a less than significant level. Mitigation measures can be in many forms, including addition of lanes, traffic control modification, or demand management measures. If no feasible mitigation measures can be identified for a significantly impacted facility, the impact would remain significant and unavoidable.

a/b. Conflict with Applicable Plan or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System / Conflict with Applicable Congestion Management plan

Trip Generation

Trip generation rates were determined for daily trips, morning peak hour inbound and outbound trips, and evening peak hour inbound and outbound trips for the proposed land uses. The number of trips forecast to be generated by the project are determined by multiplying the trip generation rates by the land use quantities, as shown in Table 4.16-4, *Project (Light Industrial) Trip Generation*.

Table 4.16-4 Project (Light Industrial) Trip Generation

Descriptor	Quantity	Units[1]	Type of Vehicle					Total
			Passenger Car	2 Axle Truck	3 Axle Truck	4+ Axle Truck	Total Trucks	
Land Use: Light Industrial	1,538.757	TSF	78.6%	8.0%	3.9%	9.5%	21.4%	100%
Trip Generation Rates in trips per TSF								
Daily			5.478	0.558	0.272	0.662	1.492	6.97
Morning Peak Hour			0.723	0.074	0.036	0.087	0.197	0.92
Evening Peak Hour			0.762	0.078	0.038	0.092	0.208	0.97
Trip Generation in Vehicles								
Daily			8,430	858	418	1,019	2,295	10,725
Morning Peak Hour								
Inbound			980	100	49	118	267	1,247
Outbound			133	14	7	16	37	170
Total			1,113	114	56	134	304	1,417
Evening Peak Hour								
Inbound			145	15	7	18	40	185
Outbound			1,028	105	51	124	280	1,308
Total			1,173	120	58	142	320	1,493
Passenger Car Equivalent's (PCE'S) Factor[2]			1.00	1.50	2.00	3.00		
Trip Generation in PCE's								
Daily			8,430	1,287	836	3,057	5,180	13,610
Morning Peak Hour			980	150	98	354	602	1,582
Inbound Outbound Total			133	21	14	48	83	216
Evening Peak Hour			1,113	171	112	402	685	1,798
Inbound			145	23	14	54	91	236
Outbound			1,028	158	102	372	632	1,660
Total			1,173	181	116	426	723	1,896

Source: Desert Land Ventures III LLC Property TIA, Table 2, Kunzman Associates Inc., July 2017.

Notes:

1. TSF = Thousand Square Feet
2. Passenger Car Equivalent factors are recommended by San Bernardino Associated Governments.

Table 4.16-5, *Total Project Trip Generation,* show the project trip generation based upon rates obtained from the Institute of Transportation Engineers, *Trip Generation Manual* ,9th edition, 2012 and the City of Fontana, *Truck Trip Generation Study,* August 2003.

As shown in Table 4.16-5, development of future projects at the project site is forecast to generate a total of approximately 28,719 daily trips in passenger car equivalents, 2,138 passenger car equivalent trips of which would occur during the morning peak hour and 2,973 passenger car equivalent trips of which would occur during the evening peak hour.

As with most commercial retail located adjacent to a freeway, a percentage of the commercial retail trips can reasonably be expected to come from diverted trips; trips that "divert" while travelling from an origin to a destination other than the commercial retail and would already be on the roadway system. These trips divert from the freeway or the roadway network to the shopping center and then continue back toward their original destination. Based on the Institute of Transportation Engineers, *Trip Generation Handbook,* 3rd Edition, 2014, a 34 percent pass by trip reduction has been applied to the commercial retail land use.

Traffic volumes shown in Table 4.16-5 consist of the total trips generated for each project land use. Because a light industrial trip generated by the project may also be making trips to a commercial retail land use within the project, a double counting of those trips occurs. In order to analyze a "conservative" scenario in terms of assignment of trips, the traffic volumes from the commercial retail portion of the project site have not been reduced, although the actual trip count could be less.

Table 4.16-5 Total Project Trip Generation

Land Use[1]	Quantity	Units[2]	Daily
Trip Generation Rates			
Commercial Retail	359.042	TSF	(0.65Ln(X) + 5.83)
Trips Generated			
Light Industrial - Cars[3]	1,538.757	TSF	8,430
Light Industrial - Trucks[3]	1,538.757	TSF	5,180
Commercial Retail	359.042	TSF	15,588
Diverted Trips Reduction (34% PM)[4]			-479
Total			**28,719**

Source: Desert Land Ventures III LLC Property TIA, Table 3, July 13, 2017.

Notes:

1. Source: Institute of Transportation Engineers, *Trip Generation Manual*, 9th Edition, 2012, Land Use Code 820 (Equations).
2. TSF = Thousand Square Feet
3. See Table 4.16-4.
4. Source: Institute of Transportation Engineers, *Trip Generation Handbook*, 3rd Edition, 2014.

To assess future traffic conditions, existing traffic is combined with project traffic, ambient growth, and other development. The project completion year for analysis purposes in this report is 2019.

Trip Distribution

The proposed project's trip distributions are based on review of existing traffic data, surrounding land uses, and the local and regional roadway facilities in the project vicinity. The trip distributions were devised, refined, and approved in consultation with City of Desert Hot Springs staff as part of the scoping

process prior to analysis. See Figures 16 to 19 from the DLVSP TIA (Appendix H) for the forecast directional distributions of the project generated trips.

Other Development Projects

A list of other developments in the project vicinity was provided by City of Desert Hot Springs, City of Palm Springs, and City of Cathedral City. Table 4.0-1 in the Introduction to Chapter 4 (*Section 4.0, Environmental Impact Analysis*), shows the forecast trip generation for other developments. Exhibit 4.0.1 shows the location of the projects listed in Table 4.0-1.

Riverside Traffic Analysis Model

Based upon discussions with the City of Desert Hot Springs staff, the average daily traffic volume forecasts have been determined using the growth increment approach on the Riverside Traffic Analysis Model (RivTAM) Year 2008 and Year 2035 average daily traffic volume forecasts. This difference defines the growth in traffic over the 27 year period. The incremental growth in average daily traffic volume has been factored to reflect the forecast growth between Year 2017 and Year 2035. For this purpose, linear growth between the Year 2008 base condition and the forecast Year 2035 condition was assumed. Since the increment between Year 2017 and Year 2035 is 18 years of the 27 year time frame, a factor of 0.67 (i.e., 18/27) was used.

The Year 2035 daily and peak hour directional roadway segment volume forecasts have been determined using the growth increment approach on the RivTAM Year 2008 and Year 2035 peak hour volumes. Current peak hour intersection approach/departure data is a necessary input to this approach. The existing traffic count data serves as the starting point for the refinements process. The initial estimate of turning movement proportions is then entered into a spreadsheet program consistent with the *National Cooperative Highway Research Program Report 255*. A linear programing algorithm is used to calculate individual turning movements that match the known directional roadway segment volumes computed in the previous step. The forecast turning movements developed by the spreadsheet program were reviewed for reasonableness and adjusted as necessary to ensure minimum traffic growth.

The Year 2035 RivTAM was obtained for the study area. The RivTAM utilized socio-economic data based on the proposed land uses and quantities for its analysis. Therefore, to analyze the level of service for Year 2035 with full buildout of the project traffic, it was necessary to manually add the entire project buildout trip generation project traffic to the Year 2035 traffic volumes developed by the model.

Quality control checks and forecast adjustments were performed as necessary to ensure that all future traffic volume forecasts reflect a minimum of 10 percent growth over existing traffic volumes. The result of this traffic forecasting procedure is a series of traffic volumes suitable for traffic operations analysis.

The Year 2019 traffic projections have been interpolated between Year 2035 traffic volumes and existing traffic volumes utilizing a portion of the growth increment.

Per City of Desert Hot Springs traffic study guidelines, all analysis factors and procedures have been obtained from the Riverside County Transportation Department *Traffic Impact Analysis Preparation Guide.*

The peak hour volumes have been adjusted to peak 15 minute volumes for analysis purposes using the existing observed peak 15 minute to peak hour factors for all scenarios analyzed. In accordance with the Riverside County Transportation Department *Traffic Impact Analysis Preparation Guide*, the year 2035 peak hour factor has been adjusted upwards to 1.00. This is to account for the effects of congestion on peak spreading. Peak spreading refers to the tendency of traffic to spread more evenly across time as congestion increases.

Future Traffic Volumes

To assess future traffic conditions, existing traffic is combined with project traffic, ambient growth, and other development. The project completion year for analysis purposes in this report is 2019.

Existing Plus Project Traffic Volumes and Level of Service

The traffic volumes for existing plus project conditions were derived by adding the project-generated trips to existing traffic volumes then calculating the intersection delay and LOS.

Table 4.16-6 Existing Plus Project Intersection Delay and Level of Service

Intersection	Juris.[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	8.6-A	5.8-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	19.3-B	22.4-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	25.4-C	23.7-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	16.8-B	14.8-B
Desert View Avenue (EW) - #5	DHS	CSS	19.9-C	28.0-D
Hacienda Avenue (EW) - #6	DHS	TS	17.4-B	19.7-B
Two Bunch Palms Trail (EW) - #7	DHS	TS	67.6-E	33.3-C
- With Improvements		TS	33.3-C	26.6-C
Camino Campanero (EW) - #8	DHS	TS	11.4-B	9.2-A
Camino Aventura (EW) - #9	DHS	CSS	40.5-E	51.9-F
- With Improvements		**TS**	8.2-A	7.5-A
Dillon Road (EW) - #10	DHS	TS	40.8-D	20.1-C
20th Avenue (EW) - #11	DHS	CSS	99.9-F[4]	99.9-F
- With Improvements		**TS**	3.9-A	2.2-A
Varner Road (EW) - #12	DHS	TS	99.9-F	99.9-F
- With Improvements[5]		TS	39.0-D	23.7-C
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	29.9-C	32.5-C
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	10.3-B	6.2-A
Gene Autry Trail (NS) at:				
Vista Chino (EW) - #15 Ramon	PS/CAL	TS	51.6-D	44.7-D
Road (EW) - #16	PS/CAL	TS	27.4-C	20.7-C
Avenida Quintana/Desert Princess Drive (NS) at:				
Vista Chino (EW) - #17	CAT	TS	31.9-C	22.8-C
Landau Boulevard (NS) at: Vista				
Chino (EW) - #18	CAT	TS	19.1-B	17.8-B

Source: Desert Land Ventures III LLC Property TIA, Table 5, July 13, 2017.

Notes:

1. PS = Palm Springs; CAL = Caltrans; DHS = City of Desert Hot Springs; CAT = Cathedral City
2. TS =Traffic Signal; CSS = Cross Street Shop
3. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.
4. 99.9-F = Delay High, Intersection Unstable, Level of Service F.
5. Three outbound lanes needed on west leg.

Table 4.16-6, *Existing Plus Project Intersection Delay and Level of Service,* shows intersection delay and LOS when adding the project to existing traffic volumes. The table shows delay and LOS values at the study area intersections without and with improvements. The study area intersections are projected to operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for Existing Plus Project traffic conditions, except for the following study area intersections that are projected to operate at unacceptable Levels of Service during the peak hours (see Table 4.16-6):

- Palm Drive at
    - Two Bunch Palms Trail (#7)
    - Camino Aventura (#9)
    - 20th Avenue (#11)
    - Varner Road (#12)

The following study area intersection improvements are recommended for Existing Plus Project traffic conditions:

- Palm Drive at Two Bunch Palms Trial (#7):
    - Install eastbound right turn overlap traffic signal phasing
- Palm Drive at Camino Aventura (#9):
    - Install traffic signal
- Palm Drive at Varner Road (#12):
    - Construct two additional northbound left turn lanes
    - Construct three total outbound lanes on west leg of the intersection
    - Construct eastbound left turn lane
    - Construct eastbound free right turn lane
    - Construct westbound left turn lane

Despite the unacceptable LOS in peak hours that the intersection of Palm Drive and 20th Avenue operates as an unsignalized intersection, a traffic signal is not warranted to be implemented as mitigation. This determination was based on the intersection analysis tool known as the traffic signal warrant methodology, which directly addresses whether a traffic signal should be installed or not. The traffic signal warrants are based on years of experience, are time tested, industry standards, and are recognized by the Federal Highway Administration and Caltrans as the appropriate method of determining whether a traffic signal is needed or not. Therefore, installation of a traffic signal on Palm Drive and 20th Avenue is not warranted.

As shown on Table 4.16-6, the study area intersections are projected to operate within acceptable levels of service during the peak hours for *Existing Plus Project Level of Service* traffic conditions, with implementation of recommended intersection improvements.

Opening Year (2019) Without Project Level of Service

Table 4.16-7, *Opening Year (2019) Without Project Intersection Delay and Level of Service,* shows the intersection delay and LOS projected for Opening Year without project traffic. The study area intersections are projected to operate within acceptable LOS (D or better) during the morning and evening peak hours for Opening Year without the project, except for the following study area intersections that are projected to operate at unacceptable Levels of Service during the peak hours (see Table 4.16-7):

- Palm Drive at:
  - Two Bunch Palms Trail (#7)
  - Camino Aventura (#9)
  - 20th Avenue (#11)

The following study area intersection improvements are recommended for *Opening Year (2019) Without Project* traffic conditions:

- Palm Drive at Two Bunch Palms Trail (#7):
  - Install eastbound right turn overlap traffic signal phasing
- Palm Drive at Camino Campanero (#8):
  - Construct northbound left turn lane
  - Construct eastbound shared left/through/right turn lane
  - Construct westbound through lane
- Palm Drive at Camino Aventura (#9):
  - Install traffic signal
- Palm Drive at 20th Avenue (#11):
  - Install traffic signal

The recommended intersection improvements for the intersection of Palm Drive and Camino Campanero are based on the west leg being improved to provide access for the proposed Marbella Villa Residential (other development) project.

For Opening Year without the project, a traffic signal is projected to be warranted for the study area intersection Palm Drive at 20th Avenue (#9). The unsignalized intersection has been evaluated for a traffic signal using the Caltrans Warrant 3 Peak Hour traffic signal warrant analysis, as specified in the *Manual of Uniform Traffic Control Devices 2003 California Supplement*, dated May 20, 2004.

As shown in Table 4.16-7, the project is forecast to result in no significant traffic impacts at the study intersections for Opening Year without the project, with incorporation of recommended intersection improvements.

Table 4.16-7 Opening Year (2019) Without Project Intersection Delay and Level of Service

Intersection	Juris.[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	9.2-A	5.7-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	19.3-B	21.7-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	27.8-C	25.9-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	16.5-B	15.0-B
Desert View Avenue (EW) - #5	DHS	CSS	18.4-C	23.3-C
Hacienda Avenue (EW) - #6	DHS	TS	17.3-B	19.4-B
Two Bunch Palms Trail (EW) - #7	DHS	TS	97.7-F	39.3-D
- With Improvements		TS	34.3-C	29.5-C
Camino Campanero (EW) - #8	DHS	TS	14.1-B	11.5-B
Camino Aventura (EW) - #9	DHS	CSS	38.9-E	44.3-E
- With Improvements		**TS**	7.9-A	7.3-A
Dillon Road (EW) - #10	DHS	TS	31.7-C	22.6-C
20th Avenue (EW) - #11	DHS	CSS	99.9-F[4]	99.9-F
- With Improvements		**TS**	4.6-A	3.0-A
Varner Road (EW) - #12	DHS	TS	7.1-A	7.9-A
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	15.6-B	8.0-A
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	6.0-A	5.5-A
Gene Autry Trail (NS) at: Vista Chino (EW) - #15	PS/CAL	TS	50.6-D	41.2-D
Ramon Road (EW) - #16	PS/CAL	TS	33.1-C	22.1-C
Avenida Quintana/Desert Princess Drive (NS) at: Vista Chino (EW) - #17	CAT	TS	33.2-C	22.8-C
Landau Boulevard (NS) at: Vista Chino (EW) - #18	CAT	TS	19.8-B	18.1-B

Source: Desert Land Ventures III LLC Property TIA, Table 6, July 13, 2017.

Notes:

1. Jurisdiction -- PS = Palm Springs; CAL = Caltrans; DHS = City of Desert Hot Springs; CAT = Cathedral City
2. TS =Traffic Signal; CSS = Cross Street Shop
3. When a right turn lane is designated, the lane can either be striped or unstriped (de facto). To function as a right turn land there must be sufficient width for right turning vehicles to travel outside the through lanes.

   L = Left; T = Through; R = Right; <1> = Shared Left/Through/Right Lane; d =- De Facto Right Turn; > = Right Turn Overlap; >> = Free Right Turn Lane; **BOLD** = Improvement
4. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.

Opening Year (2019) With Project Level of Service

Table 4.16-8, *Opening Year (2019) With Project Intersection Delay and Level of Service,* shows the intersection delay and LOS projected for Opening Year with the project. The study area intersections are projected to operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for under this scenario, except for the following study area intersections that are projected to operate at unacceptable Levels of Service during the peak hours (see Table 4.16-8):

- Palm Drive at:
  - Two Bunch Palms Trail (#7)
  - Camino Aventura (#9)
  - 20th Avenue (#11)
  - Varner Road (#12)
- Gene Autry Trail at Vista Chino (#15)

The study area intersections improvements are recommended for Opening Year with the project:

- Palm Drive at Two Bunch Palms Trail (#7):
  - Install eastbound right turn overlap traffic signal phasing
- Palm Drive at Camino Campanero (#8):
  - Construct northbound left turn lane
  - Construct eastbound shared left/through/right turn lane
  - Construct westbound through lane
- Palm Drive at Camino Aventura (#9):
  - Install traffic signal
- Palm Drive at 20th Avenue (#11):
  - Install traffic signal
- Palm Drive at Varner Road (#12):
  - Construct two additional north bound left turn lanes
  - Construct three total outbound lanes on west leg of the intersection
  - Construct eastbound left turn lane
  - Construct eastbound free right turn lane
  - Construct westbound left turn lane
- Gene Autry Trail at Vista Chino (#15):
  - Construct additional southbound through lane.
  - Install southbound right turn overlap traffic signal phasing.

The recommended intersection improvements for the intersection of Palm Drive and Camino Campanero are based on the west leg being improved to provide access for the proposed Marbella Villa Residential (other development) project. The project is forecast to result in no significant traffic impacts at the study area intersections for Opening Year with the project, with incorporation of improvements.

Table 4.16-8 Opening Year (2019) With Project Intersection Delay and Level of Service

Intersection	Juris.[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	10.8-B	5.9-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	20.0-C	23.9-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	27.6-C	27.8-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	17.7-B	15.5-B
Desert View Avenue (EW) - #5	DHS	CSS	21.3-C	31.1-D
Hacienda Avenue (EW) - #6	DHS	TS	17.9-B	20.7-C
Two Bunch Palms Trail (EW) - #7	DHS	TS	99.9-F[4]	49.7-D
- With Improvements		TS	44.9-D	32.3-C
Camino Campanero (EW) - #8	DHS	TS	15.3-B	12.3-B
Camino Aventura (EW) - #9	DHS	CSS	53.2-F	69.5-F
- With Improvements		**TS**	9.6-A	7.5-A
Dillon Road (EW) - #10	DHS	TS	48.3-D	27.8-C
20th Avenue (EW) - #11	DHS	CSS	99.9-F	99.9-F
- With Improvements		**TS**	5.7-A	2.7-A
Varner Road (EW) - #12	DHS	TS	99.9-F	99.9-F
- With Improvements		TS	43.6-D	38.2-C
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	34.0-C	35.1-D
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	11.3-B	6.4-A
Gene Autry Trail (NS) at:				
Vista Chino (EW) - #15	PS/CAL	TS	66.6-E	56.5-E
- With Improvements		TS	48.7-D	42.2-D
Ramon Road (EW) - #16	PS/CAL	TS	34.7-C	23.0-C
Avenida Quintana/Desert Princess Drive (NS) at:				
Vista Chino (EW) - #17	CAT	TS	34.2-C	22.6-C
Landau Boulevard (NS) at: Vista				
Chino (EW) - #18	CAT	TS	20.6-C	18.8-B

Source: Desert Land Ventures III LLC Property TIA, Table 7, July 13, 2017.

Notes:

1. Juris. = Jurisdiction; PS = Palm Springs; CAL = Caltrans; DHS = City of Desert Hot Springs; CAT = Cathedral City
2. TS =Traffic Signal; CSS = Cross Street Shop
3. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.
4. 99.9-F = Delay High, Intersection Unstable, Level of Service F.

Year 2035 Without Project Level of Service

Table 4.16-9, *Year 2035 Without Project Intersection Delay and Level of Service,* shows the intersection delay and LOS projected for *Year 2035 Without Project* traffic conditions. The study area intersections are projected to operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for Year 2035 without project traffic, except for the following study area intersections that are projected to operate at unacceptable Levels of Service during the peak hours (see Table 4.16-9):

- Palm Drive at:
  - Camino Aventura (#9)
  - 20th Avenue (#11)
- Gene Autry Trail at:
  - Vista Chino (#15)

The following intersection improvements are recommended for Year 2035 without the project:

- Palm Drive at Camino Companero (#8):
  - Construct northbound left turn lane
  - Construct eastbound shared left/through/right turn lane
  - Construct westbound through lane
- Palm Drive at Camino Aventura (#9):
  - Install traffic signal
- Palm Drive at 20th Avenue (#11):
  - Install traffic signal
- Gene Autry at Vista Chino (#15):
  - Construct additional southbound through lane
  - Install southbound right turn overlap traffic signal

The recommended intersection improvements for the intersection of Palm Drive and Camino Campanero are based on the west leg being improved to provide access for the proposed Marbella Villa Residential (other development) project.

As shown in Table 4.16-9, the project is forecast to result in no significant traffic impacts at the study intersection for Year 2035 without the project, with incorporation of the recommended intersection improvements.

Table 4.16-9 Year 2035 Without Project Intersection Delay and Level of Service

Intersection	Juris.[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	9.6-A	6.0-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	21.5-C	23.8-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	35.7-D	28.1-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	16.7-B	16.3-B
Desert View Avenue (EW) - #5	DHS	CSS	18.3-C	24.5-C
Hacienda Avenue (EW) - #6	DHS	TS	17.2-B	20.0-C
Two Bunch Palms Trail (EW) - #7	DHS	TS	43.9-D	30.2-C
Camino Campanero (EW) - #8	DHS	TS	12.5-B	11.9-B
Camino Aventura (EW) - #9	DHS	CSS	31.5-D	43.4-E
- With Improvements		**TS**	7.6-A	7.6-A
Dillon Road (EW) - #10	DHS	TS	34.6-C	21.3-C
20th Avenue (EW) - #11	DHS	CSS	99.9-F[5]	99.9-F
- With Improvements		**TS**	25.2-C	5.7-A
Varner Road (EW) - #12	DHS	TS	14.7-B	38.3-D
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	12.7-B	7.9-A
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	6.0-A	6.0-A
Gene Autry Trail (NS) at:				
Vista Chino (EW) - #15	PS/CAL	TS	63.0-E	45.5-D
- With Improvements		TS	46.9-D	40.5-D
Ramon Road (EW) - #16	PS/CAL	TS	25.5-C	22.7-C
Avenida Quintana/Desert Princess Drive (NS) at:				
Vista Chino (EW) - #17	CAT	TS	21.1-C	21.1-C
Landau Boulevard (NS) at:				
Vista Chino (EW) - #18	CAT	TS	29.3-C	26.4-C

Source: Desert Land Ventures III LLC Property TIA, Table 8, July 13, 2017.

Notes:

1. Juris. = Jurisdiction; PS = Palm Springs; CAL = Caltrans; DHS = City of Desert Hot Springs; CAT = Cathedral City
2. TS =Traffic Signal; CSS = Cross Street Shop
3. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.
4. 99.9-F = Delay High, Intersection Unstable, Level of Service F.

Year 2035 With Project Level of Service

Table 4.16-10, *Year 2035 With Project Intersection Delay and Level of Service,* shows the intersection delay and LOS projected for Year 2035 with the project. The study area intersections are projected to operate within acceptable LOS (D or better) during the morning and evening peak hours for Year 2035 with the project, except for the following study area intersections that are projected to operate at unacceptable LOS during peak hours (see Table 4.16-10):

- Palm Drive at:
  - Two Bunch Palms Trail (#7)
  - Camino Aventura (#9)
  - 20th Avenue (#11)
  - Varner Road (#12)
- Gene Autry Trail at Vista Chino (#15)

The following mitigation measures for the following study intersection improvements are recommended for *Year 2035 With Project* traffic conditions:

- Palm Drive at Two Bunch Palms Trail (#7):
  - Install eastbound right turn overlap traffic signal phasing
- Palm Drive at Camino Aventura (#9):
  - Construct northbound left turn lane
  - Construct eastbound shared left/through/right turn lane
  - Construct westbound through lane
- Palm Drive at Camino Campanero (#8):
  - Construct northbound left turn lane
  - Construct eastbound shared left/through/right turn lane
  - Construct westbound through lane
- Palm Drive at 20th Avenue (#11):
  - Install traffic signal
- Palm Drive at Varner Road (#12):
  - Construct two additional northbound left turn lanes
  - Construct three total outbound lanes on west leg of the intersection
  - Construct additional southbound through lane
  - Construct additional outbound lane on south leg of intersection
  - Construct eastbound left turn lane
  - Construct eastbound free right turn lane
  - Construct westbound left turn lane
  - Construct westbound right turn lane
  - Install westbound right turn overlap traffic signal phasing

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

The recommended intersection improvements for the intersection of Palm Drive and Camino Campanero are based on the west leg being improved to provide access for the proposed Marbella Villa Residential (other development) project.

As shown in Table 4.16-10, the project is forecast to result in no significant traffic impacts at the study intersections for *Year 2035 With Project* traffic conditions, with incorporation of recommended improvements.

Table 4.16-10 Year 2035 With Project Intersection Delay and Level of Service

Intersection	Juris.[1]	Traffic Control[2]	Peak Hour Delay-LOS[3]	
			Morning	Evening
Avenida Caballeros (NS) at:				
Vista Chino (EW) - #1	PS/CAL	TS	11.2-B	6.1-A
Sunrise Way (NS) at:				
Vista Chino (EW) - #2	PS/CAL	TS	22.5-C	26.1-C
Farrell Drive (NS) at:				
Vista Chino (EW) - #3	PS/CAL	TS	38.7-D	28.6-C
Palm Drive (NS) at:				
Pierson Boulevard (EW) - #4	DHS	TS	17.5-B	16.9-B
Desert View Avenue (EW) - #5	DHS	CSS	20.9-C	33.1-D
Hacienda Avenue (EW) - #6	DHS	TS	17.7-B	21.1-C
Two Bunch Palms Trail (EW) - #7	DHS	TS	58.5-E	35.3-D
- With Improvements		TS	31.1-C	27.8-C
Camino Campanero (EW) - #8	DHS	TS	13.2-B	12.7-B
Camino Aventura (EW) - #9	DHS	CSS	39.1-E	66.6-F
- With Improvements		**TS**	8.0-A	7.8-A
Dillon Road (EW) - #10	DHS	TS	52.6-D	24.6-C
20th Avenue (EW) - #11	DHS	CSS	99.9-F	99.9-F
- With Improvements		**TS**	28.7-C	8.3-A
Varner Road (EW) - #12	DHS	TS	99.9-F	99.9-F
- With Improvements[4]		TS	33.8-C	45.4-D
I-10 Freeway WB Ramps (EW) - #13	CAL	TS	28.7-C	35.2-D
I-10 Freeway EB Ramps (EW) - #14	CAL	TS	9.7-A	7.2-A
Gene Autry Trail (NS) at:				
Vista Chino (EW) - #15	PS/CAL	TS	89.6-F	60.4-E
- With Improvements		TS	44.1-D	48.1-D
Ramon Road (EW) - #16	PS/CAL	TS	26.2-C	23.4-C
Avenida Quintana/Desert Princess Drive (NS) at:				
Vista Chino (EW) - #17	CAT	TS	21.1-C	20.7-C
Landau Boulevard (NS) at:				
Vista Chino (EW) - #18	CAT	TS	30.8-C	28.0-C

Source: Desert Land Ventures III LLC Property TIA, Table 9, July 13, 2017.

Notes:

1. Juris. = Jurisdiction; PS = Palm Springs; CAL = Caltrans; DHS = City of Desert Hot Springs; CAT = Cathedral City
2. TS =Traffic Signal; CSS = Cross Street Shop
3. Delay (shown in seconds) and Level of Service (LOS) have been calculated using the following software: Vistro 5.00-00. Per the 2010 Highway Capacity Manual, overall average intersection delay and Level of Service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and Level of Service for the worst individual movement (or movements sharing a single lane) are shown.
4. Three outbound lanes needed on west leg.

At *Opening Year (2019)* and *Year 2035* conditions, the project is forecast to be generating trips at its full potential, a total of approximately 28,719 daily trips in passenger car equivalents, 2,138 trips of which would occur during the morning peak hour and 2,973 trips of which would occur during the evening peak hour. Recommendations for intersection improvements to all adversely affected study area intersections identified within this analysis are included in Section 4.16.5 below.

c. Cause Change in Air Traffic Patterns

Given the distance from the project site to the nearest airports, 3.75 miles to Palm Springs International Airport and more than 16 miles to the Bermuda Dunes Airport, implementation of the project site would not impact traffic patterns.

d-e. Increase Hazards due to Design Feature/ Result in inadequate Emergency Access

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

f. Conflict with Policies, Plans or Programs Regarding public Transit, Bicycle, or Pedestrian Facilities

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

4.16.5 Cumulative Impacts

The Year 2035 with Project Level of Service analysis discussed in Section 4.16.4 a/b included cumulative impacts analysis, taking applicable factors into consideration, such as ambient population growth, future proposed developments and the corresponding increase in traffic volumes to the project site and

vicinity. Therefore, the recommended design improvements to roadway segment and intersections infrastructure as identified in Mitigation Measures CIR-1 through 13 would ensure proper quality level of service and reduce potential cumulative impacts to less than significant.

4.16.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

Off Site Intersection Improvements

The following offsite mitigation measures are recommendations to achieve acceptable Levels of Service during peak hours as per the City of Desert Hot Springs's requirements for Year 2035 with Project traffic conditions. Future projects developed at the project site would be responsible for paying a fair share contribution to the intersection improvements. This would be calculated on a project by project basis as projects are proposed and project specific traffic studies are prepared for each new project. Table 4.16-11 *Project Fair Share Contribution*, identifies the cost for intersection improvements that the DLVSP projects in the aggregate.

CIR-1 Palm Drive at Two Bunch Palms Trail (#7):

- Install an eastbound right turn overlap traffic signal phasing

CIR-2 Palm Drive at Camino Aventura (#9):

- Install a traffic signal

CIR-3 Palm Drive at Camino Campanero (#8):

- Construct a northbound left turn lane
- Construct an eastbound shared left/through/right turn lane
- Construct a westbound through lane

CIR-4 Palm Drive at 20th Avenue (#11):

- Install a traffic signal

CIR-5 Palm Drive at Varner Road (#12):

- Construct two additional northbound left turn lanes
- Construct three total outbound lanes on west leg of the intersection
- Construct additional southbound through lane
- Construct additional outbound lane on southbound leg of the intersection
- Construct an eastbound left turn lane
- Construct an eastbound free right turn lane
- Construct a westbound left turn lane

- Construct westbound right turn lane
- Install westbound right turn overlap traffic signal phasing

CIR-6 Gene Autry Trail at Vista Chino (#15):

- Construct additional southbound through lane
- Construct additional northbound left turn lane
- Install a southbound right turn overlap traffic signal phasing

Table 4.16-11 Project Fair Share Contribution

Intersection	Improvement	Cost Estimate[1]	Project Fair Share of Cost Estimate[2]
Palm Drive (NS) at:			
Two Bunch Palms Drive (EW) - #7	Install EB right turn overlap signal phasing	$ 25,000	$ 11,450
Camino Aventura (EW) - #9	Install traffic signal	$ 400,000	$ 212,800
20th Avenue (EW) - #10	Install traffic signal	$ 400,000	$ 187,200
Varner Road (EW) - #12[3]	Construct additional SB through lane Construct WB left turn lane Construct WB right turn lane Install WB right turn overlap signal phasing	$ 289,720 $ 50,000 $ 50,000 $ 25,000	$ 323,896
Gene Autry Trail (NS) at: Vista Chino (EW) - #15	Construct additional NB left turn lane Construct additional SB through lane Install SB right turn overlap signal phasing	$ 50,000 $ 289,720 $ 25,000	$ 121,087
Total		**$ 1,604,440**	

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

Notes:

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

Onsite Roadway Improvements

The following site-specific circulation and access mitigation measures are recommended and are shown in Exhibit 4.16-2, *On-Site Circulation Recommendations.* The proposed project provides conceptual planning areas and has been analyzed as such. Detailed site plans for each planning area have not yet been designed by the project proponent. Focused traffic analyses shall be conducted for the planning areas once detailed site plans are provided by the project proponent and/or project applicant(s) in order to analyze all potential traffic and transportation-related impacts. Therefore, as part of the site plan review for each planning area, the project proponent and/or project applicant(s) shall adhere to all

applicable City Standards in order to achieve approval from the City. In addition, the following mitigation measures shall be implemented to reduce potentially significant impacts to circulation and access:

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

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

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

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

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

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

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

Regulatory Requirements

No regulatory requirements are required.

4.16.7 Level of Significance After Mitigation

Implementation of Mitigation Measures CIR-1 through CIR-13 and adherence to goals, policies and programs as identified above for all new development within the project site would assist in minimizing cumulative impacts in regard to traffic and circulation, and would be less than significant.

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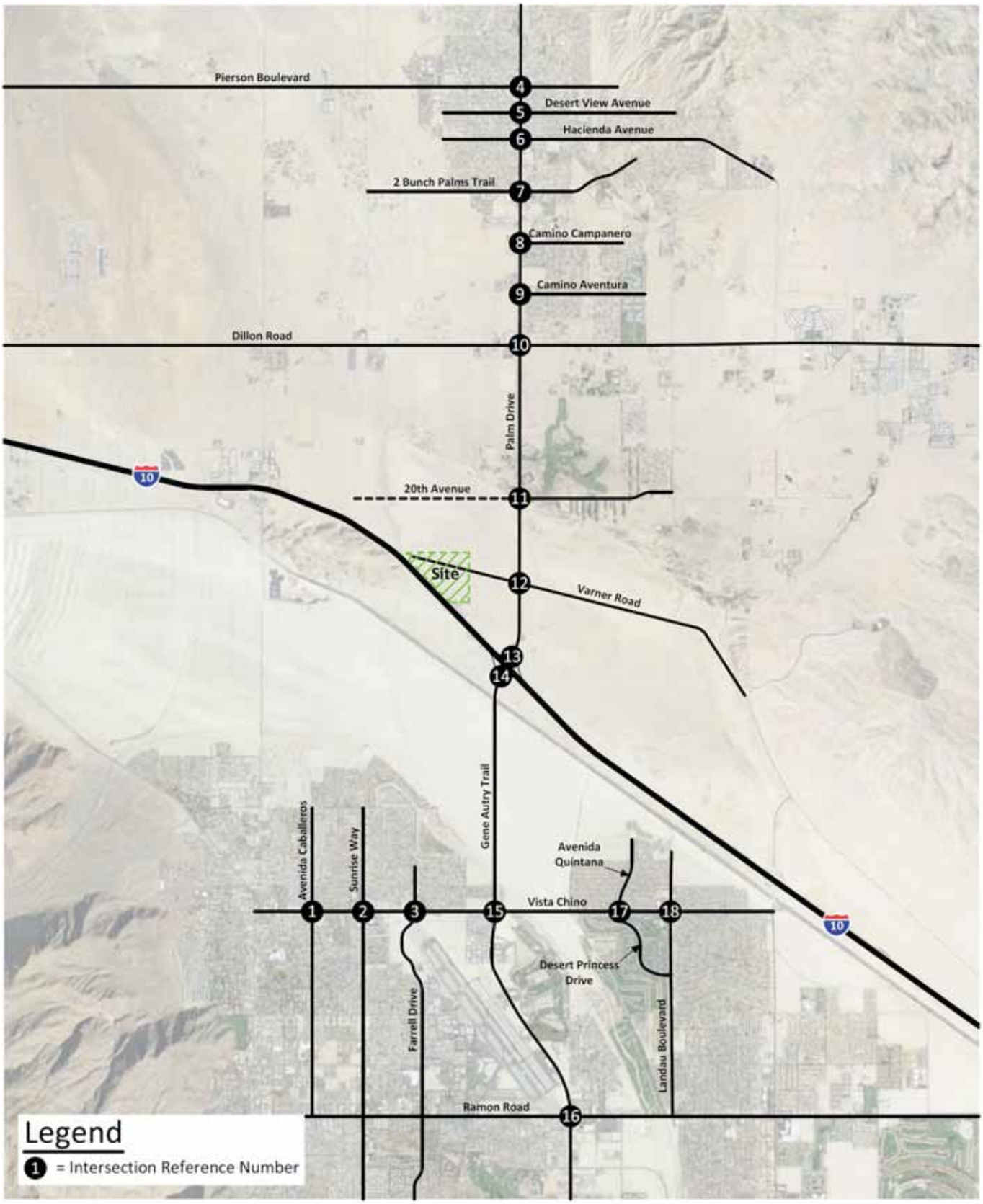

Source: Kunzman Associates, 2017.

The Altum Group

Study Area Intersections
Desert Land Ventures Specific Plan EIR

Exhibit 4.16-1

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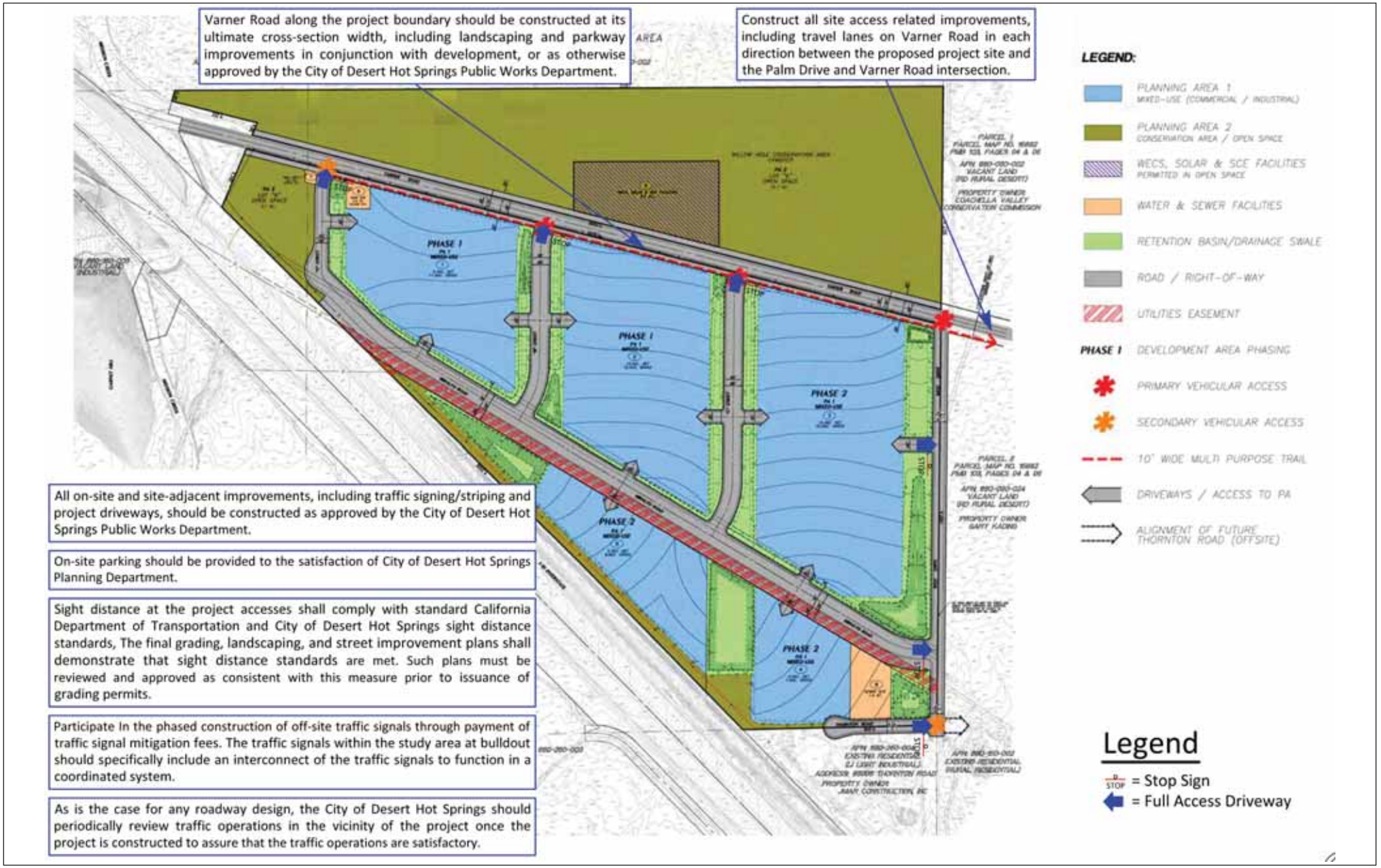

The Altum Group

On-Site Circulation Recommendations
Desert Land Ventures Specific Plan EIR

Exhibit 4.16-2

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4.17 Tribal Cultural Resources

4.17.1 Introduction

This section discusses the Tribal Cultural Resources that may be present in the Desert Land Ventures Specific Plan project area, and assess potential impacts on these resources from future growth and development associated with implementation of the Specific Plan. Descriptions and analysis in this section are based on information contained in the *Cultural Resource Assessment for the Vesting Tentative Tract Map No. 37185 Project, City of Desert Hot Springs, Riverside County, California*, prepared by Applied Earthworks Inc., and the Native American Consultation from the City of Desert Hot Springs. Sources used in the preparation of this section are included in Chapter 8, *References.*

4.17.2 Environmental Setting

Existing Conditions

The Cahuilla are a Native American people of the inland areas of southern California that belong to nonpolitical, cultural nationalities, speaking a language belonging to the Takic branch of the Shoshonean family, part of the larger Uto-Aztecan language stock. The Cahuilla in pre-European contact times had nonpolitical, nonterritorial patrimoieties that governed marriage patterns as well as patrilineal clans and lineages. The Cahuilla had clans composed of 3 to 10 lineages dialectically different, named, claiming a common genitor, with one lineage recognized as the founding one. Clan lineages cooperated in defense, in large communal subsistence activities, and in performing rituals. The Cahuilla were, for the most part, hunting, collecting, harvesting, and protoagricultural peoples. Clans were apt to own land in the valley, foothill, and mountain areas, providing them with the resources of many different ecological niches. Individual lineages or families owned specific resource areas within the clan territory. Although any given village had access to a wide array of necessary resources, briskly flourishing systems of trade and exchange gave them access to the resources of their neighboring villages and of distant peoples.

As most of California, acorns were the major staple, but roots, leaves, seeds, and fruit of many other plants also were used. Fish, birds, insects, and large and small mammals were available. Mountain sheep, deer, and antelope are some of the large animals hunted. Mountain lion, black bear, grizzly bear, deer, and wild boar also were hunted in historic times. To gather and prepare these food resources, the Cahuilla had an extensive inventory of equipment. Bows and arrows were the most important hunting tools, but traps, nets, disguises, blinds, throwing sticks, and slings were also part of the hunting technology. For fishing, nets, traps, spears, hooks, and lines were used. Gathering required few tools: poles for shaking down pine nuts and acorns, cactus picker, chia hooks, seed beaters, digging sticks, weights for digging sticks, and pry bars. Materials associated with transportation mainly were used to move food and include burden baskets, carrying nets, game bags, and saddle pads. Some food was

stored in large baskets. Pottery ollas and baskets were treated with asphaltum were used to store and carry water and seeds. Wood, clay, and steatite were used make jars, bowls, and trays. Animal hides and woven grass were used to make bags.

Cahuilla shelters were often made of brush, fan palm fronds, or arrowweed. In prehistoric times they were dome shaped; later they tended to be rectangular. Near such dwellings usually stood brush-covered ramadas, or shelters, under which domestic chores were done. Earth-covered sweathouses for purification and curing rituals and ceremonial houses with fenced areas for ceremonial use were found in most villages.

European contact with the Cahuilla was by the Juan Bautista de Anza expedition, which passed through the region in 1774. Initially, the Indians were hostile to the Europeans. Subsequently, the Europeans used sea routes to populate California because the land route had been closed by Quechan Indians in 1781. The Cahuilla, therefore, had little direct contact with Europeans except for those baptized at missions in San Gabriel, San Luis Rey, and San Diego and thus, integrated into the mission system.

Native American Consultation

Compliant with AB 52 and SB 18, the City of DHS sent tribal consultation letters to ten Native American tribes on October 16, 2017. The letter included short project description and an explanation of entitlements associated with the proposed project. The following Tribes were contacted:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Indians
- Cabazon Band of Mission Indians
- Morongo Band of Mission Indians
- Ramona Band of Cahuilla Indians
- Santa Rosa Band of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Tribes were given thirty days to request consultation under AB 52 and 90 days under SB 18. Since SB 18 doesn't apply to CEQA this discussion will only include results of AB 52 consultation.

Regulatory Setting

Senate Bill 18

As of March 1, 2005, California Government Codes 65092; 65351; 65352; 65352.3; 65352.4; 65352.5; and 65560, formerly known as Senate Bill 18 (SB 18), requires that cities and counties contact and consult with Native American tribes prior to amending or adopting any general plan or specific plan, or designing

lands as open space. The purpose of SB 18 is to involve Native Americans at the onset of the planning process to allow for considerations concerning the protection of traditional tribal cultural places in the context of broad local land use policy prior to individual site-specific, project level and land use decision. Tribes have 90 day from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe. At least 45 days before a local government adopts or substantially amends a general plan or specific plan, the local government must refer the proposed action to agencies, including Native American tribes, for review and comment.

California Assembly Bill 52 (AB 52)

In addition to Native American Consultation that occurs as part of the Cultural Resource Assessment, AB 52, which went into effect on July 1, 2015 requires a lead agency to consider a project's impacts on Tribal Cultural Resources (TCRs). TCR as defined in Public Resources Code § 21074 are as follows:

(a) "Tribal cultural resources" are either of the following:
  (1) Sites, features, places cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) 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 of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Under AB 52, the CEQA Lead Agency is required to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. Tribal consultation can be initiated once a project application is deemed complete. Once the Lead Agency has contacted necessary tribal governments, tribes have 30 days to respond to comments or request for consultation. "Consultation" is the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where

feasible, seeking agreement. Consultation between government agencies and Native American tribes must be conducted in a way that is mutually respectful of each party's sovereignty. Consultation must also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance. Consultation concludes when either: the parties agree on measures to mitigate or avoid significant impacts to TCRs or a party, in good faith and after reasonable effort, concludes that a mutual agreement cannot be reached.

4.17.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000), includes the following goals, policies and programs relevant to Tribal Cultural resources that would apply to the development of the Desert Land Ventures Specific Plan:

Archaeological and Historical Goals, Policies, and Programs

GOAL 1

Preservation and maintenance of cultural heritage and resources, including historic and prehistoric cultural artifacts and traditions.

4.17.4 Project Impacts

Thresholds of Significance

Upon development of the proposed DLVSP, Tribal Cultural Resources within or near the project site could potentially be impacted. The thresholds analyzed in this section are derived from Appendix G of the CEQA Guidelines, and are used to determine the level of potential effect. The significance determination is based on the recommended criteria set forth in Section 15064.5 of the CEQA Guidelines. For analysis purposes, development of the DLVSP would have a significant effect on cultural resources if it is determines that the project will:

a. 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 Resource

Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

a.i. Listed or Eligible for Listing in the California Register of Historical Resources or in a Local Registrar of Historical Resources

See discussion of Historic Resources in Section 4.5.4.a.

a.ii. Tribal Cultural Resource Defined by the Lead Agency

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

Agua Caliente Band of Cahuilla Indians

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

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

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

Soboba Band of Luiseno Indians

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

- Government to Government Consultation in accordance with SB 18 (not applicable to CEQA)
- Tribe to continue to be a consulting entity if this project

- Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings, including surveys and archaeological testing.

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

Should buried tribal cultural resource deposits be encountered, the monitor may request that construction be halted, must notify a qualified archaeologist to investigate the resource. Therefore, impacts to TCRs from implementation of the DLVSP shall be less than significant.

4.17.5 Cumulative Impacts

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

4.17.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

TCR-1 An approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).

Regulatory Requirements

No regulatory requirements required.

4.17.7 Level of Significance After Mitigation

The implementation of TCR-1 applies to all future development projects within the DLVSP project site where ground disturbing activities will occur. Therefore, with implementation of TCR-1 on a project by project basis, impacts to Tribal Cultural Resources would be Less Than Significant.

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4.18 Utilities and Service Systems

4.18.1 Introduction

This section describes the existing setting for utility systems and the potential effects from implementation of the DLVSP. These include water supply, wastewater collection and treatment, storm drains, solid waste disposal and diversion, and electricity and natural gas. The analysis is based on the review of existing resources, technical data, and applicable laws, regulations, and guidelines. Sources used to prepare this section are included in Chapter 8, *References,* at the end of this EIR.

4.18.2 Environmental Setting

Existing Conditions

Water

CVWD

A limited portion of the City, including the project site, is located within the service area of CVWD. Lands generally located east of Little Morongo Road and south of Dillon Road are included in CVWD's Improvement District #58. Development in this area is sparse and largely limited to scattered residents, undeveloped and vacant lots, in accordance with the project site. As with water infrastructure, CVWD has neither the infrastructure nor the immediate plans to provide wastewater service to the project site in the future.

MSWD

Domestic water for the majority of the City of Desert Hot Spring is provided by Mission Springs Water District (MSWD). MSWD maintains approximately 276 miles of water lines, 20 reservoir sites, and 24 pumps sites within 10 pressure zones. Annually, MSWD produces approximately 9,000 acre feet of water for their service area of 135 square miles. MSWD pumps water from the Mission Creek, Garnet, and Cabazon sub-stations for domestic use.

Wastewater

CVWD

The Coachella Valley Water District (CVWD) delivers irrigation and domestic (drinking) water, collects and recycles wastewater, provides regional storm water protection, replenishes the groundwater basin, and promotes water conservation within a large portion of the Coachella Valley. CVWD maintains over 1,000 miles of sewer pipelines and more than 30 lift stations that collect and transport wastewater to the nearest water reclamation facility. CVWD operates six reclamation plants in the Coachella Valley,

and three of those plants are equipped to treat wastewater to meet State standards for non-potable water for irrigation, which reduces the amount of groundwater utilized. CVWD's service area covers approximately 1,000 square miles from the San Gorgonio Pass to the Salton Sea. The project site is located in the CVWD service area for Domestic Water and Wastewater; however, CVWD has neither the infrastructure nor immediate plans to provide potable water service to the project site. Furthermore, the CVWD receives water from the Colorado River through federal agreements, preventing it from supplying domestic water for cannabis cultivation activities, as cannabis is currently federally illegal, designated as a Schedule 1 drug.

MSWD

Sanitary sewer collection and treatment facilities for the majority of the City of Desert Hot Spring are provided by Mission Springs Water District (MSWD). MSWD maintains approximately 89 miles of sewer lines within the service area of approximately 135 square miles.

Solid Waste Service

The City has a franchise agreement with Desert Valley Disposal Inc. (DVD) for the provision of complete residential, commercial and roll-off trash disposal. Additional services include electronic waste pick-up, construction debris removal and paper shredding services for commercial and industrial businesses.

Electrical Service

The project site's electric power service is provided by Southern California Edison Company (SCE). SCE has two transmission substations within the Desert Hot Springs and its sphere-of-influence (SOI). Electric power is primarily generated outside the Coachella Valley; however, SCE purchases wind-generated power from local producers. The City of Desert Hot Springs is served by the Devers Substation, north of Dillon Road in the southwestern portion of the City's SOI, and the Coffee Substation, located on Camino Aventura west of Palm Drive, just south of city limits. Under existing project site conditions, overhead power lines on wooden power poles run along the entire stretch of the southern boundary of the project site—similar power lines traverse the central portion of the project site along the southern end of Varner Road.

Regulatory Setting

Water Supply Assessment

Requirements for the preparation of a Water Supply Assessment (WSA) are set forth in Senate Bill 610 (SB 610), which was enacted in 2001 and became effective January 1, 2002. SB 610 amended Section 21151.9 of the Public Resources Code, requiring cities and counties to request specific information on water supplies from the public water system (PWS) that would serve any project that is subject to CEQA

and is defined as a "Project" in Water Code Section 10912. The information must be incorporated into the environmental document prepared, pursuant to CEQA.

State Water Code Section 10912 Defines a "Project" as any of the following:

1. A proposed residential development of more than 500 dwelling units.
2. A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
4. A proposed hotel or motel, or both, having more than 500 rooms.
5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
6. A mixed-use project that includes one or more of the projects specified in this subdivision.
7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Effective January 1, 2017, SB 1262 amends Water Code Section 10910, the WSA statute, to require that Sustainable Groundwater Management Act (SGMA)-related information be included in a WSA if a water supply for a proposed project includes groundwater from a basin that in not adjudicated and is designated medium or high-priority, as discussed earlier.

Integrated Waste Management Act (AB 939)

The proposed project would comply with federal, State, and local statutes, and regulations in regard to solid waste. As adopted by Desert Hot Springs, AB 939 requires that all California jurisdictions prepare a Source Reduction Recycling Element (SRRE) that demonstrates how each City would divert 50 percent of their jurisdiction's waste stream from disposal into landfills each year. The penalty for not diverting 50 percent each year is a $10,000 a day fine until the diversion goal is obtained. AB 939 is funded by grant funds and by the waste management franchise agreement. The funds earned from this are set aside in a separate account only to be used for the development and implementation of programs to assist in reduction of waste.

4.18.3 Applicable Goals and Policies

Desert Hot Springs Comprehensive General Plan (2000)

The City of Desert Hot Springs Comprehensive General Plan (2000) Fire and Police Protection Element includes the following goals, policies and programs relevant to Utilities and Service Systems that would apply to the development of the Desert Land Ventures Specific Plan.

Water, Sewer and Utilities Goals, Policies and Programs

GOAL-1

Economical water, sewer and utility facilities and services, which safely and adequately meet the needs of the City at build out.

> ***Policy 1***
>
> *Monitor resource management activities of the MSWD, CVWD and Regional Water Quality Control Board to preserve and protect water resources.*

4.18.4 Project Impact Analysis

Thresholds of Significance

The following standards and criteria for establishing the significance of potential impacts to utilities and service systems were derived from the CEQA Guidelines, Appendix G (Utilities and Services Systems). Development of the DLVSP would have a significant effect to utilities and service systems if it is determined that the project would:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
b. Require or result in the construction of new or wastewater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
d. Not have sufficient water supplies available to serve the project from existing entitlements and resources, or new expanded entitlements are needed.
e. Fail to 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.
f. Not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
g. Fail to comply with federal, state, and local statues and regulations related to solid waste.
h. Lead to the inefficient, wasteful and unnecessary consumption of energy resources.

a. Exceedance of Wastewater Treatment Requirements

Construction activities within the project site could expose soils to erosion from rainfall, runoff, and wind. Wind erosion could result in the generation of fugitive dust, which is addressed in Section 4.3, *Air Quality*. Erosion from rainfall and runoff is more problematic because pollutants from heavy equipment

or construction related materials, such as diesel, gasoline, oils, grease, solvents, lubricants, or other petroleum products could mix with the water and run offsite.

All project proponents who disturb one acre or more must prepare a Stormwater Pollution Prevention Plan (SWPPP) to be implemented throughout the project construction period. Each SWPPP must list and prescribe appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

A copy of the SWPPP prepared by a Qualified SWPPP Developer (QSD) and implemented by a Qualified SWPPP Practitioner (QSP) must be maintained and updated for each project site within the project site and available for review during the entirety of the construction period.

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

Therefore, through implementation of Regulatory Requirement RR-8 and RR-12, all proponents proposing developments within the project site that disturb one acre or more would be required to prepare and implement a SWPPP during construction and prepare and implement a WQMP for post construction at each site. This would ensure that a project's impact to water quality would be reduced to less than significant with the proper operation and maintenance of structural BMPs, continued use of non-structural BMPs such as education programs for local residents, property owners, operators, tenants, occupants, or employees, and continued inspection of low impact development/treatment BMPs such as inspection of infiltration basins.

b. Construction or Expansion of Wastewater Treatment Facilities

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

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

Ultimate wastewater service to the project site would be provided from the MSWD Regional Wastewater Treatment Plant, generally located at the northwest corner of Little Morongo Road and 20th Avenue. Connection to the Regional Wastewater Treatment Plant would be provided via a proposed 8-inch force-main sewer pipeline extending from the approximately 1.0-acre proposed wastewater facility site located in the proposed project's southeast corner. The wastewater facility site would provide a sewer lift station to pump wastewater from the project site to the MSWD Regional Wastewater Treatment Plant. There are two potential alignment options to connect the project site to MSWD's Regional Wastewater Treatment Plant. The preferred option (Option A) is to connect from the proposed project's wastewater facility site north in West Drive, west in Varner Road, north from Varner Road through the Willow Hole conservation area within a public utility easement, then west within 20th Avenue right-of-way to the point of connection near the intersection of Little Morongo Road and 20th Avenue. The second option (Option B) is to connect from the proposed project's wastewater facility site north in West Drive, east in Varner Road right-of-way, north in Palm Drive right-of-way, and then west in 20th Avenue right-of-way, to the point of connection near the intersection of Little Morongo Road and 20th Avenue. Other onsite sewer facilities would include 8-inch sewer pipelines, within the internal roadway system, connecting the development areas to an onsite wastewater facility site and sewer lift station. All public wastewater facilities would be shown on improvement plans and would be designed and constructed in accordance with MSWD requirements and standards. Exhibit 3-11, Desert Land Ventures Properties Water and Sewer Service, shows the optional alignments the DVLSP proponent could develop in order to hook up to MSWD facilities. MSWD has indicated that the proposed MSWD Regional Wastewater Treatment Plant to be located at the intersection of Little Morongo Road and 20th Avenue could be operational within the next two years.

Until the MSWD Regional Wastewater Treatment Plant facility is in operation, and/or during early development phases when project wastewater demands are minimal with only marijuana cultivation uses in place, interim wastewater underground storage facilities may be used with periodic truck transport to a regional wastewater treatment plant or sewage receiving facility to provide wastewater treatment. The proposed underground wastewater storage facilities would be located at either the onsite wastewater facility or within the development areas in the parking and circulation areas serving the cultivation facilities. Ultimately, these interim underground wastewater storage facilities would be abandoned and connected into the MSWD regional system once it is in place. Additionally, any underground wastewater facilities within the parking and circulation areas of the development pads would be used for discharge of recycled water that is used for the marijuana cultivation facilities irrigation systems, which is not able to be discharged to typical wastewater treatment facilities.

Regarding the proposed cannabis cultivation buildings within the DLVSP, a finalized wastewater disposal system has yet to be determined. Therefore, two common cannabis cultivation wastewater systems shall be described below:

1) *Reverse Osmosis*

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

2) *Hydroponics*

Hydroponics is a method of growing plants in a water-based, nutrient rich solution. This growing method does not utilize soil, rather the root systems of the cultivated plants are supported using an inert growing medium such as clay pellets, rockwool, or perlite. The water-based, nutrient rich solution, or hydroponic water media, is replaced periodically, recycled and reused until concentrations of the water media's total dissolved solids is so high that the media is determined to be unusable. The unusable hydroponic water media would then be initially discharged into a sampling manhole with a filtration system, and conveyed to a sewer line that would ultimately discharge into the centralized package plant at the southeastern portion of the site. The sampling manhole would include testing for the exceedance in the maximum allowable threshold for dissolved solids which would be performed by a licensed wastewater testing firm. Prior to issuance of Certificate of Occupancy, any proponent that proposes to recycle and discharge onsite wastewater involving the use of a hydroponic grow system would be required to notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold.

In order for the project site to be served by MSWD, CVWD and MSWD would enter into an agreement whereby CVWD relinquishes the right to serve the project site in favor of MSWD. This agreement would only affect the project site and no other development projects in the area. The project proponent has been coordinating with both CVWD and MSWD to develop water supply options and MSWD supplied a will-serve letter to the project proponent, agreeing to provide water and sewer services to the project site due to its close proximity to the MSWD service area. The will-serve letter is included as Appendix F5 in this EIR. Therefore, development of interim wastewater underground storage facilities onsite could serve early project operations until the offsite sewer line can be constructed to connect to the proposed MSWD Regional Wastewater Treatment Plant, which would supply long-term wastewater services to the project site.

c. Construction or Expansion of Storm Water Drainage Facilities

As currently mapped by FEMA, the project site and its surrounding area are constrained by flooding and drainage conditions and the 100-year flood plain with no base flood elevations determined. The project site would be developed with nine (9) onsite storm water infiltration basins (see Exhibit 4.9-3 in Section 4.9, *Hydrology and Water Quality*) that would comply with the Stormwater Management and Discharge Controls stipulated in Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance 1997-02). The provided basin capacities are sized to contain the 100-year, 24-hour duration storm event and therefore meet the City's requirements for Stormwater Management and Discharge Controls and minimize the discharge and transport of storm flows to natural drainage facilities south of the project site where historic flows from the site are deposited.

d. Sufficient Water Supplies to Serve the Project

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

Proposed Water Supply Sources

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

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

Because the DLVSP site is in CVWD's Water Service Area, a Water Service Agreement will need to be finalized between CVWD and MSWD in order to address roles of both agencies in providing potable water to the project site. The project proponent has been coordinating with both CVWD and MSWD to

develop water supply options and MSWD supplied a will-serve letter to the project proponent, agreeing to provide water services to the project site due to its close proximity to the MSWD service area. The will-serve letter is included as Appendix F5 in this EIR.

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

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

Proposed Development

Project water demand was estimated using the land uses proposed in the DLVSP. The sources used to estimate the water demand per land use are as follows:

Indoor Commercial Demand

AWWA Research Foundation's Commercial and Institutional End Uses of Water (2000) provides the selected commercial unit use coefficients for mixed-use commercial/industrial development projects located in desert areas within southern California and Arizona. These coefficients set water efficiency benchmarks for specific commercial uses and are applicable to the mixed-use commercial/industrial developments. Unit use coefficient of 0.26 gallons per day (gpd) is used for the hotel land use, and 0.11 gpd is used for the proposed mixed-use commercial/industrial land uses in the DLVSP.

Medical Marijuana Greenhouse Cultivation Water Demand

Currently, there is no an established water consumption standard for medical marijuana greenhouse cultivation in CVWD's service area. Recently, an average of 4.12 AFY/acre was used by the City of Desert Hot Springs for medical marijuana greenhouse cultivation water consumption. Recent studies, however, show that marijuana greenhouse cultivation water demands on a per plant basis can range from 0.5 gpd/plant to 3 gpd/plant depending on the grow method and associated growth stage. The specific grow method proposed for the project is currently unknown. Therefore, the water demand factor of 4.12 AFY/acre was increased to reflect a potentially higher water demand based on the average water demand for multiple grow methods & growth stages. For the purposes of this WSA, a factor of 7.41 AFY/acre is used for projecting cultivation water demands. This demand factor accounts for recycling

(30 percent return) of any unused cultivation water, which is a standard practice in medical marijuana cultivation. The AWWARF general commercial/industrial factor was used for the mixed-use areas.

Landscape Irrigation and Outdoor Water Demand

Landscape water demand for the project is based on the estimated landscape irrigation area and water usage equations of the CVWD's Ordinance No.1302.1 (Landscape ad Irrigation System Design Criteria). This method ensures that a sufficient budget is provided to have a sustainable landscape that meets the criteria established in CVWD's ordinance and DLVSP.

The overall goal of the CVWD's Ordinance 1302.2 is to reduce landscape water use, reduce or eliminate runoff in streets, and limit turf. As applicable to the DLVSP, CVWD's Maximum Applied Water Allowance (MAWA), as outlined in CVWD's Ordinance No. 1302.2, is a calculative tool used to estimate outdoor irrigation usage. The MAWA complies with Division 2, Title 23, California Code of Regulation, Chapter 7, Section 702 and is found in Appendix D of Ordinance 1302.2.

The following factors are pertinent to the Project:

- Outdoor irrigation based on CVWD's Maximum Applied Water Allowance (MAWA); and
- Common area landscape (e.g. parks, catchments, medians) based on MAWA.

Currently, Southern California Gas Company's gas transmission lines are present under a portion of the project site; therefore, the type and amount of landscaping that may be planted along the easement shall be in accordance with the Southern California Gas Company's "General Design Parameters for Development Near Gas Transmission Facilities." Landscape improvements may include but not be limited to drainage swales and parkway landscaping.

Based on the calculations shown in Table 4.18-1, *Landscape Water Demand*, the outdoor annual water demand is estimated to be 38.97 afy.

Table 4.18-1 Landscape/Outdoor Water Demand

Water Demand	Irrigated Landscape	Demand Factor	Total Demand (AF/Yr)
Low	19.9	1.729	34.4
Moderate	2.2	2.078	4.57
Total	22.1	---	38.97

Source: Terra Nova Planning and Research Inc., Water Supply Assessment for the Desert Land Ventures Specific Plan, Table 4, September 2017.

Total Project Water Demand

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

the total water supply (194,300 AFY) for the CVWD service area in 2040 as identified in the CVWD 2015 UWMP for the period from 2020 to 2040. Project-specific estimates include water demand for industrial, commercial, and landscaping. A summary of the project water demand is shown in Table 4.18-2, *Water Demand Projections*.

Table 4.18-2 Water Demand Projections

	Land Use	Annual Demand (AFY)
Project Water Demand Breakdown	Industrial	308.18
	Commercial	58.29
	Landscaping	38.97
	TOTAL	405.44

Source: Terra Nova Planning and Research Inc., Water Supply Assessment for the Desert Land Ventures Specific Plan, Table 4, September 2017.

Water Demand Consistency

Based on the information, analysis, and findings documented in the Desert Land Ventures Specific Plan WSA, there is substantial evidence to support a determination that there would be sufficient water supplies to meet the demands of the project and future demands of the project plus all forecasted demands in the next 20 years. This is based on the volume of water available in the aquifer, CVWD's Colorado River contract supply, SWP Table A amounts, and water rights and water supply contracts and CVWD's commitment to eliminate overdraft and reduce per capita water use in CVWD's service area. CVWD has committed sufficient resources to further implement the primary elements of the 2010 CVWMP Update and 2015 UWMP, which includes the full utilization of imported water supplies, purchase of additional water supplies, water conservation, and source substitution.

Groundwater storage would be used in dry years to make up the difference between the demand and the supply. These groundwater basins have a combined storage capacity of approximately 32.4 million acre-feet, simulating the benefit of a very large reservoir and is capable of meeting the water demands of the Coachella Valley for extended normal and drought periods.

Impacts to Water Supply Resources

Under Option 1, connecting to the MSWD water main, there is evidence based on the WSA, to support a determination that there would be sufficient water supplies to meet the demands of the project and future demands of the project plus all forecasted demands in the next 20 years. This is based on the volume of water available in the aquifer, CVWD's Colorado River contract supply, SWP Table A amounts, and water rights and water supply contracts and CVWD's commitment to eliminate overdraft and reduce per capita water use in CVWD's service area.

Under Option 2, use of private wells creates a potential for overdrafting groundwater basins. CVWD developed a Replenishment Assessment Charge (RAC) that requires entities that use a well or multiple

wells that collectively pump more than 25 acre-feet of water from the aquifer annually to pay an assessment charge to contribute to CVWD groundwater replenishment efforts. Since the project is anticipated to demand greater than 25 acre-feet annually, the applicant would be required to pay the RAC to contribute to CVWD's groundwater replenishment program and reduce impacts associated with overdraft of the aquifer. Mitigation Measure HWQ-1 requires the applicant to pay the RAC prior to commencement of well operation.

If either Option 1 (connecting to MSWD's supply) or Option 2 (a well) is implemented, a Replenishment Assessment would need to be processed in accordance with the State Water Code prior to development. If approved by the State Water Resources Control Board (SWRCB), would require all water wells (under Option 2) to be equipped with a water measuring device to be maintained by CVWD. Under Option 1, the proposed project would also require a water measuring device to be maintained by MSWD.

Therefore, with implementation of State requirements and CVWD and MSWD monitoring of the project's water supply source, full build-out of the DLVSP would have a less than significant impact on groundwater resources.

e. Adequate Capacity Determined by Wastewater Treatment Provider

As discussed in question b. above, the MSWD Regional Wastewater Treatment Plant is currently being designed and anticipated to be constructed by late 2019. Although the project site is within the CVWD service area, service by MSWD provides the most economically viable option to supply wastewater service to development within the DLVSP subject to an interagency agreement with CVWD and/or LAFCO approval (sphere of influence extension or annexation) to permit MSWD service to the project site.

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

Once the proposed MSWD Regional Wastewater Treatment Plant is operational, it would provide wastewater services to the project site. The plant is anticipated to have adequate capacity considering it is being developed to support growing demand. The project proponent has been coordinating with both CVWD and MSWD to develop water supply options and MSWD supplied a will-serve letter to the project proponent, agreeing to provide wastewater services to the project site due to its close proximity to the MSWD service area. The will-serve letter is included as Appendix F5 in this EIR. Therefore, with

connection to the proposed MSWD Regional Wastewater Treatment Plant, MSWD would have sufficient capacity to provide the project site with wastewater services.

f. Served by a landfill with sufficient permitted capacity to accommodate the project

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

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

Based on the existing general plan designations for the project site, the project site would be anticipated to generate approximately 14,140 tons/year of solid waste. Based on the proposed land uses within the DLVSP, development within the project site would be anticipated to generate approximately 17,480 tons/year of solid waste. Although the increase in total solid waste generated from development of the DLVSP is greater than the anticipated development under the Desert Hot Springs General Plan, the increase in waste is negligible compared to the overall capacity of the county landfills.

The proposed project has potential to generate 17,480.28 tons/year of solid waste that could end up in a county landfill, which accounts for 0.86 percent of the solid waste generation in the County of Riverside, reducing the overall landfill capacity by approximately 0.22 percent. Therefore, County landfills have sufficient capacity to serve the DLVSP, and impacts would be less than significant.

g. Comply with federal, State, and local statues and regulations related to solid waste

During construction of the proposed project, contractors would be generating construction waste that should be recycled. Under the City's Municipal Code Section 8.08.040(B), the City requires that development projects do the following:

1. Meet the diversion requirement of at least 50 percent of all construction waste;
2. Submit a construction and demolition waste plan (on the required forms);
3. Submit a performance security along with the application required for a construction permit. City-owned projects would not be required to pay the performance security.

The Code identifies the following construction recyclable and reusable materials used in new construction such as what would occur at the project site include, but are not limited to, the following:

a. Appliances including, but not limited to, stoves, refrigerators, water heaters, air conditioning, and lighting;
b. Cardboard materials;
c. Drywall and plaster materials including drywall, gypsum, and sheetrock;
d. Green waste, which includes tree trimmings, grass, leaves, roots, and palm fronds;
e. Masonry building materials including all products generally used in construction including, but not limited to, concrete, rock, stone, and brick;
f. Metals including ferrous (steel, stainless steel, steel piping, roofing, and flashing) and nonferrous (aluminum, copper, and brass);
g. Paving materials including asphalt, brick, and concrete;
h. Roofing materials including wood shingles as well as asphalt, stone, concrete, metal, and slate based roofing material;
i. Salvageable materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, and bathtubs;
j. Wood waste includes any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted;
k. Any other construction or demolition debris that is nonhazardous and available for recycling or reuse, including dirt. (Ord. 548 9-2-14; Ord. 542 3-18-14; prior code § 50.52)

Consistent with the City's Municipal Code, the project applicant(s) must submit a construction and demolition waste plan, implemented with Regulatory Requirement RR-25, to ensure that construction waste is adequately handled and result in a less than significant impact during construction activities.

Operation

During operation of future projects within the project site, operators would require solid waste services that would be provided by DVD. Services include both typical solid waste and green waste generated at the project site (cardboard, paper waste, food waste, etc.) that can be transferred to Edom Hill Transfer Station.

In an effort to reduce the amount of solid waste that would ultimately end up in a county landfill, DVD provides a resource recovery/recycling service that includes provision of a container for the separation of cans, glass and newsprint for weekly pick up. Each development within the DLVSP would be supplied with a container for recyclable items that is separate from the solid waste container. This program is in conformance with AB 939, which requires that every city and county implement programs to recycle, reduce at the source and compost 50 percent of its solid waste by 2050.

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

h. Inefficient, wasteful and unnecessary consumption of energy resources

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

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

Load calculations have been prepared for two separate options: 100 percent cultivation within the industrial area and 60 percent cultivation within the industrial area. Since cannabis cultivation has a high electrical energy demand, the 100 percent cultivation option is considered the worst case scenario for the project, and it is the option analyzed herein.

Option 1

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

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

Option 2

SCE may choose to install a 115KV distribution station on the project site to supply power to development within the DLVSP. This substation would step the voltage down from 115KV to 12KV. SCE would install 8 new 12KV circuits to feed the worst case scenario, 100 percent cultivation option. This option is timelier, since the average substation takes approximately 5 years to develop. Nonetheless, the proponent has set aside an acre of land within the project site to allow SCE to develop a substation to meet a portion of the project demand. The DLVSP also includes roof top solar panels and some covered areas of parking lots to assist with meeting a portion of the project's needs.

4.18.5 Cumulative Impacts

Cumulative impacts associated with the proposed project are considered for water supply, wastewater treatment, stormwater and drainage control, landfill capacity and diversion and electrical use. The WSA for the proposed project included an assessment of the proposed project along with other projects within the service area in order to determine that there is adequate water supply for the next 20 years as required by the State. Regarding wastewater collection and treatment, MSWD has planned for the orderly growth of the 4,000-acre I-10 Annexation area that includes the project site and would have capacity to serve the project site and other future projects. Therefore, the proposed project would not contribute to the cumulative impact to water and sewer service.

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

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

4.18.6 Mitigation Measures and Regulatory Requirements

Mitigation Measures

No mitigation is required.

Regulatory Requirements

RR-25 Prior to issuance of construction permits, contractors shall prepare and implement Construction and Demolition Waste Reduction/Recycling Plans, for review and approval by the City Engineer or his/her designee.

The following regulatory requirements from Section 4.8, *Hazards and Hazardous Materials* and Section 4.9, *Hydrology and Water Quality,* apply to Utilities and Service Systems as well:

RR-8 Prior to issuance of building permits on vacant or undeveloped parcels that will be developed within the project site, the project applicant(s) shall prepare a Storm Water Pollution

Prevention Plan (SWPPP) for all developments within the project site that disturb one acre or more. The SWPPP shall provide a list of Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

RR-12 Prior to issuance of building permits on vacant parcels within the DLVSP, the project applicant(s) shall prepare a WQMP for post construction conditions which shall include a list of appropriate Best Management Practices (BMPs) for the control and treatment of runoff from the project site.

4.18.7 Level of Significance After Mitigation

Not applicable.

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Chapter 5 Other CEQA Required Sections

5.1 Introduction

Chapters 4, *Environmental Impact Analysis*, discussed impacts of, and where necessary, regulatory requirements and proposed mitigation measures for the impacts of the proposed project on a project-specific and cumulative basis. State CEQA Guidelines Section 15126 identifies other subjects pertaining to the consideration and discussion of environmental impacts that an EIR is also required to address. State CEQA Guidelines Section 15126.2 sets forth the content requirements for each discussion of these other subjects. The other subjects identified in the aforementioned CEQA Guidelines section as requiring discussion are:

- *Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented* – Section 15126(b);
- *Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented* – Section 15126(c); and,
- *Growth-Inducing Impact of the Proposed Project* – Section 15126(d).

In compliance with the aforementioned State CEQA Guidelines requirements, a discussion of each of the above subjects follows.

5.2 Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented

Chapter 4, *Environmental Impact Analysis*, evaluated the potential impacts associated with implementation of the DLVSP. The conclusion of the EIR is that there are a number of potentially significant impacts that can be reduced to less than significant levels with: 1) compliance with DLVSP development standards; 2) compliance with regulatory requirements or performance standards; or 3) implementation of mitigation measures. These are summarized in Table 5-1, *Environmental Issues and Level of Significance After Mitigation*. For a complete list of issues and regulatory requirements/mitigation measures, see Table ES-1, *Summary of Environmental Impacts, Mitigation Measures and Regulatory Requirements*.

Significant Project-Related Impacts

Air Quality

As shown in Table 5-1, the proposed project would result in significant unavoidable impacts to Air Quality. Based on the air quality modeling analysis contained in the *Air Quality and Global Climate*

Change Analysis (Appendix B)*,* even with mitigation, short-term construction impacts would result in significant impacts based on the SCAQMD regional thresholds of significance for NO_x. In addition, even with mitigation, long-term operations would also result in significant impacts based on the SCAQMD regional thresholds of significance for NO_x and ROG. Therefore, the DLVSP contributes to the exceedance of air pollutant concentration standards and is found to be inconsistent with SCAQMD's Air Quality Management Plan, and thus results in a significant unavoidable impact.

Table 5-1 Environmental Issues and Level of Significance After Mitigation

Environmental Issue	Level of Significance with Compliance with Regulatory Requirements and/or Implementation of Mitigation Measures
Aesthetics	Less Than Significant
Air Quality	**Significant and Unavoidable (Project and Cumulative)**
Biological Resources	Less Than Significant
Cultural Resources	**Significant and Unavoidable for Historical Resources (Varner Road)** Less Than Significant for Archaeological and Paleontological Resources and Human Remains
Geology and Soils	Less Than Significant
Greenhouse Gas Emissions	**Significant and Unavoidable (Project and Cumulative)**
Hazards and Hazardous Materials	Less Than Significant
Hydrology and Water Quality	Less Than Significant
Noise	Less Than Significant
Public Services	Less Than Significant
Traffic and Circulation	Less Than Significant
Tribal Cultural Resources	Less Than Significant
Utilities	Less Than Significant

In addition, because the proposed project would result in significant impacts to air quality during long term operations, it would also contribute to cumulative air quality impacts when considered with other projects being proposed in the area (see Table 4.0-1 at the beginning of Chapter 4, *Environmental Impact Analysis,* for a list of cumulative projects).

Cultural Resources

According to the Historic American Engineering Record (HAER) report prepared for Varner Road, proposed improvements including widening the road with a center median and installing curb, gutter and sidewalk, the avoidance of Varner Road and development of a new road to serve the project site is not an option. This is because Varner represents the main road connecting a number of parcels between Palm Drive and Indian Canyon Drive that is envisioned by the City of Desert Hot Springs to become a major road. Implementation of Mitigation Measure CR-1, requiring preservation through documentation of the historical resource based on the requirements of the HAER is recommended to be completed prior to the start of project development. However, the proposed improvements would

result in permanent changes to Varner Road that would still result in a significant unavoidable impact to this historic resource.

Greenhouse Gas Emissions

Based on the greenhouse gas emissions modeling analysis contained in the *Air Quality and Global Climate Change Analysis* (Appendix B), and with implementation of proposed mitigation measures, GHG emissions associated with future development projects within the project site would be reduced from 39,533.48 $MTCO_2e$ to 30,535.24 $MTCO_2e$ per year. However, because the SCAQMD draft local agency tier 3 threshold is 3,000 $MTCO_2e$ per year for all land use types, project-related GHG emissions would exceed the threshold. Therefore, the GHG emissions are considered to be significant and unavoidable at both the project level and cumulatively, when combined with other projects in the area.

5.3 Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented

State CEQA Guidelines Section 15126.2(c), as clarified by the provisions of State CEQA Guidelines Section15127 requires this subject to be addressed:

> "*only in EIRs prepared in connection with any of the following activities: (a) The adoption, amendment, enactment of a plan, policy or ordinance of a public agency; (b) The adoption by a Local Agency Formation Commission of a resolution making determinations; or (c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the provisions of NEPA…*".

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

5.4 Growth Inducing Impacts of the Proposed Project

CEQA Guidelines Section 15126.2.2(d) *Growth-Inducing Impact of the Proposed Project*, sets forth when such impacts need to be evaluated in an EIR as follows:

> *Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth … Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

The proposed project would be growth inducing because it will require major improvements to Varner Road which would benefit other vacant properties in the area, and ultimately will require the development of new water and sewer lines from the project site to the proposed MSWD regional wastewater treatment plant and water plant proposed to be located west of the project site (see discussion in Section 4.18, *Public Utilities*). Like the improvements to Varner Road required for development of the project site, the development of new water and sewer lines between the project site and the new MSWD facilities would also benefit vacant properties lying between the project site and the MSWD facilities that currently do not have service. Completion of these two pipelines would remove these impediments to development in the area.

The City of Desert Hot Springs is encouraging growth in the area as described in Chapter 3, *Project Description*, with the adoption of the I-10 Community Annexation. Specifically, the City annexed approximately 4,000 acres (including the project site) of unincorporated County of Riverside territory lying between the southern boundary of the City and the I-10 freeway. The economic development principles and objectives established by the City for this 4,000-acre area state that the annexation was undertaken in order to take advantage of additional economic opportunities that can occur due to direct visibility from and convenient access to the I-10 freeway, a major regional transportation corridor in the Coachella Valley. The 4,000 acre area provides expanded opportunity for the City to increase its sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development. Such economic expansion would also help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side.

As discussed in Section 5.2 above, implementation of the proposed project would result in the generation of significant unavoidable project-related and cumulative air and GHG emissions. The proposed project would also result in a significant unavoidable impact to the historic Varner Road. Because the proposed project would further the City's goals for growth in the area, the City must adopt a Statement of Overriding Considerations in addition to the findings required to be made under CEQA Guidelines Section 15091 if the project is approved. CEQA Guidelines Section 15093(a) states:

> *(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental 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, including region-wide or statewide environmental*

benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) 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 record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) 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.

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Chapter 6 Alternatives to the Proposed Project

6.1 Introduction

This Chapter identifies alternatives to the proposed project pursuant to the provisions of Section 15126.6 of the State CEQA Guidelines, as amended. Section 15126.6(a) of the State CEQA Guidelines states that:

> *"An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation....There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."*

6.1.1 Consideration in Selecting Alternatives to the Proposed Project

State CEQA Guidelines Sections 15126.6 (b) through (f) articulate the key considerations pertaining to, and requirements for, the preparation of the alternatives analysis in an EIR. Key components of the State CEQA Guidelines sections that are relevant to the proposed project addressed in this EIR are summarized below:

- Section 15126.6(b) of the State CEQA Guidelines, as amended, states:
  "*… the discussion of alternatives shall focus on alternatives to the project or its location,… even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly…*"
- Section 15126.6(c) of the State CEQA Guidelines, as amended, states:
  "*The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination…*"
- Section 15126.6(d) of the State CEQA Guidelines, as amended, states:
  "*The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the*

alternative shall be discussed, but in less detail than the significant effects of the project as proposed..."

- Section 15126.6(e)(1) of the State CEQA Guidelines, as amended, states:
  "*The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project…"*
- Section 15126.6(e)(2) of the State CEQA Guidelines, as amended, states:
  "The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published… as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved … If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives..."
- State CEQA Guidelines Section 15126.6(f)(3) states:
  "*Rule of reason. An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative."*

6.1.2 Development of Alternatives for Analysis

Pursuant to the provisions of the aforementioned sections of the State CEQA Guidelines, as amended, a reasonable range of alternatives to the DLVSP is considered and evaluated in this EIR. The discussion in this chapter provides the following:

1. A description of the alternatives considered and rejected.
2. A description of the alternatives considered as feasible and evaluated herein.
3. Comparative analysis of each alternative that focuses on the potentially significant unavoidable environmental impacts of the proposed project. The purpose of this analysis is to determine whether alternatives are capable of eliminating or substantially reducing the project's significant environmental impacts.
4. Conclusions regarding the ability of an alternative to: a) avoid or substantially lessen the significant unavoidable impacts of the project; b) the ability of an alternative to attain most of the basic project objectives; and c) the merits and feasibility of an alternative compared to the merits of the proposed project.

The alternatives to the proposed project discussed in this EIR are:

- Alternative 1: No Project-No Development Alternative – The project site would remain in the Rural Desert and Light Industrial Districts with no change of land use or any kind project development resulting in construction.
- Alternative 2: Buildout Under the Existing General Plan Land Use Designations with no

Specific Plan Proposed. Land Uses are Light Industrial and Rural Desert (minimum 10-acre residential lots).

- Alternative 3: Reduced Intensity Alternative. An alternative specific plan with all development south of Varner Road with a maximum of 871,000 square feet of Light Industrial Mixed Use and 217,800 Commercial Mixed Use. Solar field and electrical substation would be included in development south of Varner Road.

6.2 Project Description and Objectives

6.2.1 Project Description

The land uses permitted under the DLVSP would allow for development of a master-planned industrial and technology business park with freeway-oriented commercial and hospitality uses. Land has also been set aside under the DLVSP for open space conservation purposes consistent with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as the Willow Hole Conservation Area is located in Planning Area 2; and for the provision of a comprehensive system of drainage swales and infiltration basins.

The Specific Plan area is divided into two planning areas: 64.9 acres for Planning Area 1 and 38.7 acres for Planning Area 2. The remaining acreage (19.8 acres) would be set aside for development of the backbone infrastructure system that would serve the project site. The planning areas provide a framework that defines the development potential, land uses, and built form applicable to each planning area.

The Land Use Plan consists of two land use districts that regulate development within each planning area: Mixed Use and Open Space Conservation. Table 6-1, *Land Use Development Summary*, provides a summary by planning area and land use districts. As shown in the table, the project site (specifically, Planning Area 1) could ultimately support just over 1.5 million square feet of industrial uses, just under 360,000 square feet of commercial uses, and up to 150 hotel rooms/keys.

In addition, the DLVSP includes off-site improvements for dry utilities (electricity, natural gas, etc.) and wet utilities (water and sewer services). Mission Springs Water District (MSWD) has indicated that it can begin providing sewer service within 2-3 years. In the interim, the proponent is proposing to develop and operate an onsite package treatment plant that would be located in the southeast corner of the project site. Finally, the proposed project includes a 3.9-acre site on Planning Area 2 for a solar facility and electrical substation needed to supply the energy/electrical needs of the project site.

Table 6-1 Land Use Development Summary

Planning Area	Land Use District	Acres (Gross)	Max FAR	Maximum Gross Square Feet			Maximum Hotel Rooms
				Phase 1[1,2]	Phase 2[1,2]	Project Total	
1	Mixed Use (Industrial)	64.9	1.5	712,206	826,551	1,538,757	1503,4
	Mixed Use (Commercial)		0.5	166,1814	192,8614	359,0424	
2	Open Space/ Conservation5	38.7					
Backbone Infrastructure6		19.8					
Total		**123.4**				**1,897,799**	**150**

Source: PlaceWorks, Desert Land Ventures Specific Plan, May 2017.

Notes:

1. Refer to Section 2.3.2, Phasing Plan, for a discussion of the Specific Plan's phasing plan.
2. Land use intensity transfers between phases are permitted so long as the maximum gross square footage does not exceed the project total. Refer to the Planning Area 1 descriptions below for a discussion of allowable intensity transfers between phases.
3. The total number of hotel rooms/keys that can be developed in Planning Area 1 shall not exceed 150. The number of rooms/keys can be split between proposed hotel developments, but may not exceed 150.
4. The maximum commercial square footage allowed in Planning Area 1 includes development of a hotel (or hotels) that could accommodate up to 150 rooms/keys. The square footage of the hotel(s) developed shall be accounted for in and deducted from the maximum commercial square footage allowed.
5. Up to a maximum of 10 percent of the Open Space/Conservation area (approximately 3.9 acres) may be developed with sustainable energy facilities (wind energy conversion systems and solar farms/fields), electrical substation facilities, and water/sanitary sewer facilities. Refer to the Planning Area 2 description below for a discussion of the permitted uses within the Open Space/Conservation area.
6. Backbone infrastructure includes public roads and water, wastewater, and drainage infrastructure.

Planning Area 2 would largely remain in its existing condition as undeveloped desert land and habitat within the Willow Hole Conservation Area, with the exception of the solar facility and substation. Because this site is within the conservation area up to a maximum of 10 percent of the land coverage or approximately 3.9 acres is available for development. The remaining acreage must remain in Open Space.

6.2.2 Project Objectives

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

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

6.3 Impacts of the Proposed Project

Chapter 4, *Environmental Impact Analysis*, evaluated the potential impacts associated with implementation of the DLVSP. The conclusion of the EIR is that there are a number of potentially significant impacts that can be reduced to less than significant levels with: 1) compliance with DLVSP development standards; 2) compliance with performance standards; or 3) implementation of mitigation measures. These are summarized in Table 6-2, *Environmental Issues and Level of Significance After Mitigation*. For a complete list of issues and regulatory requirements/mitigation measures, see Table ES-1, *Summary of Environmental Impacts, Mitigation Measures and Regulatory Requirements*.

Significant Project-Related Impacts

Air Quality

As shown in Table 6-2, the proposed project would result in significant unavoidable impacts to Air Quality. Based on the air quality modeling analysis contained in the *Air Quality and Global Climate Change Analysis* (Appendix B), even with mitigation, short-term construction impacts would result in significant impacts based on the SCAQMD regional thresholds of significance for NO_x. In addition, even with mitigation, long-term operations would also result in significant impacts based on the SCAQMD regional thresholds of significance for NO_x and ROG. Therefore, the DLVSP contributes to the exceedance of air pollutant concentration standards and is found to be inconsistent with SCAQMD's Air Quality Management Plan, and thus results in a significant impact.

Table 6-2 Environmental Issues and Level of Significance After Mitigation

Environmental Issue	Level of Significance with Compliance with Regulatory Requirements and/or Implementation of Mitigation Measures
Aesthetics	Less Than Significant
Air Quality	**Significant and Unavoidable (Project and Cumulative)**
Biological Resources	Less Than Significant
Cultural Resources	**Significant and Unavoidable for Historical Resources (Varner Road)** Less Than Significant for Archaeological and Paleontological Resources and Human Remains
Geology and Soils	Less Than Significant
Greenhouse Gas Emissions	**Significant and Unavoidable (Project and Cumulative)**
Hazards and Hazardous Materials	Less Than Significant
Hydrology and Water Quality	Less Than Significant
Noise	Less Than Significant
Public Services	Less Than Significant
Traffic and Circulation	Less Than Significant
Tribal Cultural Resources	Less Than Significant
Utilities	Less Than Significant

In addition, because the proposed project would result in significant impacts to air quality during long term operations, it would also contribute to cumulative air quality impacts when considered with other projects being proposed in the area (see Table 4.0-1 at the beginning of Chapter 4, *Environmental Impact Analysis,* for a list of cumulative projects.

Cultural Resources

According to the Historic American Engineering Record (HAER) report prepared for Varner Road, proposed improvements including widening the road with a center median and installing curb, gutter and sidewalk, the avoidance of Varner Road and development of a new road to serve the project site is not an option. This is because Varner represents the main road connecting a number of parcels between Palm Drive and Indian Canyon Drive that is envisioned by the City of Desert Hot Springs to become a major road. Implementation of Mitigation Measure CR-1, requiring preservation through documentation of the historical resource based on the requirements of the HAER is recommended to be completed prior to the start of project development. However, the proposed improvements would result in permanent changes to Varner Road that would still result in a significant unavoidable impact to this historic resource.

Greenhouse Gas Emissions

Based on the greenhouse gas emissions modeling analysis contained in the *Air Quality and Global Climate Change Analysis* (Appendix B), and with implementation of proposed mitigation measures, GHG emissions associated with future development projects within the project site would be reduced from 39,533.48 $MTCO_2e$ to 30,535.24 $MTCO_2e$ per year. However, because the SCAQMD draft local agency

tier 3 threshold is 3,000 $MTCO_2e$ per year for all land use types, project-related GHG emissions would exceed the threshold. Therefore, the DLVSP's GHG emissions are considered to be significant and unavoidable at the project level and cumulatively, when combined with other projects in the area.

6.4 Alternatives to the Proposed Project

6.4.1 Alternatives Considered and Rejected from Further Analysis

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

6.4.2 Alternatives Considered for Evaluation Compared to the Proposed Project

Three alternatives to the DLVSP were considered for evaluation compared to the proposed project:

- Alternative 1: No Project-No Development Alternative – The project site would remain in the Rural Desert and Light Industrial Districts but would not be developed. The 38.7 acres located within the Willow Hole Conservation Area would not be affected, nor would the remaining 84.8 acres located south of Varner Road. Also, Varner Road would not be improved.
- Alternative 2: Buildout Under the Existing General Plan Land Use Designations with no Specific Plan Proposed. Land Uses are Light Industrial and Rural Desert (minimum 10-acre residential lots). For the purposes of this alternative, the project site would consist of approximately 1.25 million square feet of industrial and commercial mixed use, and up to 7 dwelling units. Under the CVMSHCP, dwelling units are allowed in the Conservation Area but development is limited to 10 percent of each lot.
- Alternative 3: Reduced Intensity Alternative- An alternative specific plan with all development south of Varner Road and a maximum of 871,000 square feet of Light Industrial Mixed Use. A solar field and electrical substation would be included in the development south of Varner Road. The proposed project would include cannabis cultivation and other related uses, or other agricultural crops; 217,800 square feet of commercial use; approximately 20 acres set aside in Planning Area 1 for a solar farm and electrical substation; and the package wastewater treatment plant. Under this scenario, no disturbance would occur within the Willow Hole Conservation Area north of Varner Road with the exception of the temporary disturbance associated with the construction of the future water and sewer pipelines proposed to connect to new MSWD facilities west and northwest of the project site.

6.5 Alternative Impact Evaluation

6.5.1 No Project-No Development Alternative

Under this alternative the proponent would not be proposing a General Plan Amendment, Zoning Map Amendment, Tentative Tract Map or Specific Plan, in order to redesignate the 123.4-acre project site from the County's RD and LI to the City's Light Industrial (I-L) designation for both the General Plan and Zoning designations. Instead, the project site would remain undeveloped desert land.

Implementation of the No Project-No Development Alternative would result in no development within Planning Area 2 (Willow Hole Conservation Area). In addition, there would be no improvements made to Varner Road and thus, no significant impact to a historic resource would occur. Likewise, with no development, there would be no emissions of criteria pollutants or greenhouse gases, and thus no significant unavoidable impacts would occur. Therefore, this alternative is an Environmentally Superior Alternative.

Implementation of the No Project-No Development Alternative, however, would not meet any of the Specific Plan goals and objectives to implement the City's vision for the I-10 Community Annexation. This vision is to develop the 4,000-acre area in which the project site is located, to increase the City's sales-tax base and reduce sales-tax leakage through development of additional retail uses, and to expand its job base through additional commercial and industrial development. Such economic expansion would also help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side.

6.5.2 Buildout Under the Existing General Plan Land Use Designations with no Specific Plan Proposed

The 123.4-acre site is part of a larger 4,000-acre area that was the subject of an annexation - the I-10 Community Annexation - approved by the Riverside County Local Agency Formation Commission (LAFCO) in 2010. As discussed previously, the Existing General Plan and Zoning Designations within the project site are Light Industrial (LI) and Rural Desert (RD) which are Riverside County designations that were adopted by the City as interim designations with City Equivalent Land Uses which are Residential Estate (R-E-10) and Light Industrial (I-L). The proponent for the DLVSP is also proposing a General Plan Amendment, Zoning Map Amendment and Tentative Tract Map in order to redesignate the 123.4-acre project site from the County's RD and LI to the City's Light Industrial (I-L) designation for both the General Plan and Zoning designations, and to ensure consistency between the Specific Plan and the City's Zoning Ordinance.

Based on the Existing General Plan designations on the project site (see Exhibit 3-4 in Chapter 3, *Project Description*), no GPA or Zone Change would be required, however, a Tentative Tract Map would likely be required in order to allow for up to 7 dwelling units and a separate area designated for L-I uses.

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

According to the City's Municipal Code Section 17.180.070, Medical Marijuana Cultivation Facilities - Permitted Locations, medical marijuana cultivation facilities involving the cultivation of more than 99 mature flowering marijuana plants may be located in any Industrial District in the City, upon issuance of a conditional use permit and a regulatory permit. Therefore, for this alternative a similar mix of uses is proposed but at a reduced intensity as only the approximately 40 acres designated for Light Industrial use would be used for non-residential uses.

This alternative assumes that only residential use would occur within the Willow Hole Conservation Area largely located north of Varner Road.

Table 6-4, *Environmental Issues Affected by the Proposed Project and Alternative 2*, shows that with both the proposed project and Alternative 2 – Buildout Under the General Plan, significant impacts associated with the Alternative 2 would be similar.

Table 6-3 Comparison Between the Proposed Project and Alternative 2

	Proposed Project	Alternative 2[1]	Difference[2]
Mixed Use Industrial	1,538,757 square feet	1,040,000 square feet	- 498,757 square feet
Mixed Use Commercial	359,042 square feet	200,000 square feet	- 159,042 square feet
Open Space/ Conservation	38.7 acres	90 % of site north of Varner Road	34.83 acres
Residential Estate-10	--	7 dwelling units	+ 7 dwelling units

1. Under the existing Zoning District, incidental commercial uses could be developed including drive through restaurants, service stations and mini storage.
2. Under the CVMSHCP 10 % of a site can be developed with the remaining 90 % to be maintained as open space/habitat. Therefore, for the area north of Varner Road and the approximately 5 acres at the northwest end of the project site south of Varner Road, up to 3 dwelling units could be developed.

However, because project development would be reduced by approximately 40 percent (64.9 acres of industrial and commercial uses or 40 acres) impacts to air quality and greenhouse gas emissions would be less but would remain significant. Likewise, because Varner Road is an existing road that the City

intends to develop into a major road, the impact to this historic resource would be significant under Alternative 2.

Table 6-4 Environmental Issues Affected by the Proposed Project and Alternative 2

Environmental Issue	Proposed Project	Alternative 2
Aesthetics	Less Than Significant	Less Than Significant
Air Quality	**Significant and Unavoidable**	**Significant and Unavoidable**
Biological Resources	Less Than Significant	Less Than Significant
Cultural Resources	**Significant and Unavoidable**	**Significant and Unavoidable**
Geology and Soils	Less Than Significant	Less Than Significant
Greenhouse Gas Emissions	**Significant and Unavoidable**	**Significant and Unavoidable**
Hazards and Hazardous Materials	Less Than Significant	Less Than Significant
Hydrology and Water Quality	Less Than Significant	Less Than Significant
Noise	Less Than Significant	Less Than Significant

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

6.5.3 Reduced Intensity Alternative with a Specific Plan

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

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

Table 6-5, *Comparison Between the Proposed Project and Alternative 3*, shows that Alternative 3 represents approximately 57 percent of the proposed project's light industrial mixed use and approximately 60 percent of the proposed project's commercial mixed use.

Table 6-5 Comparison Between the Proposed Project and Alternative 3

	Proposed Project	Alternative 3[1]	Difference[2]
Mixed Use Industrial	1,538,757 square feet	871,200 square feet	- 667,557 square feet
Mixed Use Commercial	359,042 square feet	217,800 square feet	- 139,242 square feet
Open Space/ Conservation	35.6 acres	38.7	No development in the conservation area
Alternative Energy	3.1 acres	20 acres	16.9 acres

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

Table 6-6 Environmental Issues Affected by the Proposed Project and Alternative 3

Environmental Issue	Proposed Project	Alternative 3
Aesthetics	Less Than Significant	Less Than Significant
Air Quality	**Significant and Unavoidable**	**Significant and Unavoidable**
Biological Resources	Less Than Significant	Less Than Significant
Cultural Resources	**Significant and Unavoidable**	**Significant and Unavoidable**
Geology and Soils	Less Than Significant	Less Than Significant
Greenhouse Gas Emissions	**Significant and Unavoidable**	**Significant and Unavoidable**
Hazards and Hazardous Materials	Less Than Significant	Less Than Significant
Hydrology and Water Quality	Less Than Significant	Less Than Significant
Noise	Less Than Significant	Less Than Significant

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

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

6.5.4 Environmentally Superior Alternative

The primary reasons for conducting an Alternatives Analysis in an EIR are to describe a range of reasonable alternatives which would avoid or substantially lessen the significant effects of the proposed project and foster informed decision-making and public participation. The State CEQA Guidelines also require that the EIR identify which of the Alternatives would be "environmentally superior." Environmentally superior generally means "has the least potentially significant overall environmental impact on the environment". Section 15126.6(e)(2) of the State CEQA Guidelines, as amended, also states:

> *"If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives*."

Section 6.3 presented a summary of the potential environmental impacts of the proposed project and the three Alternatives considered and evaluated herein. This summary was provided to facilitate a comparison of the potentially significant effects of each alternative in comparison to those associated with the proposed project.

Once completed, the aforementioned comparative impact analysis then served as the basis for determining which Alternative was "environmentally superior" to the proposed project. The procedure by which to arrive at this determination is relatively straightforward. Using the significant environmental effects of the proposed project as the basis for comparison, the potential significance of each impact of each alternative in relation to those of the proposed project was identified and classified as being either just as significant or less than significant than that of the proposed project. The results of the foregoing analysis are presented in Table 6-7, *Comparison of Proposed Project and Alternatives*. As shown in this table, the Environmentally Superior Alternative is Alternative 3, Reduced Intensity which is approximately 60 percent of the proposed project square footage, development of the proposed project south of Varner Road with no development within Planning Area 2 (conservation area) except for the construction of the water and sewer lines between the project site and the future MSWD water and wastewater treatment plants, and the development of a 20-acre solar field that would include the electrical substation.

Table 6-7 Comparison of Project and Alternatives

Environmental Topic	Impacts of the Proposed Project	Alternative 1 No Project – No Development	Alternative 2 Buildout Under the General Plan	Alternative 3 Reduced Intensity
Aesthetics	Less than Significant	No Impact	Less than significant	Less than significant
Air Quality	Significant and Unavoidable	No Impact	Significant and Unavoidable but reduced with a reduction in square footage	Significant and Unavoidable but reduced with a reduction in square footage and increase in the size of the solar field
Biological Resources	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Cultural and Paleontological Resources	Significant and Unavoidable for Varner Road	No Impact	Significant and Unavoidable for Varner Road	Significant and Unavoidable for Varner Road
Geology and Soils	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Greenhouse Gas Emissions	Significant and Unavoidable	No Impact	Significant and Unavoidable	Significant and Unavoidable but reduced with a reduction in square footage and increase in the size of the solar field
Hazards and Hazardous Materials	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Hydrology and Water Quality	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Land Use and Planning	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Noise	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation

Table 6-7 Comparison of Project and Alternatives (continued)

Population and Housing	Less than significant	No Impact	Less than significant	Less than significant
Public Services	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Recreation	Less than significant	No Impact	Less than significant	Less than significant
Transportation / Circulation	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Tribal Cultural Resources	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation
Utilities & Service Systems	Less than significant with mitigation	No Impact	Less than significant with mitigation	Less than significant with mitigation

Chapter 7 EIR Preparation

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Chapter 8 References

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Chapter 4 Environmental Impact Analysis

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