

**Final Environmental Impact Report  
SCH No. 2017051070**

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

Lead Agency:

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



Applicant:

Desert Land Ventures III  
Mr. Richard Lee Sax  
2100 Palomar Airport Road, Suite 209  
Carlsbad, CA 92011

Prepared By:

The Altum Group  
73-710 Fred Waring Drive, Suite 219  
Palm Desert, CA 92260



The Altum Group

March 2018

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## Chapter F.1 Introduction to the Final EIR

### 1.1 Purpose

This Final Environmental Impact Report (EIR) was prepared for the Desert Land Ventures Specific Plan. Prior to approving the project, the City of Desert Hot Springs as the lead agency must consider the Final EIR along with the Draft EIR, any comments received during the public review process, and the Mitigation Monitoring and Reporting Program (MMRP). The City may certify the EIR only if it finds on the basis of the whole record before it (including the Draft EIR and any comments received), that there is no substantial evidence that the proposed project will have a significant effect on the environment that cannot be mitigated to a less than significant level, or that findings have been made that the proposed project has certain beneficial impacts that outweigh the significant environmental effects of the project. When the latter is the case, the City Council must adopt a Statement of Overriding Considerations in tandem with the certification of the Final EIR. The Final EIR, including the Draft EIR, reflects the lead agency's independent judgment and analysis.

This Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000, et seq.) and the State Guidelines for the Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15000, et seq., State CEQA Guidelines).

### 1.2 Organization of the Final EIR

The Final document includes the following information:

- Chapter F.1** Introduction to the Final EIR;
- Chapter F.2** A list of persons, organizations, and public agencies commenting on the Draft EIR, comment letters and responses to comments; and
- Chapter F.3** Revisions to the Draft EIR made in response to comments; and
- Chapter F.4** Mitigation Monitoring and Reporting Program.

The Final and Draft documents are available for review at the following location:

**City of Desert Hot Springs**

65-950 Pierson Blvd  
Desert Hot Springs, CA 92240  
(760) 329-6411  
[staschner@cityofdhs.org](mailto:staschner@cityofdhs.org)

The documents are also available on the City's website: <http://www.cityofdhs.org/DLV>

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### Chapter F.2 Comments and Responses

This section includes the comment letters received on the Draft EIR. Each comment letter is labeled with a unique number and comments within each letter are numbered consecutively. For example, the letter from the South Coast Air Quality Management District is labeled Letter 2 and the first comment in this letter is labeled 2-1.

The City of Desert Hot Springs received a total of five (5) comment letters from state, regional and local agencies; and interested parties. The following list provides the name of the commenter along with his/her affiliation, the date the letter was sent and the page number where the comment letter begins.

#### Comment Letters

Letter	Author/Affiliation	Date	Page No.
1	Anita M. Petke, Transit Communications Service Specialist SunLine Transit Agency	January 24, 2018	F.2-3
2	Lijin Sun, J.D. Program Supervisor, CEQA IGR South Coast Air Quality Management District	February 7, 2018	F.2-5
3	Anthony Madrigal Junior, Tribal Historic Preservation Officer Twenty-Nine Palms Band of Mission Indians	February 7, 2018	F.2-13
4	Richard Drury, Lozeau Drury LLP on behalf of the Laborers International Union of North America	February 13, 2018	F.2-17
5	Nicholas Whipps, Wittwer Parkin LLP on behalf of the Southwest Regional Council of Carpenters	February 20, 2018	F.2-21

## F.2 COMMENTS AND RESPONSES

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## Letter 6

MEMBERS: Desert Hot Springs Palm Springs Cathedral City Rancho Mirage  
Palm Desert Indian Wells La Quinta Indio Coachella Riverside County

A Public Agency

January 24, 2018

Scott Taschner, Senior Planner  
City of Desert Hot Springs  
Planning Department  
65950 Pierson Boulevard  
Desert Hot Springs, CA 92240

RE: Desert Ventures Specific Plan

Dear Mr. Scott Taschner:

This letter responds to your request for comments regarding the proposed Desert Ventures Specific Plan located north of Interstate 10 and west of Palm Drive and Varner Road within the City of Desert Hot Springs. The SunLine Transit Agency (SunLine) staff has reviewed the project and offers the following comments.

SunLine staff's assessment concludes the proposed annexation will have no impact on transit services. Please keep staff informed of any approvals and/or future changes to the proposed annexation so we can keep all existing bus stops and services routes current. Additionally, if there is a need for transit service and/or transit amenities in the future, SunLine staff will coordinate it with the City of Desert Hot Springs.

Should you have questions or concerns regarding this letter, please contact me at 760-343-3456, ext. 1603.

Sincerely,

A handwritten signature in black ink, appearing to read "Anita M. Petke", is written over the word "Sincerely,".

Anita M. Petke  
Transit Communications Service Specialist

cc: Lauren Skiver, General Manager  
Stephanie Buriel, Deputy Chief of Administration



## F.2 COMMENTS AND RESPONSES

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### **Letter 6     Anita Petke, SunLine Transit Agency – January 24, 2018**

This letter contained no comments only acknowledgement of the City's request for comments.



# South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

February 7, 2018

[cewing@cityofdhs.org](mailto:cewing@cityofdhs.org)

Craig Ewing, Consulting Planner  
City of Desert Hot Springs  
65-950 Pierson Boulevard  
Desert Hot Springs, CA 92240

## **Draft Environmental Impact Report (Draft EIR) for the Proposed Desert Land Ventures Specific Plan Environmental Impact Report**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop 62.9 acres for industrial and commercial uses, a hotel with 150 rooms, 38.7 acres of open space, and 21.8 acres for infrastructure including public roads and water, wastewater, and drainage on 123.4 acres (Proposed Project). The Proposed Project is generally located near the northwest corner of Interstate 10 and Palm Drive. Construction is expected to begin no sooner than January 2018 over a period of 24 months.

### SCAQMD Staff's Air Quality Analysis

In the Air Quality Section, the Lead Agency quantified the Proposed Project's construction and operational air quality emissions and compared those emissions to SCAQMD's regional and localized air quality CEQA significance thresholds. Although the Proposed Project is anticipated to be constructed in six phases, the Proposed Project has been modeled as one phase to represent a worse-case impact scenario<sup>1</sup>. Based on the analysis, the Lead Agency found that the Proposed Project's mitigated construction emissions would be less than SCAQMD's regional CEQA significance thresholds, except NOx emissions, and that the Proposed Project's mitigated operational emissions would be less than SCAQMD's regional CEQA significance thresholds, except NOx and ROG emissions.

### SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)<sup>2</sup>, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

As described in the 2016 AQMP, to achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to NOx and ROG emissions. Therefore, SCAQMD staff has comments on existing mitigation measures and recommends additional mitigation

<sup>1</sup> Draft PEIR. Section 4.3: Air Quality. Page 4.3-21.

<sup>2</sup> South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

measures to further reduce NOx and ROG emissions in the attachment. Please see the attachment for more information.

2-1  
con't

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

2-2

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions regarding the enclosed comments.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment  
LS  
RVC180109-04  
Control Number

**ATTACHMENT****Recommended Changes to Existing Mitigation Measures AQ-1 and AQ-8**

1. Based on a review of the Air Quality Section, SCAQMD staff found that the Lead Agency is committed to complying with SCAQMD Rule 1113 and to limit architectural coatings applied to buildings within the project site to 10 grams per liter VOC and traffic paints to 100 grams per liter VOC content<sup>3</sup> (Construction Mitigation Measure AQ-1). Additionally, the Lead Agency is committed to limit re-application of architectural coatings that are used to protect buildings to 10 grams per liter VOC and traffic paints to 100 grams per liter VOC<sup>4</sup> (Operational Mitigation Measure AQ-8). SCAQMD staff supports the Lead Agency's commitments to reducing VOC emissions and recommends that the Lead Agency ensure that during construction and operation of the Proposed Project, emissions of VOC-containing materials and paints, through implementation of both Mitigation Measures AQ-1 and AQ-8, are not to exceed SCAQMD's air quality CEQA significance threshold for VOC of 75 lbs/day during construction and 55 lbs/day during operation, and that there is an enforcement mechanism to ensure Mitigation Measures AQ-1 and AQ-8 are effective throughout the life of the Proposed Project.

2-3

**Additional Recommended Mitigation Measures**

2. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR to further reduce emissions, particularly from ROG and NOx. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website<sup>5</sup>.
  - a) Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.
  - b) Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles.

2-4

Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

- c) Limit parking supply and unbundle parking costs.
- d) Maximize the planting of trees in landscaping and parking lots.

<sup>3</sup> Draft EIR, Section 1: Executive Summary, Page 1-9.

<sup>4</sup> *Ibid.*

<sup>5</sup> South Coast Air Quality Management District. <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

- e) Require use of electric or alternatively fueled sweepers with HEPA filters.
- f) Require use of electric lawn mowers and leaf blowers.

2-4  
con't

**Compliance with SCAQMD Rule 403(e) – Large Operations**

3. The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 and Rule 403.1 in the Draft EIR. Based on the project description, the Proposed Project is a large operation of approximately 123.4 acres (50-acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin. However, the Lead Agency is also required to comply with SCAQMD Rule 403(e) – Additional Requirements for Large Operations<sup>6</sup>, which includes requirements to provide Large Operation Notification Form 403 N, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class<sup>7</sup>. Therefore, SCAQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with SCAQMD Rule 403(e) in the Final EIR.

2-5

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<sup>6</sup> South Coast Air Quality Management District Rule 403. Last amended June 3, 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

<sup>7</sup> South Coast Air Quality Management District Compliance and Enforcement Staff's contact information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at [dustcontrol@aqmd.gov](mailto:dustcontrol@aqmd.gov).

## F.2 COMMENTS AND RESPONSES

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### Letter 2 South Coast Air Quality Management District - February 7, 2018

- Comment 2-1 SCAQMD staff summarized their understanding of the project and the methodology utilized to evaluate the project's emissions of criteria pollutants; and how the EIR addressed the project's compliance with SCAQMD's 2016 Air Quality Management Plan. In addition, SCAQMD staff evaluated the ability of the mitigation measures identified in the Draft EIR and recommended additional measures that could further reduce NOx and ROG.
- Response 2-1 Recommended revisions to existing Air Quality measures and the recommended new measures are discussed further below in Responses 2-3 and 2-4.
- Comment 2-2 SCAQMD has requested to receive written responses to all comments contained in its comment letter prior to certification of the Final EIR.
- Response 2-2 As required under CEQA Guidelines Section 15088, the lead agency must provide a written response to a public agency's comments at least 10 days prior to certifying an EIR. The City will provide the responses to SCAQMD's comments within the stipulated time.
- Comment 2-3 SCAQMD has requested that mitigation measures, AQ-1 and AQ-8 be revised to ensure that during construction and operation of the proposed project, emissions of VOC-containing materials and paints are not to exceed SCAQMD's air quality CEQA significance threshold for VOC of 75 lbs/day during construction and 55 lbs/day during operation, and that there is an enforcement mechanism to ensure effective implementation of these measures.
- Response 2-3 As shown in Tables 7 and 8 of the *Air Quality and Global Climate Change Impact Analysis* and Draft EIR Tables 4.3-5 and 4.3-6, with incorporation of the construction mitigation measure AQ-1, to limit architectural coatings applied to buildings within the project site to 10 grams per liter VOC and traffic paints to 100 grams per liter VOC content, construction-related VOC emissions do not exceed SCAQMD daily regional construction thresholds. By its very nature, the construction of the project is not a life-long activity. However, to ensure compliance with this measure, mitigation measure AQ-1 has been amended to include enforcement text as follows:
- AQ-1 Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building

## F.2 COMMENTS AND RESPONSES

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Official or his/her designee, prior to application of coatings and/or traffic paint.

As shown in Table 14 of the *Air Quality and Global Climate Change Impact Analysis*, and Draft EIR Table 4.3-8, even with mitigation to reduce paint VOC content, the overall mitigated operational VOC emissions for the proposed project still exceed the 75 lbs per day emissions threshold. Area sources constitute 40.06 pounds per day of the total 90.19 pounds per day of mitigated VOC emissions; therefore, even though the proposed project exceeds the VOC threshold, when viewed by itself, the area source emissions (which includes not only emissions from painting, but also emissions from hearths, consumer products and landscaping equipment) of 40.06 pounds per day, meet the SCAQMD daily regional operation thresholds. Even before any mitigation, as shown in Table 13 of the *Air Quality and Global Climate Change Impact Analysis*, and Draft EIR Table 4.3-7, the area sources for the project are 51.85 pounds per day, which, by itself, does not exceed the SCAQMD's daily regional operational threshold of 75 pounds; therefore, the additional mitigation text and enforcement mechanism are not warranted or required.

Furthermore, the project is required to meet a 75 pound per day operational VOC threshold and not the 55 pound per day operational VOC threshold stated by SCAQMD in its comment. The project is located within Coachella Valley (in the Salton Sea Air Basin), as such per the SCAQMD's own threshold guidance for, Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds (<http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>)

Comment 2-4 The comment recommends additional mitigation measures to further reduce ROG and NOx emissions associated with project operation.

Response 2-4 Four of the six additional measures recommended by SCAQMD for inclusion in the Draft EIR, have been incorporated into the *Air Quality and Global Climate Change Impact Analysis* (see revised Air Quality and Global Climate Change Impact Analysis in Final EIR Appendix B), and have been added into Draft EIR Section 4.3, as well as in Table 1.3, *Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures*, in Chapter 1, *Executive Summary*. These are as follows:

Air Quality Report Mitigation Measure 12 (Draft EIR Mitigation Measure 4.3-12). The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer

## F.2 COMMENTS AND RESPONSES

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diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.

Air Quality Report Mitigation Measure 13 (Draft EIR Mitigation Measure 4.3-13). The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.

Air Quality Report Mitigation Measure 14 (Draft EIR Mitigation Measure 4.3-14). The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.

Air Quality Report Mitigation Measure 15 (Draft EIR Mitigation Measure 4.3-15). The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.

The additional, recommended mitigation measure c) limiting parking supply, is not feasible and was not incorporated, as the DLVSP is already required to comply with the City's parking standards. The additional mitigation measure d) maximize the planting of trees in landscaping and parking lots, was also found to be infeasible and not incorporated, as the proposed project maximizes the number of trees already by planting one tree per every thirty feet of perimeter and one tree per five parking spaces.

Comment 2-5      SCAQMD has requested that a section discussing SCAQMD Rule 403(e) – Large Operations be added to the Draft EIR.

Response 2-5      A section discussing SCAQMD Rule 403(e) – Large Operations has been added to page 32 of the *Air Quality and Global Climate Change Impact Analysis* and to page X of the Draft EIR as follows:

**SCAQMD Rule 403(e)** are additional requirements for Large Operations.

1. Any person who conducts or authorizes the conducting of a large operation subject to this Rule shall implement the applicable actions specified in Table 2 of this Rule at all times and shall implement the applicable actions specified in Table 3 of this Rule when the applicable performance standards cannot be met through use of Table 2 actions; and shall:



## F.2 COMMENTS AND RESPONSES

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- A. submit a fully executed Large Operation Notification (Form 403 N) to the Executive Officer within 7 days of qualifying as a large operation;
  - B. include, as part of the notification, the name(s), address(es), and phone number(s) of the person(s) responsible for the submittal, and a description of the operation(s), including a map depicting the location of the site;
  - C. maintain daily records to document the specific dust control actions taken, maintain such records for a period of not less than three years; and make such records available to the Executive Officer upon request;
  - D. install and maintain project signage with project contact signage that meets the minimum standards of the Rule 403 Implementation Handbook, prior to initiating any earthmoving activities;
  - E. identify a dust control supervisor that:
    - i. is employed by or contracted with the property owner or developer;
    - ii. is on the site or available on-site within 30 minutes during working hours;
    - iii. has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements;
    - iv. has completed the AQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and
  - F. notify the Executive Officer in writing within 30 days after the site no longer qualifies as a large operation as defined by paragraph (c)(18).
2. Any Large Operation Notification submitted to the Executive Officer or AQMD-approved dust control plan shall be valid for a period of one year from the date of written acceptance by the Executive Officer. Any Large Operation Notification accepted pursuant to paragraph (e)(1), excluding those submitted by aggregate-related plants and cement manufacturing facilities must be resubmitted annually by the person who conducts or authorizes the conducting of a large operation, at least 30 days prior to the expiration date, or the submittal shall no longer be valid as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously accepted submittal or in an AQMD-approved dust control plan, the resubmittal may be a simple statement of no-change (Form 403NC).



**TWENTY-NINE PALMS BAND OF MISSION INDIANS**

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

February 7, 2018

**CERTIFIED MAIL # 7016 0910 0001 7391 8063  
RETURN RECEIPT REQUESTED**

Craig Ewing, Consulting Planner  
City of Desert Hot Springs  
65-950 Pierson Blvd. Desert Hot Springs, CA 92240

**RE: Desert Land Ventures Specific Plan EIR**

Dear Mr. Ewing,

This letter is in regards to continued consultation in compliance with the California Environmental Quality Act, for the Desert Land Ventures Specific Plan EIR. This project proposes the adoption of a Specific Plan (SPA 01-16) to develop 1,897,779 square feet of mixed-use industrial and commercial use areas. As stated in our letters sent May 25, 2017, and November 14, 2017, the Tribal Historic Preservation Office (THPO) is not aware of any additional cultural resources within the project area that pertains to the Twenty-Nine Palms Band of Mission Indians (Tribe). However, the underdeveloped property is located in the Chemehuevi Traditional Use Area TUA. Additionally, from the cultural report, conducted by *Applied Earthworks*, there is evidence of archaeological sites within and adjacent to the project area. For these reasons, the project area has the possibility of inadvertent discoveries, which could have an adverse effect on potential cultural resources that concern the Tribe.

3-1

There is an increased possibility of encountering cultural resources during the construction processes that may take place because the project is located in an undeveloped area within the Chemehuevi TUA and there are prehistoric resources recorded within and in the vicinity of the project area. Avoidance, if feasible, would negate adverse effects on the project. The Tribe still requests that approved Native American Monitor(s) from the Twenty-Nine Palms Band of Mission Indians be present during any ground disturbing activities during the project. The Tribal Historic Preservation Office would like to work with you to provide approved Native American Monitor(s) for this project.

3-2

The Tribe and THPO look forward to continuing working with the City of Desert Hot Springs on this project. If you have any questions, please do not hesitate to contact the Tribal Historic Preservation Office at (760) 775-3259 or by email: [TNPConsultation@29palmsbomi-nsn.gov](mailto:TNPConsultation@29palmsbomi-nsn.gov).

Sincerely,

  
Anthony Madrigal, Jr.  
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman  
Sarah Bliss, Twenty-Nine Palms Tribal Cultural Specialist

## F.2 COMMENTS AND RESPONSES

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### Letter 3 Twenty-Nine Palms Band of Mission Indians – February 7, 2018

Comment 3-1 The comment states that the Cultural Resources Report prepared for the project, referenced evidence of archaeological sites within and adjacent to the project area. Therefore, there is possibility of inadvertent discoveries during development of the proposed project, which could have an adverse effect on potential cultural resources that concern the Tribe. Avoidance, if feasible, would negate adverse effects on the project. The Tribe also requested that an approved Native American Monitor(s) from the Tribe be present during any ground disturbing activities associated with the proposed project.

Response 3-1 Mitigation Measure TCR-1 requires an approved Native American Monitor be present during all ground-disturbing activities associated with the proposed project, but does not stipulate who would approve the monitor. This is because more than one tribe has requested that a monitor from their tribe be utilized, either as a comment on the Draft EIR, as in this case, or in response to the City's notification to tribes pursuant to Senate Bill (SB) 18. At this time there are no development projects proposed at the project site. However, the applicant is aware that prior to any ground disturbing activity, a Native American monitor must be on site. Mitigation Measure TCR-1 has been revised to reflect that prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes to identify a Native American monitor. As an alternative, a rotating schedule of monitors could be established. New text is underlined and deleted text is ~~stricken~~.

**TCR-1** Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. ~~A~~ The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).

## F.2 COMMENTS AND RESPONSES

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# Letter 4



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[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)

*Via Email and Overnight Mail*

February 13, 2018

Craig Ewing, Consulting Planner  
City of Desert Hot Springs  
65-950 Pierson Blvd  
Desert Hot Springs, CA 92240  
(760) 329-6411  
[cewing@cityofdhs.org](mailto:cewing@cityofdhs.org)

Daniel Porras, Acting Director  
of Community Development Services  
City of Desert Hot Springs  
65950 Pierson Boulevard, Building C  
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Gianina Millan, Planning Commission  
Secretary  
City of Desert Hot Springs  
65950 Pierson Boulevard  
Desert Hot Springs, CA 92240  
[gmillan@cityofdhs.org](mailto:gmillan@cityofdhs.org)

Jerryl Soriano, CMC -City Clerk  
City of Desert Hot Springs  
65950 Pierson Boulevard, Building C  
Desert Hot Springs, California 92240  
[jsoriano@cityofdhs.org](mailto:jsoriano@cityofdhs.org)

**Re: Desert Ventures Specific Plan DEIR (SCH 2017051070)**

Dear Mr. Ewing, Mr. Porras, Ms. Millan, and Ms. Soriano:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in the County of Riverside and/or City of Desert Hot Springs ("LiUNA"), regarding the Desert Ventures Specific Plan (SCH 2017051070), including all actions related or referring to the proposed development of a 123-acre master-planned industrial and technology business park located 0.50 mi west of Varner Rd and Palm Dr. on Parcel Nos. 669-150-001 and 669-150-002 ("Project").

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.

Approximately 62.9 acres of the project site would accommodate a mix of industrial and commercial land uses 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. Approximately 38.7 acres of the site would be set aside for Open Space/Conservation within the CVMSHCP Willow Hole Conservation Area, and only ten percent would be developed with water or energy facilities, consistent with the CVMSHCP. In total, the Project would allow up to 1.9 million square feet of commercial and industrial uses.

4-1  
Con't

After reviewing the DEIR, we conclude that the DEIR fails as an informational document, fails to analyze all significant impacts, and fails to impose all feasible mitigation measures to reduce the Project's impacts. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

4-2

Sincerely,



Richard Drury

## F.2 COMMENTS AND RESPONSES

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### **Letter 4      Lozeau Drury LLP on behalf of the Laborers International Union of North America – February 13, 2018**

- Comment 4-1      The comment provides a summary of the location of the project and a brief summary of the specific plan.
- Response 4-1      No response is required.
- Comment 4-2      The comment states that the Draft EIR fails as an informational document, fails to analyze all significant impacts, and fails to impose all feasible mitigation measures to reduce the project's impacts. The comment references *Galante Vineyards v. Monterey Peninsula Water Management District (1997)*.
- Response 4-1      The comment is conclusory and provides no evidence for the opinion that the Draft Program EIR fails to analyze all significant impacts or impose feasible mitigation measures. As a program EIR for a specific plan, the intent of the document is to provide the environmental framework for the evaluation of development projects within the specific plan project boundary that will be proposed at a later date. As set forth in CEQA Guidelines Section 15168, future projects must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity is found to have the potential to result in impacts that were not evaluated in the program EIR, then a new Initial Study would be prepared leading to the preparation of either a Subsequent EIR or a Mitigated Negative Declaration. As new projects are proposed, the City would undertake this exercise as set forth in the CEQA Guidelines.



## F.2 COMMENTS AND RESPONSES

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February 20, 2018

*VIA EMAIL*

Craig Ewing, Consulting Planner  
City of Desert Hot Springs  
65-950 Pierson Blvd  
Desert Hot Springs, CA 92240  
cewing@cityofdhs.org

**Re: Desert Land Ventures Specific Plan EIR**

Dear Mr. Ewing:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in the environmental impacts of development project, such as the Desert Land Ventures Specific Plan EIR (Project). The City of Desert Hot Springs (City) released a Draft Environmental Impact Report (DEIR) for the Project on January 5, 2018.

The Project would comprise approximately 123.4 acres of mixed uses, including industrial warehouse, agriculture, residential, agricultural, retail, restaurant, and hotel, as well as 38.7 acres of Open Space Conservation land. The Project will be centered upon cannabis production and sale and will attempt to attract I-10 traffic. In total, the Project Description states the Project will develop 1,987,799 square feet of mixed use industrial and commercial space. The Project will require several approvals, including the following:

- Adoption of a General Plan Amendment
- Adoption of a Zoning Map Amendment
- Adoption of the Desert Land Ventures Specific Plan
- Approval of Vesting Tentative Tract Map
- Approval of a Development Agreement
- Clean Water Act section 404 Permit

Below are comments regarding specific concerns regarding the content of the DEIR:

5-1

### Aesthetics

The City states the Project will not substantially degrade the visual character or quality of the Project site, even absent mitigation. However, the City's only evidence to support this analysis is (1) the Project site already has power lines on it, and (2) Project mitigation will reduce any aesthetic impacts. Regarding (1), it is unclear how the presence of power lines negates the aesthetic open-space qualities the Project site otherwise has. The Project site is currently undeveloped, with views in all directions only limited by the horizon and nearby mountains (see attachment 1). As noted in the DEIR, the addition of the Project will substantially alter these expansive views with buildings of undisclosed heights. This will affect views both from I-10 traffic, as well as for local residents.

5-2

Please provide further evidence that supports the City's determination that there will be no aesthetic impacts from the Project, without mitigation.

### Project Description

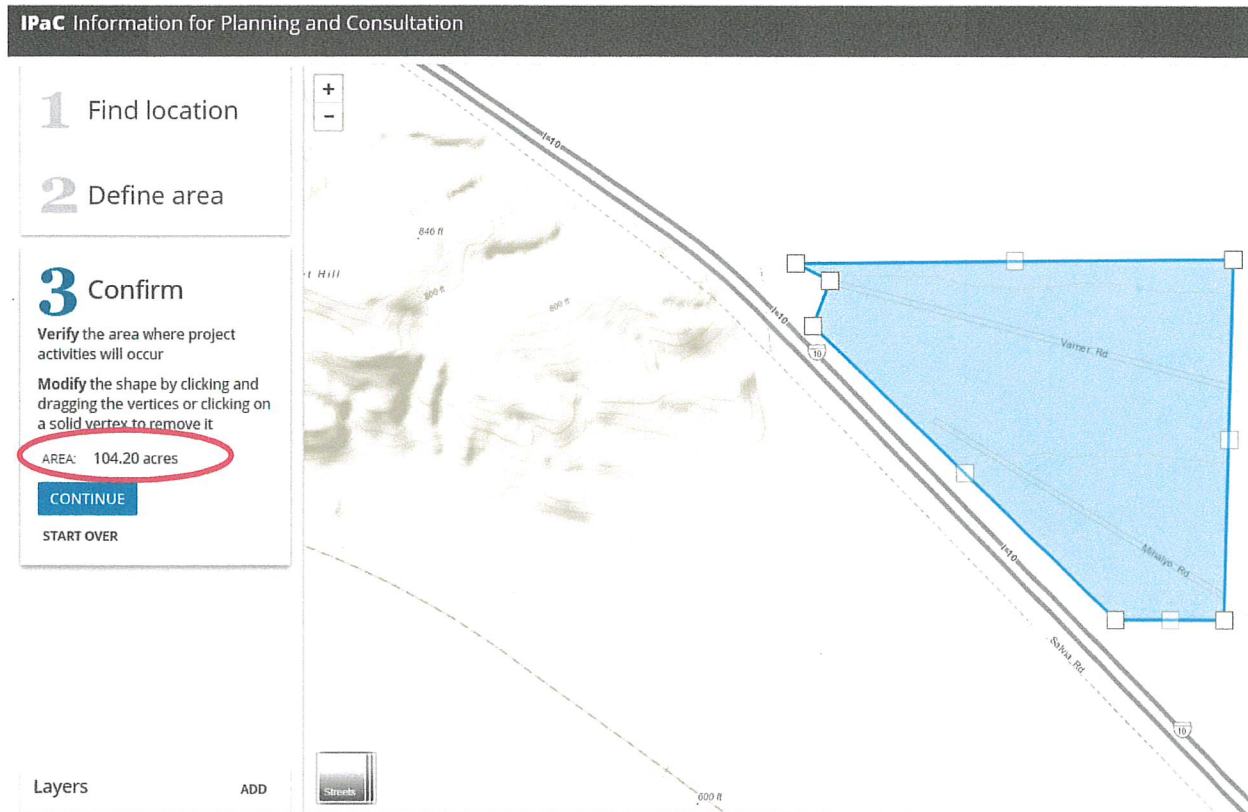
The DEIR provides an inconsistent Project description. In *County of Inyo*, the court noted, "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input. Among the public comments in the final EIR were many objections and expressions of uncertainty aroused by the department's homemade project description." *County of Inyo* at 197. The Supreme Court further admonished: "The incessant shifts among different project descriptions do vitiate the city's EIR process as a vehicle for intelligent public participation." *Id.* By contrast, "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

5-3

At times, the City states the Project will not contain residential development, and at other times, the City states the Project will be permitted to contain dwelling units. In addition, while the Project Description simply divides Project uses into "industrial" and "commercial," elsewhere the DEIR states agricultural uses will operate on site. Furthermore, while the City states the Project site is comprised of 123.4 acres, the Project boundaries identified throughout the DEIR only seem to allocate approximately 104 acres to the Project site (see Image 1, below). 20 constitutes approximately one-sixth of the entire Project site. If the maps used throughout the DEIR are inaccurate, the City should correct these maps to reflect the true dimensions of the Project.

Please explain how the Project Description is adequate, in light of the above concerns.

Image 1:



5-3  
con't

### Land Use Issues

State and local laws discourage, and sometimes prohibit, leap-frog development, such as the Project. Leap-frog development is especially troubling from a utilities and public services viewpoint because serving the Project will require the City and other local services to extend these services across miles of undeveloped land. The DEIR does not discuss the Project from the viewpoint of its impacts as leap-frog development.

5-4

Please address the regulatory framework surrounding leap-frog development as it relates to the Project, and provide further justification to support Project approval where, as here, the Project is proposed almost three miles away from the edge of development within the City.

**Alternatives**

The DEIR identifies Alternative 3, the Reduced Intensity Alternative, as the Environmentally Superior Alternative. However, it is unclear how the City arrived at this determination. Whereas Alternative 3 will still have significant and unavoidable impacts to air quality, cultural resource, and greenhouse gas emissions. By comparison, the City has determined the No Project Alternative will have no impact on the environment.

5-5

Please provide evidence to support Alternative 3 as the Environmentally Superior Alternative.

**Air Quality**

The DEIR provides an analysis of mobile sources, area sources, and energy usage. However, the DEIR does not provide an analysis of other stationary sources of emissions, such as cooking, and any emissions created through the cultivation of cannabis. Please analyze the Project's creation of emissions from other stationary sources.

5-6

The City found the Project conflicts with the goals and policies of the regional Air Quality Management Plan (AQMP). However, the City found the Project did not conflict with Criterion 2 of the AQMP because the City's General Plan amendment will ensure Project "consistency with the land use designation in the City's General Plan." (DEIR p. 4.3-20). The purpose of the AQMP is to evaluate Project consistency with the AQMP, not Project consistency with the General Plan. If the AQMP simply required General Plan consistency to comply with Criterion 2, this analysis would be redundant. Criterion 2 requires a more thorough analysis with the policies of the AQMP.

5-7

Please provide further information, including mitigation and alternatives, if any, that could cause the Project to comply with federal, state, and regional air quality laws and limitations. Specifically, the DEIR should detail in plain language the quantitative significance thresholds it employs when assessing consistency with AQMP Criterion 2.

Finally, the City does not provide an adequate discussion of cumulative air quality impacts. "Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." 14 Cal. Code Regs. §15355. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." 14 Cal. Code

5-8

Regs. §15355(b). “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” 14 Cal. Code Regs. §15355(b). “The full environmental impact of a proposed [] action cannot be gauged in a vacuum.” *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408-409; *Akers v. Resor* (W.D.Tenn. 1978) 443 F.Supp. 1355. “An agency may not . . . [treat] a project as an isolated ‘single shot’ venture in the face of persuasive evidence that it is but one of several substantially similar operations, each of which will have the same polluting effect in the same area.” *Whitman v. Board of Supervisors, supra*, 88 Cal.App.3d at 408-409 (quoting *Natural Resources Defense Council v. Callaway* (2d Cir. 1975) 524 F.2d 79.) Ignoring prospective cumulative effects “could be to risk ecological disaster.” *Id.* Furthermore:

the significance of an activity depends upon the setting. (Guidelines § 15064, subd. (b)). The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.

*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.

Instead of analyzing the cumulative impacts of past, present, and reasonably foreseeable future development, as required, the DEIR instead focuses on the *Project’s* impacts. The DEIR concludes the Project will not have cumulative impacts during the construction phase because this phase will be conducted “in accordance with SCAQMD methodology.” Regarding the operation of the Project, the DEIR summarily states “implementation of the DLVSP would create significant cumulative impacts to air quality.

Here, the City’s cumulative impacts analysis fails to satisfy the purpose of disclosing the Project’s impacts in relation to other nearby development. This analysis fails to adequately quantify or otherwise explain the Project’s contribution to cumulative air quality impacts.

### **Biological Resources**

The City’s evaluation of biological resources fails to provide adequate species baseline, and it fails to supply adequate mitigation for the Project.

The City does not discuss the potential for occurrence of several species the U.S. Fish and Wildlife Service (USFWS) has identified as being potentially present on the site, including the southwestern willow flycatcher and various migratory birds. (See Attachment 2). The City rightly recognizes the burrowing owl is a California Species of Special Concern, as well as a

5-8  
con't

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5-10

migratory bird protected by the Migratory Bird Treaty Act (DEIR p. 4.4-5). However, the DEIR fails to mention or otherwise address the potential for several other migratory birds to use the Project site as nesting and feeding habitat. Please provide all required information regarding the potential presence of all species not mentioned in the DEIR, as well as any necessary mitigation to avoid or reduce impacts to these species.

5-10  
con't

The DEIR does not mention the need for the Project applicant to obtain an Incidental Take Statement or Incidental Take Permit prior to commencing development activities on the Project site. Although the portion of the Project that falls within the Willow Hole Conservation Area may have already received authorization to incidentally take certain state and federally protected species, no such authorization has been obtained for the remainder of the Project site. As indicated by the presence of land that falls within the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP), the Project contains land suitable as habitat for a variety of protected species. If development were to occur prior to obtaining federal and state approval, this would likely result in the unauthorized take of species protected under the state and federal Endangered Species Acts.

5-11

Finally, the DEIR states the Project applicant must undergo later Joint Project Review to ensure MSHCP implementation. After the Project applicant submits its application to relevant agencies, "impacts to covered species within the Conservation Area would be discussed." (DEIR p. 1-15). First, it is unclear why the City considers simply discussing impacts to be sufficient mitigation. Second, the City appears to propose deferred mitigation regarding impacts to species protected under the CVMSHCP. Without providing further detail regarding proposed mitigation to address any potential impacts, decisionmakers and members of the public are unable to understand or provide commentary on the suitability of any mitigation the City or other agencies may eventually propose. The City must provide detailed and binding mitigation for any potential environmental impact.

5-12

### **Greenhouse Gas Emissions**

As an initial matter, the City has not provided Section 4.7 in the copy of the DEIR circulated to the Public online. The online version of the DEIR jumps from Section 4.6 (Geology and Soils) to 4.8 (Hazards and Hazardous Materials). The City should recirculate the DEIR with Section 4.7 contained therein and provide members of the public additional time to review and comment on this section.

5-13

Appendix B contains a cursory analysis of greenhouse gas impacts, but does not provide an analysis or full discussion of these impacts, or any of the proposed mitigation. Appendix B

cannot be considered a substitute for the City's full analysis on one of the most important aspects of the Project.

5-13  
con't

The limited information contained in Appendix B is troubling. For instance, Appendix B states the Project will generate 29,954 tons of CO<sub>2</sub>-equivalent annually. The City's Greenhouse Gas Plan requires the City to reduce its greenhouse gas emissions by roughly 51,000 metric tons of CO<sub>2</sub>-equivalent each year. (See Attachment 3). In contrast, the Project proposes *adding* approximately 30,000 tons of CO<sub>2</sub> emissions annually, effectively negating the majority of the City's planned reductions required to meet its AB-32 and Greenhouse Gas Plan goals:

***When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.*** If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

5-14

14 Cal. Code Regs. §15064 (h)(3) (emphasis added).

Instead of maintaining a constant rate of GHG emissions reductions after 2020, as required by Executive Order No. S-3-05, the County admits that GHG emissions will instead increase after 2020. Thus, the County's own documents demonstrate that the CAP and Thresholds project will not meet the requirements of Assembly Bill No. 32 and Executive Order No. S-3-05 and thus will have significant impacts that had not previously been addressed in the general plan update PEIR.

*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175.

Regardless of the Project's negation of 60 percent of the City's Greenhouse Gas Plan reductions, Appendix B determines the Project is consistent with this plan, based on analysis of eleven of the Plan Policies. In reaching this conclusion, Appendix B fails to address the Project's consistency with several other applicable policies. For instance, although the City states a large part of the Project's emissions will be created through transportation, Appendix B does not assess the Project's consistency with any of the City's transportation policies. There is also no discussion of consistency with any Additionally, Appendix B does not discuss the potential for the Project to be subject to energy audits, the summer discount program, or residential or hotel reduction goals:

5-15



The City must provide additional analysis of projected emissions, and assess whether the Project could, under any circumstances, be consistent with the City's Climate Action Plan goals. See *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

5-15  
con't

### Hazards and Hazardous Materials

The City's proposed mitigation in the Hazards and Hazardous Materials section unacceptably defers the formulation of much of this mitigation to a later date. CEQA demands that the City analyze the impacts associated with the Parks Master Plan and not defer the analysis. The CEQA Guidelines state that "'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment [including] [a]n activity directly undertaken by any public agency..." 14 Cal. Code Regs. § 15378(a). A project is defined broadly in order to maximize environmental protection. *City of Santee v. County of San Diego (Santee)* (1989) 214 Cal.App.3d 1438, 1452; *McQueen v. Board of Directors of the Mid-peninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143 (disapproved on other grounds). A project must be defined and accurately described to ensure an "intelligent evaluation of the potential environmental effects of a proposed activity." *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592 (citing *McQueen v. Bd. of Directors, supra*, 202 Cal.App.3d at 1143-44). "A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole." *Id.*

5-16

The City makes conclusory statements regarding environmental impacts without any analysis, and illegally defers the analysis. It must address the potential impacts associated with the improvements contemplated by the Project, even if the exact alignment of the trails or location of dog facilities are unknown. An "agency should not be allowed to hide behind its own failure to gather relevant data." *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408.

CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project at the earliest possible stage in the planning process. We conclude that, by failing to accurately describe the agency action and by deferring full environmental assessment of the consequences of such action, the County has failed to comply with CEQA's policy and requirements.

*Id.*, at 410 (emphasis added). "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. [Citations]." *Sundstrom v. County of Mendocino*

(1988) 202 Cal.App.3d 296, 307. “A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of *post hoc* rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. [Citations].” *Id.* at 307; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.

Courts have consistently held that

it is improper to defer the formulation of mitigation measures until after project approval; instead, the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts, must occur before the project is approved.

*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906 (citing *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621; *Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d 296; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1359).

Here, while the City states hazardous waste management may be required, the City defers the formulation of this waste management mitigation to a later date. This is true for any proposal to recycle onsite water, to dispose of toxic cannabis production byproducts, for the creation of a Storm Water Pollution Prevention Plan, the Hazardous Materials Business Emergency Plan, and the Spill Prevention Countermeasures Contingency Plan. The City knows what uses are proposed for the Project, and which toxic materials the Project may produce, transport, and manage. It is unacceptable to defer disclosure of these potential hazards until after Project approval, and to not set binding mitigation to address these impacts now.

### Hydrology and Water Quality

The DEIR provides two “options” for the provision of water to the Project. “Option 1” would require the Mission Springs Water District to request LAFCo annexation of the Project site to provide water service to the Project. “Option 2” would involve the Project applicant to receive all its water onsite by drilling and pumping its own well. To add to the confusion, the City also discusses the possibility of the Project being supplied by the water district with jurisdiction over the Project but at some point (and without an adequate explanation) dismisses this as an option.

The Public cannot adequately or fairly comment on the Project’s water impacts because the City has failed to analyze which option the Project will be permitted under. The City’s

5-16  
con't

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5-18

failure to require one possible water source for the Project is troubling, because members of the public and decisionmakers are unable to ascertain the true impacts of the Project without this information.

5-18  
con't

To add to these concerns, the DEIR does not provide an adequate discussion of cumulative impacts. In place of a discussion that would provide the scope and potential for cumulative impacts, the City summarily states, “the project would contribute to a cumulative increase in groundwater demand that could result in overdraft if no countermeasures are enforced.” (DEIR p. 4.9-17). This impacts analysis does not identify, quantitatively or qualitatively, or with evidence, the extent of or potential for these cumulative impacts.

5-19

Finally, the City assumes that 30% of the water the Project uses for cannabis cultivation would be recycled as a “standard practice in medical marijuana cultivation.” However, the City does not require water recycling as mitigation. Because this will not be required as mitigation, the City cannot rely on this water savings.

5-20

### **Population and Housing**

The City determined the Project will not contribute significantly to population and housing impacts. In 2016 the City had an approximate population of 28,500. The Project, alone, is projected to increase this population by almost 7,000, which would account for a 25 percent increase from the City’s baseline population. (DEIR 4.13-3). Yet, the City determined the Project would have a less than significant impact prior to mitigation.

It is difficult to imagine a scenario where a 25 percent increase in a City’s population based on the creation of one project would *not* have a significant impact on population and housing. Regardless, the analysis in the DEIR is fundamentally lacking because it fails to assess cumulative impacts from other present and reasonably foreseeable development projects in the City. Even assuming the City has sufficient housing for the Project, which it does not, the City has provided no evidence to suggest the Project, in conjunction with other permitted and future cannabis projects, would have no cumulatively significant impact on population and housing in the City. As the City is well aware, its permissive stance towards cannabis cultivation and its attempts to become a tourist destination have attracted cannabis-related businesses to the City in droves. (See Attachment 4). The City’s statement that there are no cumulative growth-inducing impacts from these other projects cannot be supported by substantial evidence, as all evidence suggests the opposite. (See, *e.g.*, DEIR p. 4-3).

5-21

**Utilities and Public Services**

Finally, the City states impacts to other utilities and public services will be less than significant, prior to mitigation. In the Public Services section, the City states the Project would not impact public services because it “would not substantially impact population growth in the City because there is no residential development proposed within the DLVSP.” (DEIR pp. 4.14-7—4.14-8). This statement is incorrect for at least two reasons. First, there *is* residential development proposed within the DLVSP. First, the Project would be permitted to construct dwelling units. (See, *e.g.*, DEIR p. 6-9). Second, the fact that the Project does not propose housing to accommodate the approximately 7,000 residents speaks volumes to the impacts to utilities and public services the Project *will* place on the City, not the opposite.

5-22

The Project is noteworthy for its relative distance from public services. Police and fire stations are miles away from the Project, yet the Project would add an approximate 2,212 workers on-site, not counting any cannabis tourism. The DEIR fails to provide City and regional labor statistics, but the operation of the Project, alone, would represent over seven percent of the entire population of the City today. Because the Project will provide a hub for marijuana purchase and consumption, the Project has the potential to require higher than normal public service use.

5-23

5-24

**Conclusion**

Southwest Carpenters thanks the City for the opportunity to comment on its DEIR and look forward to commenting on the City’s subsequent environmental review documents when these documents are released for public review.

Moving forward, please send all future notices relating to this Project to Nicholas Whipps at [nwhipps@wittwerparkin.com](mailto:nwhipps@wittwerparkin.com). Thank you for your consideration of these comments.

Very truly yours,  
WITTWER PARKIN LLP



Nicholas Whipps

Mr. Craig Ewing, Consulting Planner  
Re: Desert Land Ventures DEIR  
February 20, 2018  
Page 12

**Attachments:**

1. Google Maps views from Project site.
2. USFWS Information for Planning and Consulting Report
3. Summary of City of Desert Hot Springs Climate Action Plan Measures
4. Articles re: City of Desert Hot Springs' Attempts to Attract Cannabis Businesses

# Attachment 1

# Google Maps Redlands Fwy

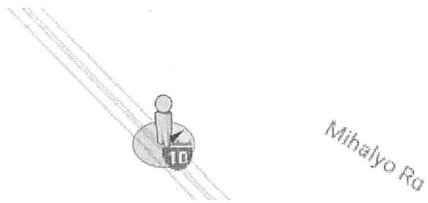


Image capture: May 2017 © 2018 Google

Desert Hot Springs, California

 Google, Inc.

Street View - May 2017




# Google Maps Redlands Fwy

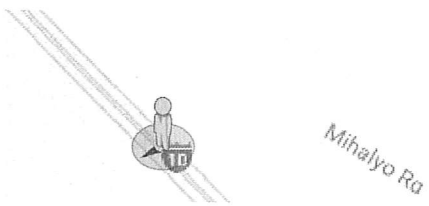


Image capture: May 2017 © 2018 Google

Desert Hot Springs, California

 Google, Inc.

Street View - May 2017





# Attachment 2

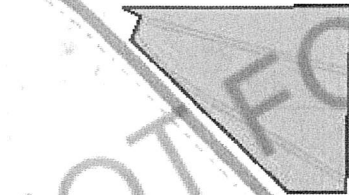
# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Riverside County, California



## Local office

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📠 (760) 431-5901

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

<http://www.fws.gov/carlsbad/>

## Birds

NAME

STATUS

Least Bell's Vireo *Vireo bellii pusillus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/5945>

Southwestern Willow Flycatcher *Empidonax traillii extimus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/6749>

## Reptiles

NAME

STATUS

Coachella Valley Fringe-toed Lizard *Uma inornata*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/2069>

Desert Tortoise *Gopherus agassizii*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/4481>

## Flowering Plants

NAME

STATUS

Coachella Valley Milk-vetch *Astragalus lentiginosus* var. *coachellae*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/7426>

Triple-ribbed Milk-vetch *Astragalus tricarinatus*

Endangered

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3370>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

WHICH THE BIRD BREEDS  
ACROSS ITS ENTIRE RANGE.  
"BREEDS ELSEWHERE" INDICATES  
THAT THE BIRD DOES NOT LIKELY  
BREED IN YOUR PROJECT AREA.)

**Allen's Hummingbird** *Selasphorus sasin*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9637>

Breeds elsewhere

**Bald Eagle** *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Oct 15 to Aug 31

**Bendire's Thrasher** *Toxostoma bendirei*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9435>

Breeds Mar 15 to Jul 31

**Black Rail** *Laterallus jamaicensis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/7717>

Breeds Mar 1 to Sep 15

**Black Skimmer** *Rynchops niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5234>

Breeds May 20 to Sep 15

**Black-chinned Sparrow** *Spizella atrogularis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9447>

Breeds Apr 15 to Jul 31

**Burrowing Owl** *Athene cunicularia*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9737>

Breeds Mar 15 to Aug 31

**Clark's Grebe** *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Dec 31

**Mountain Plover** *Charadrius montanus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3638>

Breeds elsewhere

**Rufous Hummingbird** *selasphorus rufus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Breeds elsewhere

**Rufous-winged Sparrow** *Aimophila carpalis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jun 15 to Sep 30

**Whimbrel** *Numenius phaeopus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

Breeds elsewhere

**Willet** *Tringa semipalmata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in your project's counties during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .

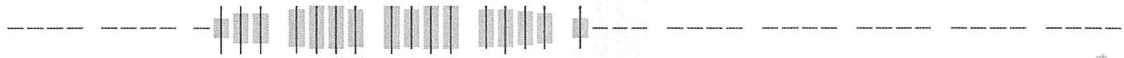
Black Rail  
BCC Rangewide  
(CON) (This is a Bird  
of Conservation  
Concern (BCC)  
throughout its range  
in the continental  
USA and Alaska.)



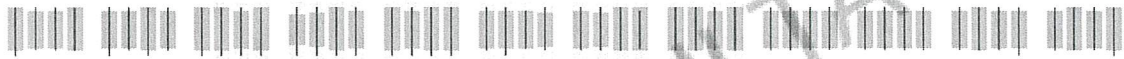
Black Skimmer  
BCC Rangewide  
(CON) (This is a Bird  
of Conservation  
Concern (BCC)  
throughout its range  
in the continental  
USA and Alaska.)



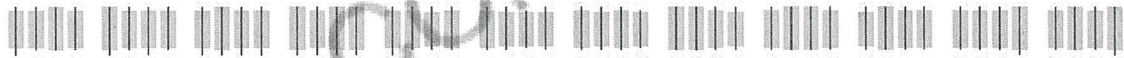
Black-chinned  
Sparrow  
BCC Rangewide  
(CON) (This is a Bird  
of Conservation  
Concern (BCC)  
throughout its range  
in the continental  
USA and Alaska.)



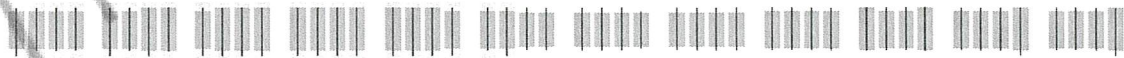
Burrowing Owl  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



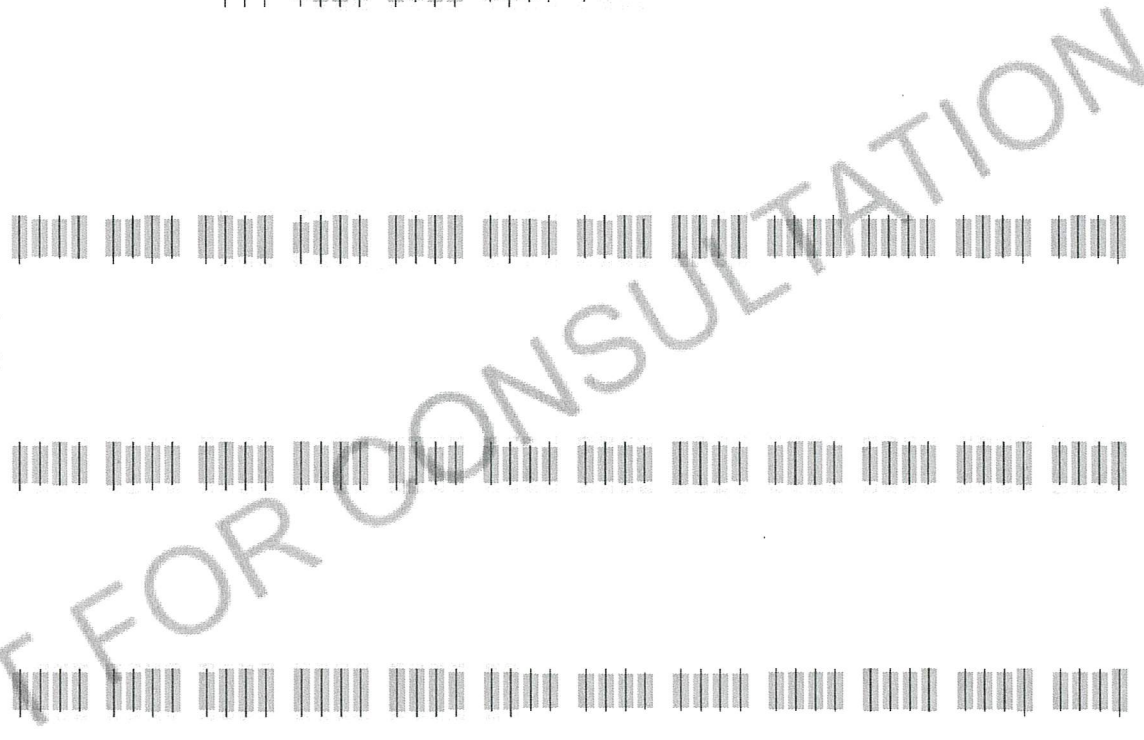
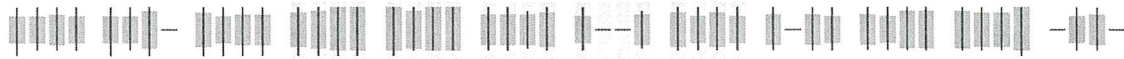
Clark's Grebe  
BCC Rangewide  
(CON) (This is a Bird  
of Conservation  
Concern (BCC)  
throughout its range  
in the continental  
USA and Alaska.)



Costa's  
Hummingbird  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Gila Woodpecker  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Mountain Plover  
 BCC Rangewide  
 (CON) (This is a Bird  
 of Conservation  
 Concern (BCC)  
 throughout its range  
 in the continental  
 USA and Alaska.)



Rufous  
 Hummingbird  
 BCC Rangewide  
 (CON) (This is a Bird  
 of Conservation  
 Concern (BCC)  
 throughout its range  
 in the continental  
 USA and Alaska.)



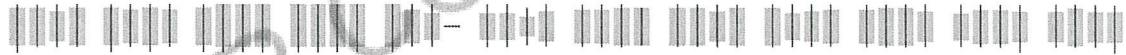
Rufous-winged  
 Sparrow  
 BCC Rangewide  
 (CON) (This is a Bird  
 of Conservation  
 Concern (BCC)  
 throughout its range  
 in the continental  
 USA and Alaska.)



Whimbrel  
 BCC Rangewide  
 (CON) (This is a Bird  
 of Conservation  
 Concern (BCC)  
 throughout its range  
 in the continental  
 USA and Alaska.)



Willet  
 BCC Rangewide  
 (CON) (This is a Bird  
 of Conservation  
 Concern (BCC)  
 throughout its range  
 in the continental  
 USA and Alaska.)



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the [Probability of Presence Summary](#). [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the counties which your project

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the BGEPA should such impacts occur.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

### Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.



# Attachment 3

## **4.0 APPENDIX A – LIST OF CLIMATE ACTION PLAN MEASURES**

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
LIVE - 10	Residential Buildings	<u>Residential PACE</u> : Partner and aggressively promote Residential PACE Program to reach 25% of homes with property-secured funding for 100% of the cost of energy upgrades and renewable energy systems	I	5,153	\$1,920,391	\$5,000	\$1
LIVE - 11	Residential Buildings	<u>On-Bill Finance/Repayment</u> : Partner with SCE and SoCalGas to locally promote on-bill financing/repayment for residential energy efficiency retrofits in 15% of housing stock	III	542	\$136,418	\$2,000	\$4
LIVE - 12	Renewable Energy	<u>Solar "Champion"</u> : Promote solar photovoltaic systems and solar thermal systems for residential homeowners to develop 100 "Solar Champion" systems in Desert Hot Springs	III	758	\$435,332	\$4,000	\$5
LIVE - 13	Solid Waste	<u>Solid Waste Diversion</u> : Increase solid waste diversion rate by 5% to 68.1% by 2015 potentially through use of tiered rate structure	II	752	\$100,000	\$5,000	\$7
LIVE - 14	Solid Waste	<u>Solid Waste Diversion</u> : Increase solid waste diversion rate by an additional 10% to 78.1% by 2020 potentially through awareness programs, recognition, tiered rate structures, and other financial instruments	III	1,435	\$200,000	\$5,000	\$3

Table 4.2: Savings Measures for "Where We Work"

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
WORK - 1	Commercial Buildings	<u>Commercial Energy Audits</u> : Work with Desert Cities Energy Partnership to promote energy audits for 1,000,000 square feet of commercial/industrial buildings and confirm replacement/upgrade schedules	III	365	\$116,830	\$2,000	\$5
WORK - 2	Commercial Buildings	<u>Peak Demand Reduction</u> : Collaborate with SCE and encourage 100 businesses to enroll in Energy Efficiency and Demand Response programs such as the Summer Discount Program	I	193	\$122,000	\$2,000	\$10

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
WORK - 9	Government Initiatives	<u>Water Efficient Landscaping Ordinance</u> : Build on and exceed current Water Efficient Landscaping Ordinance in the commercial/industrial sector by 15% community-wide by 2020	III	59	\$500,000	\$10,000	\$169
WORK - 10	Transportation	<u>Car-Pooling and Mass Transit</u> : Promote "Shared Vehicle at Work" programs to increase carpooling and mass transit by 20% with a "guaranteed ride home"	III	57	\$11,325	\$2,000	\$35
WORK - 11	Transportation	<u>Telecommuting</u> : Promote telecommuting and flex-time for local businesses to achieve and track 100 teleworkers in Desert Hot Springs	III	73	\$27,289	\$2,000	\$27
WORK - 12	Solid Waste	<u>Food Waste Composting at Restaurants</u> : Facilitate restaurant composting program for food waste to reach all restaurants that serve more than 100 meals a day	II	24	\$25,938	\$5,000	\$208

Table 4.3: Savings Measures for "How We Build"

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
BUILD - 1	Commercial Buildings	<u>Sustainable Parking Lots</u> : Program to reduce the heat island effect through the promotion of parking lot coverings and coatings and semi permeable surfaces for new construction to achieve 20% of existing parking lots, and 80% of new parking lots	II	55	\$26,939	\$5,000	\$91
BUILD - 2	Commercial Buildings	<u>New and Efficient Construction</u> : Promote the Savings by Design Program from SCE for new commercial/industrial buildings.	III	136	\$47,215	\$1,000	\$7
BUILD - 3	Commercial Buildings	<u>"Cool Roofs"</u> : Promote the installation of reflective roofing on commercial/industrial properties in the community with recognition for first ten early adopters	II	15	\$8,714	\$5,000	\$333
BUILD - 4	Government Initiatives	<u>Green Building Program</u> : Promote the voluntary Green Building Program to prepare for enhanced Title 24 requirements and green building	I	273	\$134,697	\$2,500	\$9

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
MOBILITY - 4	Transportation	<u>CNG Stations</u> : Foster public/private partnerships to promote the construction of 5 additional public access CNG stations for existing CNG fleets	II	161	\$287,950	\$12,500	\$78
MOBILITY - 5	Transportation	<u>Eco-Conscious Driving</u> : Promote eco-conscious driving behavior to increase fuel efficiency by 5 - 10% and minimize emissions and maintenance. Aka "hyper-miling."	II	94	\$349,920	\$5,000	\$53
MOBILITY - 6	Transportation	<u>Buses</u> : Promote the benefits of buses to increase ridership by 130%, provide promotions and incentives for new riders	II	700	\$544,722	\$7,500	\$11
MOBILITY - 7	Transportation	<u>Bike, Walking, NEV "Parkway"</u> : Support Parkway 1e11 as a Valley amenity and means to alternative forms of transportation and to promote health in Desert Hot Springs	I	25	\$3,959	\$5,000	\$200
MOBILITY - 8	Transportation	<u>Reduce Retail Leakage</u> : Encourage reduction in VMT and "retail leakage" through the Economic Development Strategic Plan to attract more businesses such as Wal-Mart to the City	I	7,102	\$2,771,537	\$5,000	\$1
MOBILITY - 9	Transportation	<u>"Walking School Bus"</u> : Collaborate with school district and neighborhood officials to implement a "Walking School Bus" program inconjunction with "Safe Routes to School" grant funding being utilized by Desert Hot Springs, to increase walking to school by 10%	II	68	\$215,452	\$2,000	\$29
MOBILITY - 10	Transportation	<u>Bus Route Maximization</u> : Collaborate with SunLine officials to reform routes to promote smaller buses with more routes and frequencies to increase ridership by 50%	II	268	\$257,436	\$5,000	\$19
MOBILITY - 11	Transportation	<u>Van Pools</u> : Partner and recognize all DHS major employers with over 50 employees for van pools	II	287	\$91,371	\$5,000	\$17
MOBILITY - 12	Transportation	<u>Senior Vehicle Tune-Ups</u> : Introduce and implement "Senior Vehicle Diagnostic Program" to target and incentivize seniors to tune and maintain their vehicles on a regular basis	III	29	\$9,990	\$5,000	\$172

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
		Building Program standards and are minimum LEED Silver or equivalent					
GOVERN - 7	Government Initiatives	<u>Utility Manager Software</u> : Maximize use of the Los Angeles County Energy Enterprise Management Information System (EEMIS) to manage municipal facilities	I	22	\$5,819	\$5,000	\$227
GOVERN - 8	Government Initiatives	<u>Benchmarking</u> : Abide by Energy Benchmarking Policy to gauge relative energy use and efficiency of municipal facilities	I	9	\$3,878	\$5,000	\$556
GOVERN - 9	Government Initiatives	<u>Retro Commissioning</u> : Abide by the Retro-Commissioning (RCx) policy and guidelines for qualifying municipal buildings	I	9	\$3,878	\$2,000	\$222
GOVERN - 10	Government Initiatives	<u>Group Purchasing</u> : Promote and participate in group purchasing of energy efficiency goods and services with other CVAG cities/tribes	III	5	\$20,000	\$2,000	\$400
GOVERN - 11	Government Initiatives	<u>Public/Private Partnerships</u> : Explore private-public partnerships for renewable energy installations and energy-efficiency upgrades on municipal facilities (performance-based contracts and power purchase agreements).	III	1,734	\$505,890	\$10,000	\$6
GOVERN - 12	Renewable Energy	<u>Solar Ready Ordinance</u> : Develop and implement an ordinance requiring 100% of new homes be solar ready (PV)	II	379	\$217,666	\$5,000	\$13
GOVERN - 13	Renewable Energy	<u>Roof-Mounted Wind Systems</u> : Create an ordinance to enable residential wind turbines and promote the installation of 1,000 roof-mounted wind turbines on private property by 2020	I	1,823	\$1,565,600	\$5,000	\$3
GOVERN - 14	Transportation	<u>Electric Vehicle Charging Stations</u> : Seek grant funding and private sector partnerships to install 20 EV charging stations on public and private property	II	3,821	\$1,217,677	\$5,000	\$1
GOVERN - 15	Transportation	<u>Transit Oriented Development</u> : Promote transit oriented development to foster development in line with mass transit corridors	II	658	\$65,000	\$2,000	\$3


Table 4.7: Savings Measures for “How We Teach and Learn”

Sphere	GHG Sector Focus Area Linkage	Measure	Phase	Annual Savings (Tonnes CO <sub>2</sub> e)	Annual Savings	Estimated Implementation Cost to City	Efficacy (\$/tonne CO <sub>2</sub> e)
LEARN - 1	Commercial Buildings	<u>Commercial Sector Green Business</u> : Target and work with minimum of 100 businesses for Green Business Program	II	900	\$182,000	\$5,000	\$6
LEARN - 2	Cross-Cutting Initiatives	<u>Green Building Lectures and Continuing Education</u> : Provide and support lectures, seminars and training on green building based on training materials emphasizing desert conditions and opportunities	II	75	\$35,200	\$5,000	\$67
LEARN - 3	Cross-Cutting Initiatives	<u>Community Energy Champions</u> : Solicit nominations and promote a Community Energy Champion each year to show value of efficiency and its energy, dollar, and carbon savings	II	16	\$9,419	\$2,000	\$125
LEARN - 4	Cross-Cutting Initiatives	<u>Internships</u> : Provide student internships in city government each year to focus on updates to the GHG inventory and the climate action plan and to promote energy efficiency in Desert Hot Springs	II	2		\$5,000	\$2,500
LEARN - 5	Cross-Cutting Initiatives	<u>Workforce Development</u> : Promote workforce development in partnership with College of the Desert, UCR, and CSUSB to achieve 500 "green careers" by 2020	II	2		\$10,000	\$5,000
LEARN - 6	Residential Buildings	<u>Save a Ton</u> : Reach 2,000 households (out of 10,902 citywide) with Save a Ton targeted education on LED Lighting, high SEER AC units, insulation, better windows, etc.	I	1,964	\$1,540,000	\$5,000	\$3

# Attachment 4



# This California desert town is experiencing a marijuana boom

 latimes.com/local/la-me-marijuana-cultivation-20160510-story.html

By Paloma Esquivel

Carlos Bravo, the owner of a tow company here, was at work late last year when a real estate agent came to him offering half a million dollars for 5 acres of undeveloped, brush-pocked desert — five times what he'd paid for the land six months earlier.

"I thought he was joking," Bravo said.

The man came back the next day, making it clear he was not.

A few days after he had signed the paperwork, Bravo said, another man offered him \$1 million.

As the first city in Southern California to legalize large-scale medical marijuana cultivation, Desert Hot Springs has been inundated by marijuana growers and developers. They are buying up dusty desert land — some with no utilities or roads — in hopes of cashing in as California's marijuana growers come into the open under new state regulations.

"It's pretty chaotic," said Coachella Valley real estate broker Marc Robinson. "I'm getting tons of calls from all over the world, all over the United States. My newest clients flew over from Germany."

## **See the most-read stories this hour >>**

Despite a sizable need for new infrastructure to support the indoor growing projects, the rush has officials in this downtrodden town dreaming of new income.

"I can only imagine what we can do with the tax revenue," Mayor Scott Matas said. "We're in need of parks, our roads are dilapidated. All around — our sidewalks, curbs, gutters."

The city is pushing hard to help developers get their projects up and running as it increasingly faces competition from a number of desert cities also eager to bring growers to town.

::

Desert Hot Springs' foray into marijuana stemmed from financial need, officials said.

The city has long tried to position itself as a Coachella Valley tourist destination alongside its resort-town neighbors south of Interstate 10, but it's never managed to attract the same level of development. Median household income here is \$33,500 — far below the state median.

The town's destinations simply aren't enough "for it to become a vibrant and viable city instead of just a dusty little town north of the I-10," said Heather Coladonato, president of the Desert Hot Springs Chamber of Commerce, which is working closely with growers.

"In order to do that safely it does require significant study ... and it may require significant infrastructure," he said.

Meda Thompson, a real estate broker who advertises on fliers decorated with marijuana leaves, said the issue has caused some properties to fall out of escrow.

To help address the concerns, the city manager is now preparing to hire a project manager who would oversee infrastructure issues for growers.

In the meantime, the city is facing increasing competition.



Jason Elsasser surveys his property from the doorway of an empty steel shell building in Desert Hot Springs. Elsasser plans to build a 2-acre pot operation in town. "This is going to be all built out into a high-tech, 40-light grow right here," he says. (Mark Boster / Los Angeles Times)

In nearby Cathedral City, officials recently began accepting applications from growers and dispensaries. So far, they have received about 20, said Community Development Director Pat Milos.

In San Bernardino County, Adelanto began accepting applications from growers late last year.

That city, which has been on the brink of insolvency in recent years, has asked applicants to sign a statement acknowledging its financial hardship and agreeing to "support, and not oppose, any initiative that the city or the voters of the city initiate to raise business taxes and business license fees."



Sources: OpenStreetMap, Mapbox, City of Desert Hot Springs

@latimesgraphics

(Paul Duginski)

On a recent weekday, he walked through an empty steel-shell building on Little Morongo Road that he plans to soon begin converting into a cultivation facility.

"This is going to be all built out into a high-tech, 40-light grow right here," Elsasser said, using the number of overhead lights the facility will contain to indicate its size.

Pointing to a chain-link fence surrounded by brush, he added, "Back there is going to be all greenhouses."

Then Elsasser gestured toward a handful of buildings down the road that were owned by other growers and developers.

"Those are all going to be cultivation," he said.

Little Morongo Road will eventually be the backbone of a bustling warehouse zone, packed to the brim with growers, Elsasser said.

"This property is right on Park Avenue," he said, waving toward the desert brush and dusty road and imagining the swanky New York thoroughfare. "It may not look like it. But it is."

[paloma.esquivel@latimes.com](mailto:paloma.esquivel@latimes.com)


Twitter: [@palomaesquivel](https://twitter.com/palomaesquivel)

**ALSO**

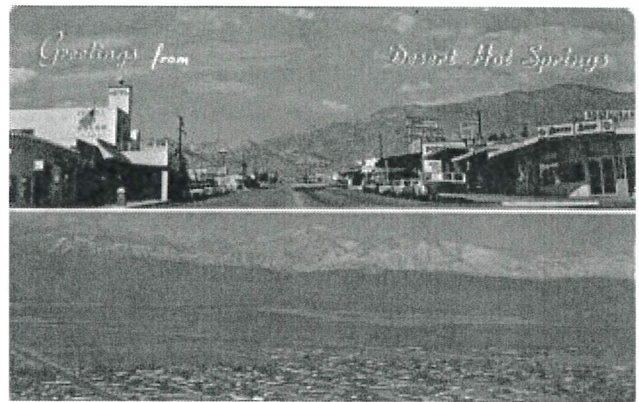
**[Some emergency drought rules might be eased, but don't start hosing down sidewalks](#)**

**[Seeking justice for nephew, Rep. Judy Chu aims to stop military hazing](#)**

# The California Cannabis Countdown: The City of Desert Hot Springs

 [cannalawblog.com/the-california-cannabis-countdown-the-city-of-desert-hot-springs/](http://cannalawblog.com/the-california-cannabis-countdown-the-city-of-desert-hot-springs/)

Until recently, the “Wild West” of U.S. cannabis lacked robust statewide regulations which left California cannabis companies subject to unclear rules and risk of federal shutdowns. The Medical Marijuana Regulation and Safety Act (MMRSA) created these regulations, but ultimately left control in the hands of



Until recently, the “Wild West” of U.S. cannabis lacked robust statewide regulations which left California cannabis companies subject to unclear rules and risk of federal shutdowns. The Medical Marijuana Regulation and Safety Act (MMRSA) created these regulations, but ultimately left control in the hands of local cities and counties.

At last count, California has 58 counties and 482 incorporated cities across the state, each with the option to create its own rules or ban marijuana altogether. In this California Cannabis Countdown series, we plan to cover who is banning, who is waiting, and who is embracing the change to legalize marijuana — permits, regulations, taxes and all. For each city and county, we’ll discuss its location, history with cannabis, current law, and proposed law to give you a clearer picture of where to locate your cannabis business, how to keep it legal, and what you will and won’t be allowed to do. Our last California Cannabis Countdown post was on [Sonoma County](#), and before that, the [City of Sacramento](#), the [City of Berkeley](#), [Calaveras County](#), [Monterey County](#) and the [City of Emeryville](#).

Welcome to the California Cannabis Countdown.

**Desert Hot Springs** found the solution to its financial troubles in the recent California green rush. In 2014, it became the [first California city](#) to pass local ordinances to permit large-scale, commercial cultivation of medical marijuana. The city has since approved permits for several sizable cultivation sites which are expected to begin operations this year.

**Location.** [Desert Hot Springs](#) is located in the deserts of Southern California within the Coachella Valley region. As such, it is subject to a hot and dry climate. It is located near an aquifer that supplies the city with hot mineral water used in spas and resorts for tourists as well as fresh water for city residents which has received rewards for its exceptional taste.

## F.2 COMMENTS AND RESPONSES

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## F.2 COMMENTS AND RESPONSES

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### **Letter 5 Wittwer Parkin LLP on behalf of the Southwest Regional Council of Carpenters – February 20, 2018**

- Comment 5-1 The comment provides a summary of the proposed project including the entitlements requested by the applicant in order to implement the Specific Plan.
- Response 5-1 The comment adequately summarized the proposed project and no response is required.
- Comment 5-2 The comment states that the City has not provided evidence that the project would not have an impact on aesthetics. The comment states that the development of the project would affect views from I-10 traffic as well as local residents and requests that further evidence be provided that supports the City's determination that there will be no aesthetic impacts from the Project, without mitigation.
- Response 5-1 Regarding impacts to aesthetics, the project site is currently vacant and is surrounded by vacant land with the exception of one dwelling unit to the east. Therefore, scenic resources such as the Little San Bernardino Mountains to the north, the San Jacinto Mountains to the south and southwest, and the San Bernardino Mountains to the northwest would not be affected by the development of the project because there are no viewers to be adversely affected with the exception of on dwelling to the east. These residents would still have substantial views of the surrounding mountains except to the immediate west where the site would be developed. This view would be partially blocked with new buildings; however, the Specific Plan calls for a number of buildings to be developed and the Specific Plan Site Design Guidelines and Standards require setbacks between buildings that would allow views between buildings. Therefore, views to the west from the adjacent dwelling unit would be impacted but not significantly.
- With regard specifically to views of the mountains by passing motorists on the I-10 Freeway, first, this freeway is not listed as a scenic highway by Caltrans, the County of Riverside or the City of Desert Hot Springs. Second, due to the fast moving vehicles on the freeway, future development of the site would not significantly impact the views of the mountains north of the project site, because the site would only be within the passing motorists views for a matter of seconds at an average speed of 70 miles per hour. 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.

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Comment 5-3 The comment states that the Draft EIR provided an inconsistent project description and sites examples of the inconsistencies, including that the project will be permitted to contain dwelling units.

Response 5-3 Residential development is not permitted within the Desert Land Ventures Specific Plan. There is a discussion of residential land uses in the Project Description (e.g. Page 3-1, paragraph 3), because 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.

Later in the same paragraph, proposed land use changes are explained as follows: *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 (page 3-1, paragraph 3).*

Additionally, Section 3.4.1, *Permitted Land Uses*, expands further on types of development permitted within the DLVSP. Table 3-2 (page 3-11 and 3-12) shows that no residential uses will be permitted within the project site. Within Planning Area 1 – Mixed Use, which covers 62.9 acres, the DLVSP anticipates a variety of light industrial development (approximately 1.5 million square feet) and commercial development (approximately 360,000 square feet). A maximum of 150 hotel rooms/keys are anticipated to be developed as part of the total commercial development. In conclusion, consistent with Chapter 3 of the DEIR, the DLVSP would allow for a wide variety of commercial and industrial land uses but residential development would not be permitted.

With regard specifically to the size of the project site, the Draft EIR is internally consistent in stating that the project site is 123.4 acres in size per Vesting Tentative Tract Map No. 37185. Nowhere in the Draft EIR is the site identified as being 104 acres.

Comment 5-4 The DEIR does not discuss the project from the viewpoint of its impacts as a leap-frog development. Please address the regulatory framework surrounding leap-frog development as it relates to the project, and provide further justification to

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support project approval where the project is proposed almost three miles away from the edge of development within the City.

Response 5-4

Leapfrog development is the development of lands in a manner requiring the extension of public facilities. In addition the services are extended on the periphery of an existing urbanized area where such extension is not provided for in the existing plans of the local governing body. (SOURCE: uslegal.com)

The project site is within the corporate boundary of the City of Desert Hot Springs, in an area that was incorporated into the City as part of the I-10 Community Annexation completed in 2010 (see Draft EIR Section 3.2.3, paragraph 1). The annexation was undertaken by the City in order to take advantage of additional economic opportunities that occur due to direct visibility from and convenient access to I-10, which is a major regional transportation corridor in Coachella Valley. The annexed land 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 (Mitigated Negative Declaration; State Clearinghouse No. 2007061049). 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, goals and permitted land uses of the DLVSP.

The project site is located west of the Palm Drive Corridor, which is the primary gateway entrance to the City's retail and spa centers. The City developed a conceptual master plan of beautification and circulation improvements to the Palm Drive corridor. The DLVSP is in close proximity to this corridor; therefore, the DLVSP is guided, in part, by the principles and objectives of the Palm Drive Corridor Master Plan.

Although the proposed project requires extension of wastewater and water utilities to the project site, the City has planned for development in this area to provide visible development near the freeway that would entice travelers along the freeway to visit the City. Likewise, Mission Springs Water District also has long term plans for development of this area of Desert Hot Springs and is in the process or extending its water and sewer facilities in anticipation of future growth, unrelated to the Desert Land Ventures Specific Plan project. The project site is in an area the City and Mission Springs Water District have been planning for over the past decade; and the DLVSP has been designed to be consistent with the City's vision, both aesthetically and developmentally.



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- Comment 5-5 The comment states that it is unclear how the City arrived at the determination that Alternative 3, the Reduced Intensity Alternative, was the environmentally superior alternative. Whereas Alternative 3 will still have significant and unavoidable impacts to air quality, cultural resources, and greenhouse gas emissions. By comparison, the City has determined the No Project Alternative will have no impact on the environment. Provide evidence to support Alternative 3 as the Environmentally Superior Alternative.
- Response 5-5 As required by CEQA Guidelines Section 15126.6, if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Although the "no project" alternative would result in no impact on the environment, it is the City's intent to see the development of its I-10 corridor area with a mix of industrial and commercial uses. Alternative 3 provides a similar mix of land uses as the DLVSP in order to meet the City's intent while reducing the intensity of the impacts found to be significant and unavoidable under the DLVSP. Alternative 3 represents a project that is approximately 60 percent the size and intensity of the DLVSP with a commensurate reduction in the amount of air emissions associated with the proposed project. Although emissions would still be significant, the alternative meets the definition of an environmentally superior alternative as it would result in the reduction in the severity of the project's impacts associated with Air Quality and Greenhouse gasses, by reducing the size of the project from approximately 1,897,799 square feet to 1,089,000 square feet, a reduction of approximately 807,000 square feet, or 43 percent.
- Comment 5-6 The comment states that an analysis of mobile sources, area sources and energy usage has been provided but the Draft EIR does not provide an analysis of other stationary sources of emissions such as cooking, and any emissions created through cultivation of cannabis.
- Response 5-6 The Air Quality Analysis was conducted in support of the Draft EIR evaluated the project as light industrial and regional shopping center land uses. Cannabis cultivation falls under the light industrial land use and restaurant type uses are analyzed under the regional shopping center use. Per SCAQMD requirements, the Air Quality Analysis used CalEEMod 2016.3.2 in order to calculate the proposed project's air quality emissions. According to the latest CalEEMod Users Guide (November 2017) "a shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. A shopping center's composition is related to its market area in terms of size, location and type of store." Any cooking within the project site would occur within

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kitchens, which have HVAC and air ventilation/filtration systems; no cooking will be performed out in the open. The largest contributor of emissions from a restaurant would be from under-fired char broilers, which are regulated via the permitting process through SCAQMD Rule 1138<sub>2</sub>, Control of Emissions from Restaurant Operations. Therefore, through the restaurants' use of onsite HVAC systems and compliance with SCAQMD Rule 1138 (as applicable), emissions from cooking are considered to be a negligible source of stationary emissions.

Cannabis is a plant, and like any other plant, provides oxygen in exchange for light energy, carbon dioxide and water. Oxygen is not a criteria pollutant nor is it regulated by SCAQMD. Cannabis cultivation does produce an odor, generated by the plant's level of terpenes and terpenoids; the strength of which is strain dependent and is at its strongest during flowering. Terpenes are not exclusive to cannabis, but are responsible for the fragrance of nearly all flowering plants. Per the City of Desert Hot Springs's Municipal Code Chapters 5.50 and 17.180, the cultivation of cannabis is permitted only within enclosed facilities. Furthermore, botanical cultivation facilities are required to provide 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. Although these are odor control regulations, the project's required use of heavy ventilation and filtration systems would further assist in the air quality emissions related to the cultivation of cannabis.

No additional analysis is required and there is no change to the emissions or significance of those emissions as reported in the air quality and greenhouse gas section of the Draft EIR.

- Comment 5-7      The comment states that the City concluded that the project conflicts with the goals and policies of the regional Air Quality Management Plan but it does not conflict with Criterion two of the AQMP because the City's General Plan amendment would ensure project "consistency with the land use designation in the City's General Plan." The comment states that Criterion 2 requires more thorough analysis with the policies of the AQMP. Please provide further information, including mitigation and alternatives, if any, that could cause the project to comply with federal, State, and regional air quality laws and limitations.
- Response 5-7      Pages 83 and 84 in Section IX. Air Quality Compliance, of the Air Quality and Global Climate Change Impact Analysis Report (pages 4.3-20 and 4.3-21 of the Draft EIR)

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address the project's consistency with the AQMP. Page 84 of the Report conducted in support of the Draft EIR states the following:

*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". Strict consistency with all aspects of the plan is usually not required. A proposed project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:*

*(1) Whether the project will 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 will exceed the assumptions in the AQMP in 2016 (the currently approved AQMP) or increments based on the year of project buildout and phase.*

For the first criterion list above (1) it states that "even with mitigation, the short-term construction impacts will result in significant impacts based on the SCAQMD regional thresholds of significance. In addition, with mitigation, long-term operations impacts will also result in significant impacts based on the SCAQMD regional thresholds of significance." Therefore, the quantitative significance thresholds are used for criterion 1 only. As shown above, per SCAQMD, General Plan Elements must be analyzed for consistency with the AQMP. If the General Plan Elements are consistent, then a project's consistency with the General Plan land use element would by default be consistent with the AQMP.

The assumptions of the AQMP are based on the projected growth and development within the area. The City's General Plan Land Use identifies this growth, and therefore, the consistency with the City's land use designations would in turn mean consistency with the assumptions of the AQMP.

Mitigation has already been provided on page 85 of the Report; however, as stated in the Draft EIR and the Air Quality and Global Climate Change Impact Analysis Report, "even with incorporation of mitigation measures, project operational-source emissions exceed regional operational thresholds and would conflict with the Basin Air Quality Management Plan (AQMP)." No additional analysis is required.

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Comment 5-8 The comment states that the City did not provide an adequate discussion of cumulative air quality impacts. The City's cumulative impacts analysis fails to satisfy the purpose of disclosing the project's impacts in relation to other nearby development. The analysis fails to adequately quantify or otherwise explain the project's contribution to cumulative air quality impacts. Also, the comment states that the Draft EIR concludes the project will not have cumulative impacts during the construction phase because this phase will be conducted in accordance with SCAQMD methodology.

Response 5-8 As identified in the Air Quality and Global Climate Change Impact Analysis Report and the Draft EIR, the proposed project's regional construction and operational related emissions and local operational emissions exceed SCAQMD thresholds even after mitigation for both construction and operational emissions.

The inclusion of the short-term construction emissions was inadvertently left out of the final sentence under the Cumulative Impacts discussion, although this issue is thoroughly evaluated in the Air Quality section of the Draft EIR. Page 4.3-38 of the Draft EIR has been revised to clarify that project emissions would remain significant even after the implementation of mitigation measures and therefore, the project would contribute to a cumulatively significant impact. Deleted text is ~~stricken~~ and new text is underlined.

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

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Comment 5-9 The City's evaluation of biological resources fails to provide adequate species baseline, and it fails to supply adequate mitigation for the project.

Response 5-9 The project site and alternatives were thoroughly evaluated in two different biological resources assessments that were included in the Appendix C of the Draft EIR:

- *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
- *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.

The methodology utilized in both studies included both a literature review of the California Natural Diversity Database (CNDBB) species occurrence overlay, the U.S. Fish and Wildlife Service (USFWS) species occurrence overlay, and Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) species and conservation areas overlays within a 5-mile radius, as well as a field survey that provided 100 percent coverage of the project and its elements. Further, even though the project is situated in the southeastern portion of the Desert Hot Springs USGS quadrangle, the biological resources assessment literature review included the adjacent USGS quadrangles: Seven Palms Valley, Palm Springs and Cathedral City.

The field survey report relayed that it took into account all of the sensitive species that were documented on the various parcels and why they were not found on the project site and/or if suitable habitat for these species existed. The report concluded that neither suitable habitat for sensitive species nor sensitive species existed within the project site.

Comment 5-10 The comment states that the City does not discuss the potential for occurrence of several species the USFWS has identified as being potentially present on the site, including the southwestern willow flycatcher burrowing owl and various migratory birds or otherwise address the potential for several other migratory birds to use the project site as nesting and feeding habitat.

Response 5-10 Regarding the Southwestern willow flycatcher (SWFL), the commenter provided Attachment 2 which is a list of species under the USFWS jurisdiction. The nearest documented occurrence for southwestern willow flycatcher (*Empidonax traillii extimus* [SWFL]) was documented in 2002 and is approximately 12 miles east/southeast of the project site, within suitable riparian habitat near the Coachella Valley Preserve. This species is characterized as a riparian obligate in

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that it only nests and forages within riparian habitat. There is no suitable riparian habitat for SWFL within the project site or surrounding area. Therefore, it was not necessary to address SWFL in the biological assessment. No further discussion in the Draft EIR is necessary.

Regarding the comment that the Draft EIR fails to mention the potential for several other migratory birds to use the site for nesting and feeding habitat, it should be noted that the Migratory Bird Treaty Act (MBTA) does not require an assessment of foraging habitat – except for State and federally listed species. For non-protected species, the MBTA prohibits: "*pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird.*" (16 U.S.C. 703).

Additionally, the CEQA criterion regarding general nesting birds refers specifically to “native wildlife nursery sites” (*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*). The field survey conducted for the project did not find evidence of any native wildlife nursery sites.

Mitigation Measures BIO-2 through BIO-4 clearly address measures to avoid impacts to nesting birds during their nesting season so the applicant would be in compliance with the MBTA. Therefore, nesting birds have been adequately addressed in the Draft EIR and no further discussion is necessary.

Comment 5-11 The comment states that the Draft EIR does not mention the need for the project applicant to obtain an Incidental Take Statement or Incidental Take Permit prior to commencing development activities on the project site. If development were to occur prior to obtaining federal and State approval, this would likely result in the unauthorized take of species protected under the State and federal Endangered Species Act.

Response 5-11 No Incidental Take Statements or Incidental Take Permits are required for this project because the project site falls within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). In general, the USFWS and CDFW (referred to herein as “Wildlife Agencies”) directly regulate the Take of

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Federal and State Threatened, Endangered, and rare Species for projects not located in areas that are addressed in an approved MSHCP Plan Area.

However, in the case of an approved MSHCP, the USFWS and the CDFW have an agreement with the “Permittee” (in this case the City of Desert Hot Springs) that establishes long-term Take Authorizations and other assurances that will allow the taking of Covered Species incidental to lawful uses authorized by the Permittees. Essentially, the approved MSHCP for the Coachella Valley pre-authorizes “Take” of State and Federally listed species for otherwise lawful actions – such as public and private development that may incidentally Take or harm individual species or their Habitat outside of the MSHCP Conservation Area – in exchange for the assembly and management of a coordinated MSHCP Conservation Area.

Per the CVMSHCP *Section 1.2 – Purpose*:

*“The purpose of the MSHCP is to obtain Take Authorization (Take Permits) pursuant to FESA and the NCCP Act for Covered Activities in the Coachella Valley while balancing environmental protection with regional economic objectives and simplifying compliance with the State and Federal Endangered Species Acts and other applicable laws and regulations. The term “Permits” refers, collectively, to the Section 10(a)(1)(B) Permit and NCCP Permit issued by USFWS and CDFG, collectively (Wildlife Agencies) to Permittees for Take of Covered Species pursuant to FESA and the NCCP Act and in conformance with the MSHCP and the Implementing Agreement (IA), a contractual obligation between the individual Permittees and the Wildlife Agencies.”*

With respect to the on-site biological resources, the biological resources assessment report prepared in July 2017 for the project identifies the following:

*Although the northern portion of the project site is partially within the Willow Hole Conservation area, this portion of the project will be dedicated for open space conservation as part of the CVMSHCP’s Willow Hole Conservation Area. This area will remain unimpacted except for some potential permitted sustainable energy facilities that would likely be situated in the southeastern portion of the proposed open space area, adjacent the north side of Varner Road. All other project development is restricted to outside the Willow Hole Conservation Area. Therefore, the project would be consistent with the Conservation Goals and Objectives set forth in the CVMSHCP.*

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Therefore, because the portion of the project that is partially within the Willow Hole Conservation area of the CVMSHCP, that portion will be dedicated for open space conservation. Mitigation Measure BIO-5 also identifies measures to ensure consistency with the *CVMSHCP Land Use Adjacency Guidelines* requirements and restrictions as well as identifies the requirements that must be met for developing near a criteria cell.

With respect to any other State-and federally-protected species, the literature reviews and field surveys prepared for the project identified that there is no suitable habitat that exists for State- and/or federally-protected species, nor were there any signs that the project sites were occupied by State- and/or federally-protected species. Therefore, because the project occurs within the boundaries of an area covered by the CVMSHCP, and there are no sensitive species that exist on site, take permits are not required for this project. Therefore, no further action by the applicant is required with respect to CVMSHCP compliance and threatened and endangered species.

Comment 5-12 The comment states that the Draft EIR states that the project applicant must undergo Joint Project Review to ensure MSHCP implementation. After the applicant submits its application to relevant agencies, “impacts to covered species within the conservation area would be discussed.” First, it is unclear why the City considers simply discussing impacts to be sufficient mitigation. Second, the City appears to propose deferred mitigation regarding impacts to species protected under the CVMSHCP. The City must provide detailed and binding mitigation for any potential environmental impact.

Response 5-12 As discussed above in Response to Comment 5-11 and in the Draft EIR, a portion of the project site that is partially within the Willow Hole Conservation area will be dedicated for open space conservation. Mitigation Measure BIO-5 also identifies measures to ensure consistency with the *CVMSHCP Land Use Adjacency Guidelines* requirements and restrictions as well as identifies the requirements that must be met for developing near a criteria cell. This is appropriate mitigation given that the specific design elements (such as lighting, landscaping, drainage patterns) of the project have not yet been fully developed. Mitigation Measure BIO-5 ensures that the applicant will work with the appropriate authorities during design so that the Project design specifics will be compatible with the intent of the CVMSHCP. Therefore, no further action by the applicant is required with respect to CVMSHCP compliance.

Comment 5-13 The comment states that the City has not provided Section 4.7 in the copy of the Draft EIR circulated to the public online. Appendix B contains a cursory analysis of



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greenhouse gas impacts, but does not provide an analysis or full discussion of the impacts. The City should recirculate the Draft EIR with Section 4.7 contained therein and provide members of the public additional time to review and comment on this section.

Response 5-13 The absence of Section 4.7, *Greenhouse Gas Emissions*, was a technical error when preparing the electronic copy of the EIR for public review, however this section is based on the *Air Quality and Global Climate Change Impact Analysis*, prepared by Kunzman Associates that is included in Appendix B of the Draft EIR. The findings of Section 4.7 and related mitigation measures and level of significance after mitigation were also included in Table 1-3, *Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures*, beginning on page 1-16. Section 4.7 has been added to the Final EIR. Additionally, a summary of potential impacts associated with Greenhouse Gas Emissions was included in Section 5.2, *Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented* (page 5-3 of the Draft EIR) and Section 6.3, *Impacts of the Proposed Project* (page 6-6 and 6-7 of the Draft EIR).

The City has reviewed Section 4.7 and concluded that there is no additional applicable greenhouse gas analysis that is not included elsewhere in the EIR and Appendix B. Therefore, no substantial information was added to the Revised Draft EIR that would require recirculation of the document.

Comment 5-14 The comment states that the limited information contained in Appendix B is troubling and goes on to state that the project will generate 29,954 tons of CO<sub>2</sub>e annually. The City's Greenhouse Gas Plan requires the City to reduce its greenhouse gas emissions by roughly 51,000 MTCO<sub>2</sub>e each year, but the project proposes adding approximately 30,000 tons of CO<sub>2</sub> emissions annually. The City must provide additional evidence that the project would not have a cumulative effect on greenhouse gas emissions.

Despite the project's negation of 60 percent of the City's Greenhouse Gas Plan reductions, Appendix B determines the project is consistent with this plan, based on analysis of eleven of the Plan Policies. Appendix B fails to address the project's consistency with several other applicable policies.

Additionally, Appendix B does not discuss potential for the project to be subject to energy audits, the summer discount program, or residential reduction goals. The City must provide additional analysis of projected emissions and assess whether the project could be consistent with the City's Climate Action Plan goals.

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Response 5-14 The greenhouse gas analysis was included as part of the *Air Quality and Global Climate Change Impact Analysis* in support of the Draft EIR. The conclusion of the analysis was that after mitigation, the proposed project will generate emissions of 29,954.52 metric tons of CO<sub>2</sub>-equivalent per year. These emissions, even with the incorporation of mitigation, would exceed the SCAQMD GHG emissions threshold of 3,000 MTCO<sub>2</sub>e per year for all land use types. Therefore, the proposed project does not meet the threshold for compliance with Executive Order S-3-05 and the project's emissions would not comply with the goals of AB 32 and SB 32. Furthermore, as the proposed project would conflict with the goals of SB-32, the project conflicts with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases, and impacts are considered to be significant and unavoidable.

With the above stated information, it was identified that the proposed project's GHG emissions exceeded the goals and policies within identified applicable plans; and, were therefore, identified as being cumulatively considerable and, as can be seen in the GHG section of the DEIR, the DEIR has been prepared based on this information.

Comment 5-15 The comment states that regardless of the project's negation of 60 percent of the City's Greenhouse Gas Plan reduction, the *Air Quality and Global Climate Change Impact Analysis* (Draft EIR Appendix B) determines the project is consistent with this plan, based on analysis of eleven of the Plan Policies. In reaching this conclusion, Appendix B fails to address the project's consistency with several other applicable policies. For instance, although the City states a large part of the project's emissions will be created through transportation, Appendix B does not assess the project's consistency with any of the City's transportation policies. Additionally, Appendix B does not discuss the potential for the Project to be subject to energy audits, the summer discount program, or residential or hotel reduction goals. The City must provide additional analysis of projected emissions, and assess whether the Project could, under any circumstances, be consistent with the City's Climate Action Plan goals. See *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204,217.

Response 5-15 As stated in Response to Comment 5-14, the proposed project's mitigated emissions are 29,954.52 metric tons of CO<sub>2</sub>-equivalent per year, which will in fact add to the City's emissions rather than reduce the City's emissions as per the reduction target identified in the City's CAP. However, as discussed in the Draft EIR, the proposed project requires design features that follow many of the City's GHG emissions reduction measures. Implementing these GHG reduction

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measures is how the City plans to achieve their reduction goal of roughly 51,000 metric tons of CO<sub>2</sub>-equivalent each year. Therefore, although the proposed project does indeed add a significant amount of GHG emissions to the area, it is following the City's guidelines in reducing GHG emissions.

Eleven of the reduction measures were discussed, as these were the measures that most appropriately applied to the proposed project. The proposed project's GHG emissions are mainly derived from mobile sources; however, project mitigation requires that employee vanpool/ride share programs be provided for at least 80 percent of on-site employees. The potential transportation related measures in the City's CAP that could be applicable to the proposed project include the following:

- Car-pooling and mass transit: Promote "shared vehicle at work" programs to increase carpooling and mass transit by 20% with a "guaranteed ride home."
- Telecommuting: Promote telecommuting and flex-time for local businesses to achieve and track 100 teleworkers in Desert Hot Springs.
- Van Pools: Partner and recognize all DHS major employers with over 50 employees for van pools.
- Anti-idling: Pass ordinance that restricts idling of greater than 5 minutes for all commercial vehicles in specific zones. In accordance with CARB rules regarding idling of commercial vehicles.

Therefore, although the City's transportation-related measures were not discussed as a separate item in the analysis for the proposed project, the mitigation listed for the project has similar requirements to the City's measures and would result in similar emissions reductions. In addition, the anti-idling measure is a CARB enforced rule; therefore, all vehicles that access the site would be required to abide by this rule.

Furthermore, these are the City's identified measures that can be used in order to reach their overall reduction goal; it does not state within the City's CAP that a project or business has to incorporate all eighty measures to be considered on track to help the City reach their goal.

Additionally, the proposed project includes only industrial and commercial uses and; therefore, would not be subject to any of the residential reduction goals. In regards to the summer discount program and energy audits a discussion regarding these was in fact included within the discussion of the project's consistency with the eleven CAP measures. As stated in Table 4.7-4 of the Draft EIR, the Energy Efficiency and Demand Response (such as the Summer Discount Program),

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“temperature club,” and SCE’s Energy Management Solutions’ energy efficient lighting are City-based measures and if the project is mandated to be one of the businesses to enroll in one of these programs then the project must comply as needed. No further analysis is required.

Comment 5-16 The comment states that the City’s proposed mitigation in the Hazards and Hazardous Materials section that unacceptably defers the formulation of much of its mitigation to a later date. It must address potential impacts associated with the improvements contemplated by the project, even if the exact alignment of the trails or location of dog facilities are unknown.

Response 5-16 First it should be noted that this comment appears to be a remnant from a comment letter on another project for a park master plan that included trails and a dog park. The proposed project is a specific plan that focuses on the future use of the site for industrial and commercial projects.

The Draft EIR was prepared as a program EIR that identified potential future projects but because there are not actual development projects associated with the DLVSP at this time, project specific mitigation measures could not be identified. As a program EIR for a specific plan, the intent of the document is to provide the environmental framework for the evaluation of development projects within the specific plan project boundary that will be proposed at a later date. As set forth in CEQA Guidelines Section 15168, future projects must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity is found to have the potential to result in impacts that were not evaluated in the program EIR, then a new Initial Study would be prepared leading to the preparation of either a Subsequent EIR or a Mitigated Negative Declaration. As new projects are proposed, the City would undertake this exercise as set forth in the CEQA Guidelines.

As described in the Draft Program EIR, it is likely that the industrial portion of the project would be developed with cannabis uses, and there are two measures specific to that activity included in the *Hazards and Hazardous Material* section specifically related to how water and wastewater will be controlled. There are also four regulatory requirements that would also apply to future projects, including the requirement to prepare and implement a Hazardous Materials Business and Emergency Plan (HMBEP) and a Spill Prevention Countermeasures Contingency Plan (SPCCP). Therefore, the *Hazards and Hazardous Material* section of the Draft EIR provides the necessary evaluation of the proposed DLVSP for the City Council to make an informed decision about the specific plan at this time.

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Also see response to comment 5-17 below.

**Comment 5-17** The comment states that while the City states that hazardous waste management may be required, the City defers the formulation of this waste management mitigation to a later date. This is true for any proposal to recycle onsite water, to dispose of toxic cannabis production byproducts, for the creation of a Storm Water Pollution Prevention Plan, the Hazardous Materials Business Emergency Plan, and the Spill Prevention Countermeasure Contingency Plan. The City knows what uses are proposed and which toxic materials the project may produce. The City must disclose these potential hazards and set binding mitigation to address the impacts now.

**Response 5-17** Due to the variety of the types of development that are permitted within the DLVSP, not all mitigation will apply to every land use. Both Mitigation Measures in Section 4.8, *Hazards and Hazardous Materials* (DEIR Page 4.8-15) apply to cannabis cultivation development within the project site. It is common practice with large-scale indoor cannabis cultivation to recycle cultivation water through reverse osmosis to remove all total dissolved solids and reuse the water for cultivation or utilize a hydroponic growing system. Each method has potential to produce hazardous wastewater. Mitigation Measures HAZ-1 and HAZ-2 would ensure that applicants utilizing these technologies would be required to disclose their methods of properly treating and/or disposing of the potentially hazardous wastewater.

Mitigation Measure HAZ-1 requires an applicant to provide the City with proof of contract with a licensed hazardous waste hauler that will be responsible for removing reverse osmosis byproducts and any cultivation wastewater from the project site during project operation. The applicants will be required to supply the City with the information prior to issuance of a certificate of occupancy so the City can ensure that potentially hazardous waste a wastewater as a byproduct from cannabis cultivation will be properly disposed of.

Mitigation Measure HAZ-2 requires an applicant to 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 via hydroponic growing system prior to the issuance of building permits so the agencies can ensure that applicant are properly treating and disposing of potentially hazardous wastewater.

All the Regulatory Requirements for Section 4.8 (Page 4.8-16) are separated from the mitigation measures because they are required by public agencies during the

## F.2 COMMENTS AND RESPONSES

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permitting process of a project. Each potential applicant proposing to develop within the DLVSP would be required to comply with Regulatory Requirement RR-6 through RR-9 during the permit process; therefore these requirements are not considered mitigation. Nonetheless, since the DEIR is a program EIR, each applicant proposing development within the DLVSP would comply with the Regulatory Requirements during the development permit process, so these actions were analyzed in the EIR as actions that would result in a reduction of potential impacts regarding hazards and hazardous waste.

Due to the variety of land uses permitted within the DLVSP, future applicants may propose land uses that have potential to transport, dispose, or accidentally release hazardous materials into the environment. Consistent with 14 CCR 15168(c), subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be made. If a specific project within the DLVSP has potential to create additional environmental impacts, a supplemental CEQA document will be required. Therefore, the mitigation proposed within Section 4.8 of the DEIR is sufficient for the Program EIR and additional CEQA documentation would be required for future projects within the project site that are not consistent with the DEIR.

Comment 5-18 The comment states that the Draft EIR provides two options for the provisions of water to the project but has failed to analyze which option the project will be permitted under.

Response 5-18 The evaluation of multiple options for water and wastewater supply was done because the applicant was coordinating with both CVWD and MSWD at the time the EIR was being prepared. Thus, in addition to the evaluation of more than one supplier of water and wastewater service, the EIR includes two Water Supply Assessments. Prior to circulation of the EIR for public review, MSWD agreed to supply water and wastewater to the project site, which is ultimately more desirable to the project proponent because MSWD has existing water infrastructure closer to the project site than CVWD. Therefore, MSWD service options are included in the Draft EIR as Option 1. Option 1 also includes an Option A and Option B, which are two potential alignments for water and sewer infrastructure to supply the project site. The EIR analyzes both alignments for potential environmental impacts. As discussed on page 4.9-10 of the Draft EIR, Option 2 would involve development of and onsite private groundwater well, wastewater treatment storage, and associated infrastructure. Option 2 would likely be utilized as an interim improvement to provide water supply to the site

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until the MSWD water infrastructure is completed. All improvements would be made within the project site.

Although the Draft EIR addresses multiple water supply options, all potential environmental impacts for each option were analyzed throughout the EIR. Therefore, the Draft EIR contained all the information that reviewers needed to understand potential impacts for each water supply option.

**Comment 5-19** The Draft EIR does not provide an adequate discussion of cumulative impacts. The City summarily states “the project would contribute to a cumulative increase in groundwater demand that could result in overdraft if no countermeasures are enforced. The analysis does not identify, quantitatively or qualitatively, the extent of potential for these cumulative impacts.

**Response 5-19** The Countermeasures that are referred to in the cumulative analysis are from MSWD’s Urban Water Management Plan and included in Section 3.6, *Water Management and Conservation Programs*, of the Water Supply Assessment (WSA) prepared for the proposed project (Appendix F.7). The water conservation measures and ordinances implemented by MSWD has resulted in a 44.1 percent reduction in water use between 2005 and 2015, which exceeds the 20 percent reduction for 2020 required by SBx7-7. The water management and conservation programs include the following:

- Demand Management Measures
- Water Shortage Contingency Plan
- Water Conservation Master Plan
- Water Efficient Landscape Guidelines

Additional information on these programs can be found in Section 3.6 of the WSA (Appendix F.7). The estimated MSWD water demands included in the 2015 UWMP take into account anticipated development and population growth within the service area. Additionally, the estimated MSWD water demand includes implementation of the aforementioned water management and conservation programs. The MSWD WSA prepared for the project concluded that the proposed project’s estimated annual water demand falls within the available and projected water supplies for normal, single-dry, and multiple-dry years for a 20-year period, and MSWD has the capacity to serve the proposed Project over the long-term. Therefore, since MSWD is capable of supplying the proposed project in the long term, including potential development and population growth within the City, the proposed project will not have a cumulative impact on groundwater supplies.

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- Comment 5-20 The City assumes that 30 percent of the water the project will use for cannabis cultivation would be recycled as a standard practice in medical marijuana cultivation. However the City does not require recycling as a mitigation measure so it cannot be relied upon for water savings.
- Response 5-20 The WSA accounted for a 30 percent return for cannabis cultivation land uses based on the fact that it is common practice in the industry. The City anticipates that recycling of cultivation water would be included in the project design of any cannabis cultivation development proposed within the DLVSP. Since the Draft EIR is a Program EIR (previously discussed in comment 5-16), the City will review each proposed project within the project site to ensure it is consistent with the analysis in the DEIR and doesn't pose additional environmental impacts. If a potential applicant proposes a cannabis cultivation development without inclusion of water recycling technology, the applicant will be required to prepare supplemental CEQA documentation to address the potential environmental impacts to groundwater and water supply that were not analyzed in the program EIR.
- Comment 5-21 The City determined that the project will not contribute significantly to population and housing impacts without mitigation. The project is projected to increase this population by almost 7,000, which would account for a 25 percent increase from the City's baseline population. The analysis is fundamentally lacking because it fails to assess cumulative impacts from other present and reasonably foreseeable development projects in the City. The City has provided no evidence to suggest the project, in conjunction with other permitted and future cannabis projects, would have no cumulatively significant impact on population and housing in the City. The City's statement that there are no cumulative growth-inducing impacts from development of cannabis-related businesses cannot be supported by substantial evidence, as all evidence suggests the opposite.
- Response 5-21 The City of Desert Hot Springs provides affordable housing and quality of life amenities but has continued to lack an employment base of adequate size or diversity (General Plan, 2000). Economic expansion would help to balance the City's jobs-to-housing ratio that is currently skewed to the housing side. As discussed in Section 4.13 of the Draft EIR, this is apparent in the City because the current unemployment rate in Desert Hot Springs is 6.7 percent, which translates to approximately 1,950 residents. The City's unemployment rate is 1.1 percent higher than the Riverside County rate and 1.8 percent higher than the national rate.



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In addition, employees in southern California tend to be mobile and often do not live in the same city where they work. This is evident by the peak hour trips experienced on any freeway during peak hours.

Finally, the City of Desert Hot Springs is in a unique position to have an abundance of vacant land designated for both residential and non-residential uses. As discussed in Draft EIR Section 5.4, *Growth Inducing Impacts*, 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 new jobs are created in the I-10 Community Annexation area and other areas where industrial and commercial land uses are allowed, there will be pressure for residential development to start up again creating new opportunities for employees to live and work in the City of Desert Hot Springs. Therefore, the growth-inducing aspects of the DLVSP project are considered by the City to be a beneficial/positive impact and would result in the creation of new residential development opportunities.

Comment 5-22 This comment states that the Public Services Section concludes that there would be no impact on public services because it would not substantially impact population growth in the City because there is no residential development proposed within the DLVSP. The project does proposed residential development and is permitted to construct dwelling units. The fact that the project does not propose housing to accommodate the approximately 7,000 residents speaks volumes to the impacts to utilities and public services the project will place on the City.

Response 5-22 See Response to Comment 5-1 for a discussion on land uses permitted on the project site and Comment 5-21 for a discussion of population growth. Although

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residential development is currently permitted in the Rural Desert land use designation on the project site, upon approval of the DLVSP residential development will no longer be permitted on the project site, as shown in Table 2-3. Therefore the commenter is incorrect in the assumption that the proposed project will permit residential development.

**Comment 5-23** The project is noteworthy for its relative distance from public services. Police and fire stations are miles away from the project site, yet the project would add approximately 2,212 workers onsite, not counting cannabis tourism. The Draft EIR fails to provide City and regional labor statistics, but the project operation could represent over seven percent of the entire population of the City.

**Response 5-23** The applicant worked closely with the City and service providers to ensure that the proposed project would not have an adverse effect on the provision of public services. Payment of Development Impact Fees to the City of Desert Hot Springs, County of Riverside, and the Palm Springs Unified School District would occur at the time development projects are proposed. In addition, the Draft EIR was prepared as a program EIR that identified potential future projects but because there are not actual development projects associated with the DLVSP at this time, project specific mitigation measures could not be identified. As a program EIR for a specific plan, the intent of the document is to provide the environmental framework for the evaluation of development projects within the specific plan project boundary that will be proposed at a later date. As set forth in CEQA Guidelines Section 15168, future projects must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity is found to have the potential to result in impacts that were not evaluated in the program EIR, then a new Initial Study would be prepared leading to the preparation of either a Subsequent EIR or a Mitigated Negative Declaration. As new projects are proposed, the City would undertake this exercise as set forth in the CEQA Guidelines. Each future project would be subject to review by public service providers as part of the entitlement process for individual projects within the DLVSP project site.

**Comment 5-24** Because the project would provide a hub for marijuana purchase and consumption, the project has the potential to require higher than normal public service use.

**Response 5-24** Section 4.14 of the Draft EIR describes the anticipated increased demand for public services with development of proposed project land uses, including potential for cannabis land uses. The Draft EIR includes seven regulatory requirements in Section 4.14. The City believes that the regulatory requirements for public services

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are sufficient to reduce potential impacts, specifically on fire and police protection, and no mitigation is required.

Regulatory Requirements RR-17 and RR-20 require the project applicant(s) to pay development impact fees to compensate for the cost necessary to maintain an acceptable level of fire and police service to the project site. Regulatory Requirement RR-18, RR-19 and RR-23 require continued coordination and review by the City, Riverside County Fire Department and Police Department to ensure that the City can provide adequate fire and police protection. Regulatory Requirement RR-21 requires the project applicant(s) to undergo police department review to ensure the department can provide adequate police protection. Regulatory Requirement RR-22 requires project applicant(s) to implement around the clock security, including video cameras and security personnel, consistent with the City's municipal code. Compliance with all regulatory requirements discussed in Section 4.14 of the DEIR will ensure that proper review and action are taken to provide adequate public services to the proposed land uses in the DLVSP.

## Chapter F.3 Revisions to the Draft EIR

### 3.1 Introduction

Revisions have been made to the text of the Draft EIR in response to comments received during the public review period. In accordance with Section 15088.5(a) of the CEQA Guidelines, minor revisions to the Draft EIR do not constitute significant new information that would require recirculation of the Draft EIR. Recirculation is only required when the new information added shows a new, substantial environmental impact resulting from the project or from a mitigation measure; shows a substantial increase in the severity of an impact where the incorporation of new mitigation will not reduce the impact to less than significant; where the information shows a new feasible alternative or mitigation measure that would clearly lessen the impact, but a project proponent refuses to incorporate it; or where the EIR is so fundamentally inadequate that public review of the prior document is effectively meaningless. See *Laurel Heights Improvement Ass’n v Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130. None of the changes or additional details meet those standards as required in order to support the recirculation of the Draft EIR. Revisions discussed in this chapter represent clarification of mitigation measures, or text in the environmental analysis.

**General Addition:** Where a section was revised to include updated information from updated technical studies, the introductory section was updated to include reference to the updated mitigation measures. These revisions are shown with double underlining.

**Updated technical studies:** One technical study was updated – the Air Quality/Global Climate Change was updated to clarify analysis and mitigation in response to comments from SCAQMD.

All revisions to the Draft EIR are done with new text being underlined, and ~~deleted text stricken through~~.

### 3.2 Revisions in Response to Comments Received

#### **Chapter 1 Executive Summary**

The following revisions are made to mitigation measures in Table 1.3, *Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures*. These revisions will also be made to the measures as they are identified in their respective sections of Chapter 4, *Environmental Impact Analysis*.

Page 1-9 – add the following to Mitigation Measure AQ-1:

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

and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.

Page 1-11 – Add Mitigation Measures AQ-12 through AQ-15:

- AQ-12** The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.
- AQ-13** The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.
- AQ-14** The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.
- AQ-15** The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.

Page 1-12 – Revise Regulatory Requirement RR-3:

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

Page 1-35 - Revise Mitigation Measure TCR-1:

- TCR-1** Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. ~~An~~ The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior’s Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for

submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).

### Section 4.3 Air Quality

A section discussing SCAQMD Rule 403(e) – Large Operations has been added to page 32 of the Air Quality and Global Climate Change Impact Analysis and to page 4.3-9 and 4.3-10 of the Draft EIR as follows:

SCAQMD Rule 403(e) are additional requirements for Large Operations.

1. Any person who conducts or authorizes the conducting of a large operation subject to this Rule shall implement the applicable actions specified in Table 2 of this Rule at all times and shall implement the applicable actions specified in Table 3 of this Rule when the applicable performance standards cannot be met through use of Table 2 actions; and shall:
  - A. submit a fully executed Large Operation Notification (Form 403 N) to the Executive Officer within 7 days of qualifying as a large operation;
  - B. include, as part of the notification, the name(s), address(es), and phone number(s) of the person(s) responsible for the submittal, and a description of the operation(s), including a map depicting the location of the site;
  - C. maintain daily records to document the specific dust control actions taken, maintain such records for a period of not less than three years; and make such records available to the Executive Officer upon request;
  - D. install and maintain project signage with project contact signage that meets the minimum standards of the Rule 403 Implementation Handbook, prior to initiating any earthmoving activities;
  - E. identify a dust control supervisor that:
    - i. is employed by or contracted with the property owner or developer;
    - ii. is on the site or available on-site within 30 minutes during working hours;
    - iii. has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements;
    - iv. has completed the AQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and
  - F. notify the Executive Officer in writing within 30 days after the site no longer qualifies as a large operation as defined by paragraph (c)(18).

2. Any Large Operation Notification submitted to the Executive Officer or AQMD-approved dust control plan shall be valid for a period of one year from the date of written acceptance by the Executive Officer. Any Large Operation Notification accepted pursuant to paragraph (e)(1), excluding those submitted by aggregate-related plants and cement manufacturing facilities must be resubmitted annually by the person who conducts or authorizes the conducting of a large operation, at least 30 days prior to the expiration date, or the submittal shall no longer be valid as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously accepted submittal or in an AQMD-approved dust control plan, the resubmittal may be a simple statement of no-change (Form 403NC).

Page 4.3-24 of the Draft EIR has been revised to clarify that project emissions would remain significant even after the implementation of mitigation measures.

... Air quality will 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 short-term construction and long-term operational emissions, even with incorporation of mitigation, this project would create a potentially significant cumulative impact.

Mitigation Measure AQ-1 has been amended to include enforcement text as follows:

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

As requested by SCAQMD, Mitigation Measures AQ-12 through AQ-15 have been included on page 4.3-39 of the DEIR, and included as Mitigation Measure 12 through 15 in the Revised Air Quality and Global Climate Change Impact Analysis.

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

- AQ-13** The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.
- AQ-14** The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.
- AQ-15** The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.

Revise Regulatory Requirement RR-3 to be consistent with compliance for SCAQMD Rule 403(e) as requested by SCAQMD, as follows:

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

### **Section 4.7 Greenhouse Gas Emissions**

Section 4.7, *Greenhouse Gas Emissions*, was absent from the DEIR due to a technical error then preparing the electronic copy of the EIR for public review. Section 4.7 has been included in its entirety to the Revised Draft EIR.

### **Section 4.17 Tribal Cultural Resources**

Mitigation Measure TRC-1 has been revised on Page 4.17-6 of the Revised Draft EIR to reflect that prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes to identify a Native American monitor.

- TCR-1** Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. ~~As~~ The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).



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## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>Aesthetics</b>				
<b>RR-1</b>	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.	Community Development Director or his/her designee	Prior to approval of final development plans for each project	
<b>RR-2</b>	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).	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to approval of final development plans for each project	
<b>Air Quality</b>				
<b>AQ-1</b>	Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	
<b>AQ-2</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor	During Construction	
<b>AQ-3</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	During review of building plans/site plan review	
<b>AQ-4</b>	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.	Project Applicant(s)/Developer(s), Building Official or his/her designee	During review of building plans/site plan review	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>AQ-5</b>	The project proponent shall require recycling programs that reduces waste to landfills by a minimum of 75 percent (per AB 341).	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction and ongoing during operation	
<b>AQ-6</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	
<b>AQ-7</b>	The project proponent shall require that employee vanpool/ride share programs shall be provided for at least 80 percent of onsite employees.	Project Applicant(s)/Developer(s); Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>AQ-8</b>	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.	Project Applicant, Construction Contractor, Building Official or his/her designee	Ongoing as proposed reapplication of coatings are required	
<b>AQ-9</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	
<b>AQ-10</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During review of building plans/site plan review	
<b>AQ-11</b>	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	Project Applicant(s)/Developer(s), Air Quality Specialist,	Prior to approval of building permits	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	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.	Community Development Director or his/her designee		
<b>AQ-12</b>	The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During construction and ongoing operation	
<b>AQ-13</b>	The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	Prior to issuance of Certificate of Occupancy of each project	
<b>AQ-14</b>	The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.	Project Applicant(s)/Developer(s), Code Enforcement Officer	During ongoing operation	
<b>AQ-15</b>	The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.	Project Applicant(s)/Developer(s), Code Enforcement Officer	During ongoing operation	
<b>RR-3</b>	All development within the project site must adhere to SCAQMD Rules 403, 403.1 and 403(e) for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.			
<b>Biological Resources</b>				
<b>BIO-1</b>	<p>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.</p>	<p>Project Applicant(s)/Developer(s), Project Biologist, Construction Contractor, Community Development Director or his/her designee</p>	<p>Prior to start of construction</p>	
<b>BIO-2</b>	<p>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.</p>	<p>Project Applicant(s)/Developer(s), Construction Contractor, Community Development Director or his/her designee</p>	<p>Prior to start of construction</p>	
<b>BIO-3</b>	<p>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.</p>	<p>Project Applicant(s)/Developer(s), Project Biologist, Construction Contractor, Design and Development</p>	<p>Prior to start of construction</p>	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
		Director or his/her designee		
<b>BIO-4</b>	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.	Project Applicant(s)/Developer(s), Project Biologist, Construction Contractor, Design and Development Director or his/her designee	Prior to start of construction	
<b>BIO-5</b>	<p>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 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.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>	Project Applicant(s)/Developer(s), Project Biologist, Design and Development Director or his/her designee	During review of building plans/site plan review	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>application of such chemicals does not result in any discharge to the adjacent Conservation Area.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7) Grading/Land Development – Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area</p>			

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>BIO-6</b>	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.	Project Applicant(s)/Developer(s), Noise Specialist, Community Development Director or his/her designee	Prior to approval of building permits	
<b>RR-4</b>	New development projects are required to pay the most current CVMSHCP (2017) mitigation fee rate of \$5,529 per acre of commercial/industrial use.	Project Applicant(s)/Developer(s), Design and Development Director or his/her designee	Prior to grading and land disturbance activities	
<b>RR-5</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to start of construction	
<b>RR-6</b>	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.	Project Applicant(s)/Developer(s), CVCC Representative, Community Development Director or his/her designee	During review of building plans/site plan review	
<b>Cultural Resources</b>				
<b>CR-1</b>	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).	Project Applicant(s)/Developer(s), Project Archaeologist, Licensed Cultural Resources Specialist	Prior to grading and land disturbance activities	
<b>CR-2</b>	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	Project Applicant(s)/Developer(s), Project Archaeologist, Licensed Cultural Resources Specialist	Prior to grading and land disturbance activities	



## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	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.			
<b>CR-3</b>	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.	Project Applicant(s)/Developer(s), Project Archaeologist	During ground disturbing activities associated with grading and/or construction	
<b>CR-4</b>	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.	Project Applicant(s)/Developer(s), Project Paleontologist	During ground disturbing activities associated with grading and/or construction	
<b>CR-5</b>	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	Construction Contractor, Riverside County Coroner	At time of occurrence	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	<p>If the coroner determines the remains to be Native American:</p> <p>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 deceased 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.</p>			
<b><i>Geology and Soils</i></b>				
<b>GEO-1</b>	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.	Project Applicant(s)/Developer(s), Project Engineer	During construction activities	
<b>GEO-2</b>	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.	Project Applicant(s)/Developer(s), Project Engineer	During construction activities	
<b>GEO-3</b>	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.	Project Applicant(s)/Developer(s), Project Engineer	During construction activities	
<b>GEO-4</b>	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.	Project Applicant(s)/Developer(s), Project Engineer, Construction Contractor	During construction activities	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>GEO-5</b>	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.	Project Applicant(s)/Developer(s), Project Engineer	During construction activities	
<b>RR-7</b>	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).	Project Applicant(s)/Developer(s), Project Engineer, Community Development Director or his/her designee	During review of building plans/site plan review	
<b>Greenhouse Gas Emissions</b>				
<b>GHG-1</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	During review of building plans/site plan review	
<b>GHG-2</b>	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.	Project Applicant(s)/Developer(s), Building Official or his/her designee	During review of building plans/site plan review	
<b>GHG-3</b>	The project applicant(s) shall implementation of recycling programs that reduce waste to landfills by a minimum of 75 percent (per AB 341).	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction and ongoing during operation	
<b>GHG-4</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>GHG-5</b>	The project applicant(s) shall ensure that employee vanpool/ride share programs are provided for at least 80 percent of onsite employees.	Project Applicant(s)/Developer(s); Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>GHG-6</b>	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.	Project Applicant, Construction Contractor, Building Official or his/her designee	Ongoing as proposed reapplication of coatings are required	
<b>GHG-7</b>	The project applicant(s) shall provide sidewalks onsite.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction	
<b>GHG-8</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor; Building Official or his/her designee	During review of building plans/site plan review	
<b><i>Hazards and Hazardous Materials</i></b>				
<b>HAZ-1</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>HAZ-2</b>	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	Project Applicant(s)/Developer(s), Community Development Director or his/her designee; RCDEH	Prior to issuance of Building Permits	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	description shall include how the project applicant(s) will test and dispose of wastewater to the onsite centralized package treatment plant.			
<b>RR-8</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	Prior to issuance of Building Permits	
<b>RR-9</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>RR-10</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>RR-11</b>	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.	Project Applicant(s)/Developer(s), Fire Department Representative, Community Development Director or his/her designee	During review of building plans/site plan review	
<b>Hydrology and Water Quality</b>				

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>HWQ-1</b>	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.	Project Applicant(s)/Developer(s), Fire Department Representative, Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy	
<b>RR-12</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor	Prior to issuance of Building Permits	
<b>RR-13</b>	Prior to issuance of grading permits, the project proponent must obtain a CLOMR from FEMA for the proposed development areas on the project site.	Project Applicant, Community Development Director or his/her designee	Prior to issuance of Grading Permits	
<b>RR-14</b>	Prior to issuance of building permits, the project proponent must obtain a LOMR from FEMA to finalize the revised floodplain mapping.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Building Permits	
<b>Noise</b>				
<b>NOI-1</b>	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.	Construction Contractor	During Construction Activities	
<b>NOI-2</b>	Construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.	Construction Contractors	During Construction Activities	
<b>NOI-3</b>	Construction contractors shall ensure that equipment is shut off and not left to idle when not in use.	Construction Contractors	During Construction Activities	
<b>NOI-4</b>	Construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration	Construction Contractors	During Construction Activities	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	sources and sensitive receptors nearest the project site during all project construction.			
<b>NOI-5</b>	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.	Construction Contractors	During Construction Activities	
<b>NOI-6</b>	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.	Project Applicant(s)/Developer(s), Building Official or his/her designee	Prior to issuance of Building Permits	
<b>NOI-7</b>	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.	Project Applicant(s)/Developer(s), Building Official or his/her designee	Prior to issuance of Building Permits	
<b>NOI-8</b>	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	Project Applicant(s)/Developer(s), Noise Specialist, Community Development Director or his/her designee	Prior to start of construction	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	(hotel) that may be located on the project site in close proximity to the plant site.			
<b>RR-15</b>	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.	Project Applicant(s)/Developer(s), Building Official or his/her designee	Prior to Issuance of Building Permits	
<b>RR-16</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, Building Official or his/her designee	During Construction Activities	
<b>Public Services</b>				
<b>RR-17</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy for each new project	
<b>RR-18</b>	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.	Community Development Director or his/her designee, Fire Department Representative	During review of building plans/site plan review for each new project	



## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>RR-19</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee, Fire Department Representative	During review of building plans/site plan review for each new project	
<b>RR-20</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy for each new project	
<b>RR-21</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee, Police Department Representative	During review of building plans/site plan review for each new project	
<b>RR-22</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	During ongoing operation	
<b>RR-23</b>	The City shall monitor population increases and Police Department staffing levels to ensure the provision of police protection services at sufficient levels.	Community Development Director or his/her designee, Police Department Representative	During review of building plans/site plan review	
<b>RR-24</b>	The project applicant(s) shall be assessed statutory school mitigation fees, in place at the time industrial and commercial projects are proposed.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Certificate of Occupancy for each new project	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements	Responsible Party	Timing of Compliance	Signature and Date of Compliance																																
<b>Traffic and Circulation</b>																																			
<p>The offsite mitigation measures (CIR-1 through CIR-6) 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. The Project Fair Share Contribution below identifies the cost for intersection improvements that the DLVSP projects in the aggregate.</p>																																			
<b>Project Fair Share Contribution Table</b>																																			
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<b>CIR-1</b>	Palm Drive at Two Bunch Palms Trail (#7): o Install an eastbound right turn overlap traffic signal phasing	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project																																

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>CIR-2</b>	CIR-2 Palm Drive at Camino Aventura (#9): o Install a traffic signal	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project	
<b>CIR-3</b>	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	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project	
<b>CIR-4</b>	Palm Drive at 20UPUthUPU Avenue (#11): o Install a traffic signal	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project	
<b>CIR-5</b>	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	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project	
<b>CIR-6</b>	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	To be provided by City Staff	Prior to issuance of Certificate of Occupancy for each new project	
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.				
<b>CIR-7</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor,	During Construction Activities	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	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.	City Engineer or his/her designee		
<b>CIR-8</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, City Engineer or his/her designee	During Construction Activities	
<b>CIR-9</b>	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.	Project Applicant(s)/Developer(s), Construction Contractor, City Engineer or his/her designee	During Construction Activities	
<b>CIR-10</b>	On-site parking shall be provided to the satisfaction of the City of Desert Hot Springs Planning Department.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	During review of building plans/site plan review	
<b>CIR-11</b>	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.	Project Applicant(s)/Developer(s), Project Engineer, City Engineer or his/her designee	Prior to issuance of Grading Permits	
<b>CIR-12</b>	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	Project Applicant(s)/Developer(s), City Engineer or his/her designee	Prior to issuance of Building Permits	

## F.4 Mitigation Monitoring and Reporting Program

Mitigation Measures and Regulatory Requirements		Responsible Party	Timing of Compliance	Signature and Date of Compliance
	include an interconnect of the traffic signals to function in a coordinated system.			
<b>CIR-13</b>	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.	Project Applicant(s)/Developer(s), City Engineer or his/her designee	Prior to issuance of Building Permits	
<b><i>Tribal Cultural Resources</i></b>				
<b>TCR-1</b>	Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).	Project Applicant(s)/Developer(s), Licensed Native American Monitor, Tribal Representatives, Community Development Director or his/her designee	During Ground Disturbing Activities	
<b><i>Utilities and Service Systems</i></b>				
<b>RR-25</b>	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.	Project Applicant(s)/Developer(s), Community Development Director or his/her designee	Prior to issuance of Building Permits	