

# INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

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**CAL MEADOWS DEVELOPMENT  
1820 UNION WAY  
DESERT HOT SPRINGS, CALIFORNIA  
APN 666-350-033**



**LEAD AGENCY:**

**CITY OF DESERT HOT SPRINGS  
PLANNING DIVISION  
65950 PIERSON BOULEVARD  
DESERT HOT SPRINGS, CALIFORNIA 92301**

**REPORT PREPARED BY:**

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING  
2211 S. HACIENDA BOULEVARD, SUITE 107  
HACIENDA HEIGHTS, CALIFORNIA 92240**

**MARCH 29, 2021**

DHSP 001

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## MITIGATED NEGATIVE DECLARATION

**PROJECT NAME:** Cal Meadows Development

**PROJECT APPLICANT:** The Applicant for the proposed project is Mr. Elias Malouf, CEO, Cal Meadows Development, 1412 West Park Avenue, Anaheim, California 92801.

**PROJECT LOCATION:** The proposed project site is located at 1820 Union Way, approximately 750 feet southwest of the intersection at 18<sup>th</sup> Avenue and Little Morongo Road, and approximately 150 feet southwest of Powerline Road in the City of Desert Hot Springs. The corresponding Assessor Parcel Number (APN) is 666-350-033.

**CITY AND COUNTY:** City of Desert Hot Springs, Riverside County.

**PROJECT:** The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development to develop a 0.98-acre (42,689 square-foot) parcel within the southern portion of the City of Desert Hot Springs. The total site area including roadway easements, would equal 34,605 square feet. The proposed project would involve the construction of a new two-story, 25,641 square-foot cannabis cultivation facility. The total building's footprint would consist of 12,991 square feet. In addition, a total of 15,359 square feet of the project site would be paved for parking and driveway access. The remaining area would consist of 6,255 square feet of landscaping and parkways. A six-foot high wrought iron security fence would be installed around the perimeter of the proposed project site. The property currently has a General Plan and Zoning land use designation of *Light Industrial*.

**FINDINGS:** The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of Desert Hot Springs determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The environmental analysis is provided in the attached Initial Study prepared for the proposed project. The project is also described in greater detail in the attached Initial Study.

Signature \_\_\_\_\_

Date \_\_\_\_\_

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## SECTION 1 INTRODUCTION

### 1.1 PURPOSE OF THIS INITIAL STUDY

This Initial Study analyzes the environmental impacts associated with the development of a 0.98-acre (42,689 square-foot) parcel within the southern portion of the City of Desert Hot Springs. The net site area, when excluding the easements for future roadway right-of-way dedications, is 34,605 square feet. The proposed project would involve the construction of a new two-story 25,641 square-foot cannabis cultivation facility. The total building area footprint would consist of 12,991 square feet. In addition, 15,359 square feet of the project site would be paved for parking and driveway access. The remaining land area, consisting of 6,255 square feet, would consist of landscaping. A six-foot wrought iron security fence would be installed around the perimeter of the proposed project site.

The proposed project site is located at 1820 Union Way, approximately 750 feet southwest of the intersection at 18<sup>th</sup> Avenue and Little Morongo Road, and approximately 150 feet southwest of Powerline Road in the City of Desert Hot Springs. The corresponding Assessor Parcel Number (APN) is 666-350-033. The proposed project site has a General Plan and Zoning land use designation of Light Industrial. The project Applicant is Mr. Elias Malouf, CEO, Cal Meadows Development, 1412 West Park Avenue, Anaheim, California 92801.

The City of Desert Hot Springs is the designated *Lead Agency* and as such, the City will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.<sup>1</sup> As part of the proposed project's environmental review, the City of Desert Hot Springs has authorized the preparation of this Initial Study.<sup>2</sup> The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of Desert Hot Springs with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

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<sup>1</sup> California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

<sup>2</sup> Ibid. (CEQA Guidelines) §15050.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Desert Hot Springs, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.<sup>3</sup> This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.<sup>4</sup> Questions and/or comments should be submitted to the following contact person:

Patricia Villagomez, Assistant Planner  
City of Desert Hot Springs  
Planning Division  
65950 Pierson Boulevard  
Desert Hot Springs, California 92301

## 1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 - Introduction:* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 - Project Description:* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 - Environmental Analysis:* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 - Conclusions:* summarizes the findings of the analysis.
- *Section 5 - References:* identifies the sources used in the preparation of this Initial Study.

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<sup>3</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

<sup>4</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.



## SECTION 2 PROJECT DESCRIPTION

### 2.1 PROJECT OVERVIEW

This Initial Study analyzes the environmental impacts associated with the development of a 0.98-acre (42,689 square-foot) parcel located within the southern portion of the City of Desert Hot Springs. The total net land area of the site when discounting the easements required for the roadway improvements, would total 34,605 square feet. The proposed project would involve the construction of a new two-story 25,641 square-foot cannabis cultivation facility. The total building area footprint would consist of 12,991 square feet. Of the total site area, 15,359 square feet of the project site would be paved for parking and driveway access. The remaining area consisting of 6,255 square feet would be landscaped. The property currently has a General Plan and Zoning land use designation of Light Industrial.

### 2.2 PROJECT LOCATION

The project site is located approximately three and a half miles from the downtown civic center of the City of Desert Hot Springs, California. The City of Desert Hot Springs is located within the Coachella Valley geographic region of Riverside County, approximately fifty miles east of the City of Riverside. The City of Desert Hot Springs is bounded to the north by unincorporated Riverside County; to the east by the Coachella Valley Preserve and unincorporated Riverside County; to the south by the City of Palm Springs and the San Jacinto Mountains; and to the west by the City of Palm Springs and undeveloped desert land within unincorporated Riverside County.<sup>5</sup>

Regional access to the City of Desert Hot Springs and the project site is provided by two area highways. The Interstate 10 (I-10) extends in an east to west orientation approximately one mile south of the project site, and State Route 62 (Twentynine Palms Highway) which originates at the I-10 and extends in a northeastern direction approximately four miles to the west of the project site.<sup>6</sup> The location of Desert Hot Springs, in a regional context, is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2. The proposed project site has a General Plan and zoning land use designation of Light Industrial. The proposed project site is located at 1820 Union Way, approximately 750 feet southwest of the intersection at 18<sup>th</sup> Avenue and Little Morongo Road in the City of Desert Hot Springs. The corresponding Assessor Parcel Number (APN) is 666-350-033. A local vicinity map is provided in Exhibit 2-3.

### 2.3 ENVIRONMENTAL SETTING

The proposed project site is located on 0.98 acres of undeveloped desert land within the southern portion of the City of Desert Hot Springs. The project site is covered over in undisturbed gravel, sandy soil, and ruderal vegetation. Plant species present on the site included creosote bush, white ratany, Schott's dalea, white bursage, California primrose, desert woollystar, and fiddleneck. Access to the project site is provided by 18<sup>th</sup> Avenue and Little Morongo Road, both unpaved local roads. A third unpaved and ungraded Powerline Road, used by Southern California Edison (SCE) maintenance vehicles, extends in a northwest to southeast orientation along the northeastern boundary of the property line.<sup>7</sup>

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<sup>5</sup> Fernando Miagany. *Site Plan (Sheet A-1)*. October 14, 2019

<sup>6</sup> Google Earth. Website accessed April 30, 2020. Field survey was completed on April 24, 2020.

<sup>7</sup> Ibid.

Other land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* An unpaved roadway, 18th Avenue, extends in an east to west orientation approximately 500 feet north of the project site. The nearest paved road to the project site is located at the intersection of Dillon Road and Little Morongo Road, approximately three-quarters of a mile north of the parcel boundary. The paved portion of Little Morongo Road ends at this intersection and continues as an unpaved gravel road leading south to the project site. This area north of the project site is zoned primarily for Light Industrial, Commercial, and High-Density Residential, though very few high-residential developments exist at this time and none with in view of the project site. The nearest residential land use is located approximately 3,900 feet (¾ mile) to the north of the project site.
- *East of the project site:* Directly to the east of the project site, is the dirt Powerline Road used by SCE maintenance vehicles, and an undeveloped empty parcel. The unpaved portion of Little Morongo Road is located approximately 550 feet east of the property line, followed by an expanse of undeveloped desert land. These vacant parcels are currently available for future development with zoning designations for Light Industrial including cannabis-related uses. Further east is an open-space floodway that extends for several miles in a north to south direction.
- *South of the project site:* Extending several miles south of the project site, land use is designated entirely for Light Industrial purposes. Approximately one mile south of the project site is the Interstate 10 Freeway. The public view shed of the distant mountains to the south are obscured by the SCE transmissions towers extending along Powerline Road in a northeast to southwest direction.
- *West of the project site:* Vacant parcels are located to the west of the project site that are currently available for future development. Parcels located in this area are designated entirely for Light Industrial, including cannabis-related uses. Just less than one mile west of the property boundary is the paved intersection at 18th Avenue and N. Indian Canyon Drive, a local road that extends in a north to south orientation connecting the cities of Desert Hot Springs and Palm Springs.

An aerial photograph of the project site and the surrounding area is provided in Exhibit 2-4. Photographs of the site and surrounding areas are provided in Exhibits 2-5 and 2-6.

## **2.4 PROJECT DESCRIPTION**

### **2.4.1 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT**

The City of Desert Hot Springs is reviewing an application submitted by Mr. Elias Malouf of Cal Meadows Development, for the development of a 0.98-acre (42,689 square-foot) site as a cannabis cultivation facility. The site's total net land area is 34,605 square feet when discounting. The proposed project would involve the construction of a new two-story 25,641 square-foot cannabis cultivation facility. The total building's footprint would consist of 12,991 square feet. In addition, 15,359 square feet of the project site would be paved for parking and driveway access. The remaining area, consisting of 6,255 square feet, would be landscaped. A six-foot wrought iron security fence would be installed around the perimeter of the proposed project site. The property currently has a General Plan and Zoning land use designation of Light Industrial. The project site is located approximately 750 feet southwest of the 18<sup>th</sup> Avenue and Little Morongo Road intersection, and 150 feet southwest of Powerline Road within the southern portion of the City of Desert

Hot Springs. The site plan is shown in Exhibit 2-7. Key elements of the proposed project are summarized below and on the following pages.

- *Proposed New Building.* A new two-story, 25,641 square-foot cannabis cultivation facility would be constructed within the 0.98-acre (42,689 square-foot) property. The cultivation facility would feature an enclosed, controlled ventilation system for monitoring airflow and humidity throughout the facility.
- *Access and Parking.* Access to the project site will be provided by a new future improved road that would be located along the site's west side continuing north to 18<sup>th</sup> Avenue. Two gated driveway connections would also be provided. The proposed project's parking demand would be met by 32 standard parking spaces and 2 ADA-compliant parking stalls to meet the City's accessibility requirements.<sup>8</sup> The parking demand of employees would also be met by a secure bicycle parking area with three bike racks. The total paved parking and circulation area would equal 15,359 square feet.
- *On-Site Improvements.* Water and sewer requirements would be met with the installation of an on-site 1,500-gallon water holding tank, 1,500-gallon wastewater holding tank and 1,500-gallon septic tank. A new concrete trash enclosure would be installed on the north side of the property. Finally, drought tolerant ground cover and shrubs would be planted within a new landscaped parkway and the remaining 6,255 square feet of land area.
- *Security.* On-site security will be provided twenty-four hours a day, seven days a week by two full-time security guards. In addition, shielded security lighting that would conform with all municipal lighting regulations will be installed on the premises. In addition, A six-foot wrought iron security fence would be installed around the perimeter of the proposed project site.

## **2.4.2 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT**

As indicated previously, the proposed development will involve the construction and operation of a new two-story 25,641 square-foot cannabis cultivation facility. The cultivation facility is projected to employ 15-20 persons per shift, including the security guards, will be on-site each day. The hours of on-site operations for the proposed new development will be Monday through Friday, 8:00 AM to 5:00 PM.

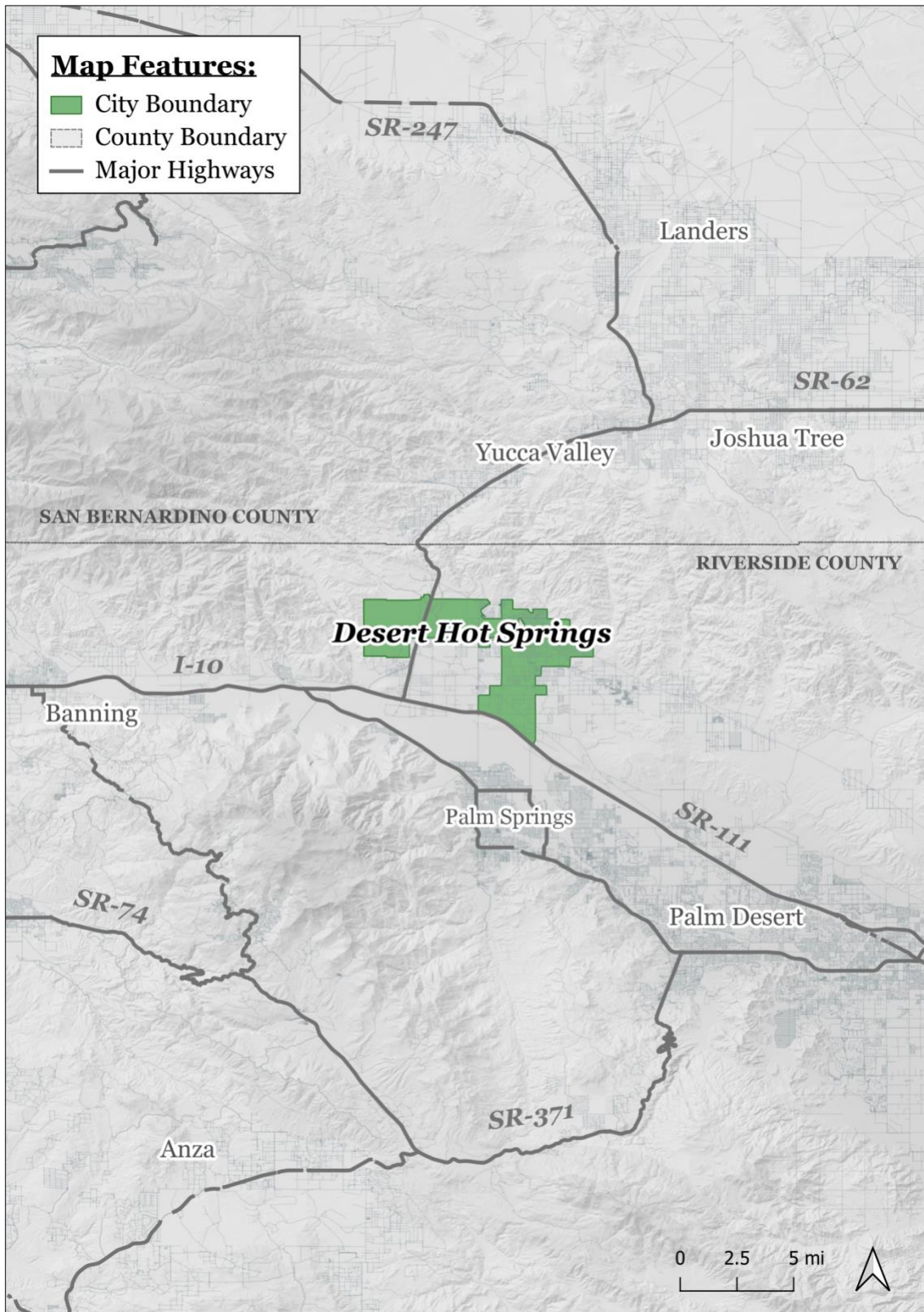
## **2.4.3 CONSTRUCTION CHARACTERISTICS**

The total land area that will be developed during the construction of the proposed project is a 0.98-acre (42,689 square-foot) parcel within the southern portion of the City of Desert Hot Springs. The construction for the current proposed project is estimated to begin on January 1<sup>st</sup>, 2021 and would take approximately six months to complete. The key construction phases are outlined the paragraphs that follow.

- *Phase 1 - Grading.* The project site would be graded and readied for the construction. The site would be graded to a depth of approximately 3 to 6 inches. This phase would require two weeks to complete.

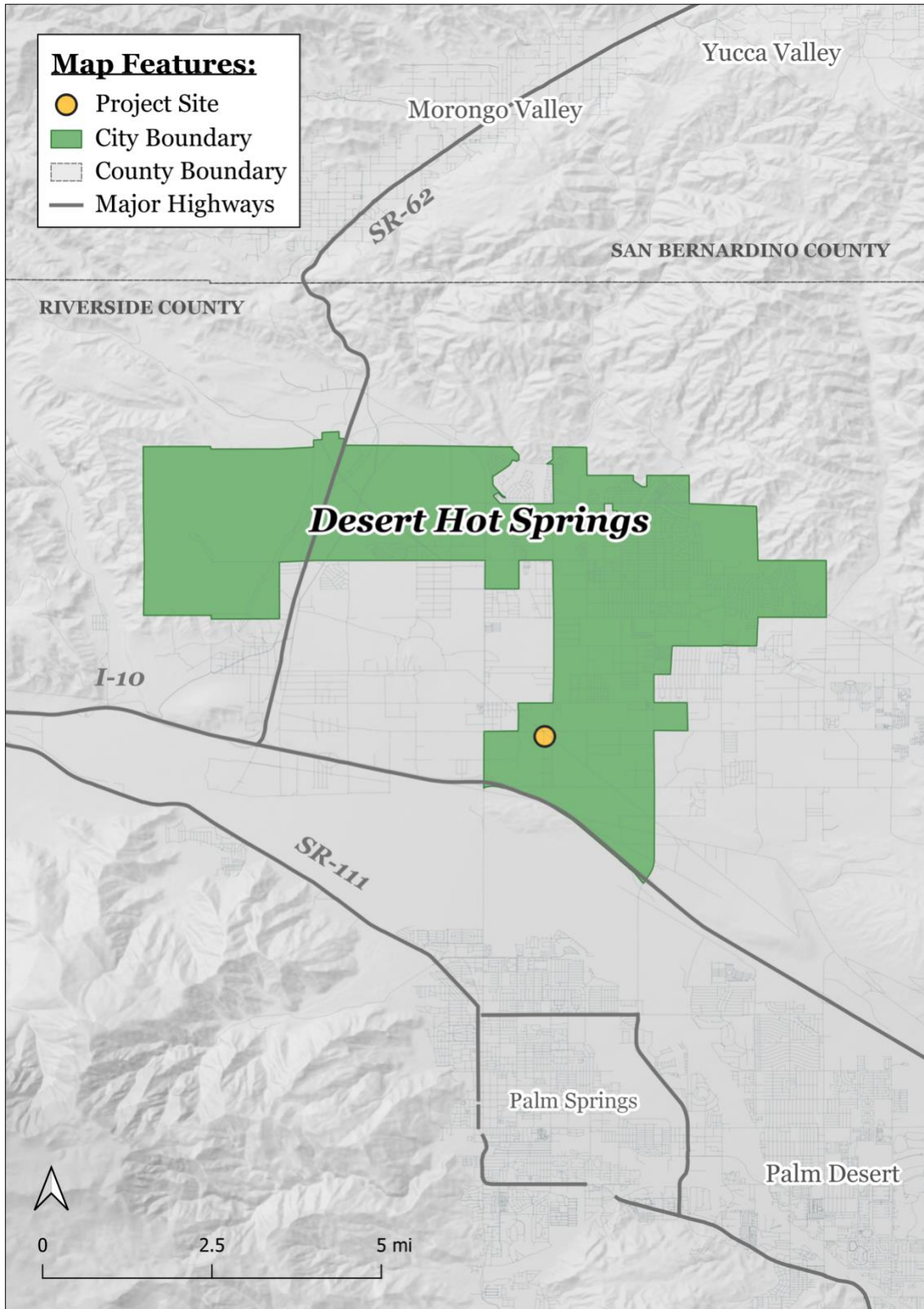
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<sup>8</sup> Desert Hot Springs Municipal Code. Desert Hot Springs, California. Title 17 Zoning. Chapter 17.48 Off-Street Parking Standards. 17.48.050 Handicapped Parking Requirements.



**EXHIBIT 2-1  
REGIONAL MAP**

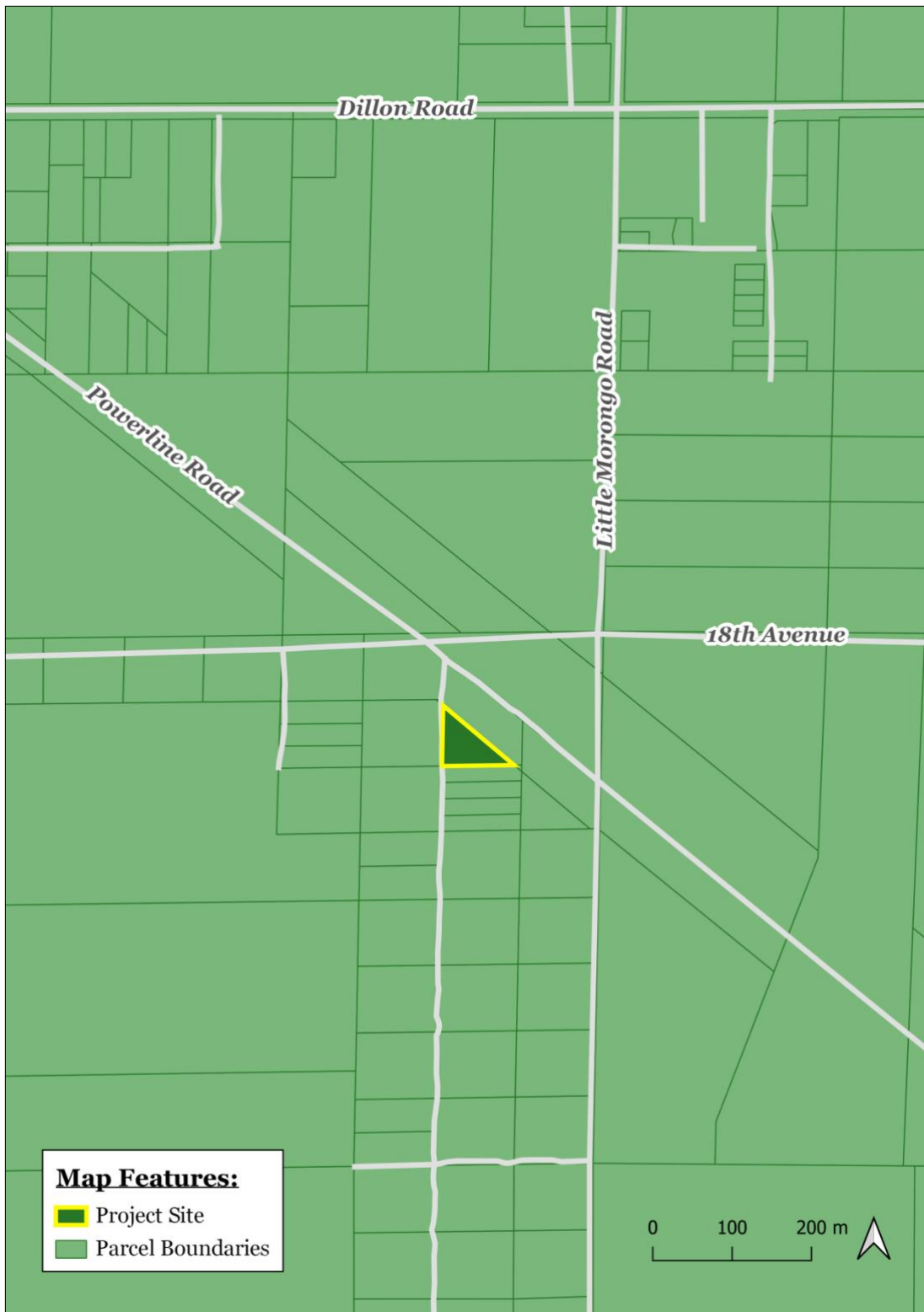
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



## EXHIBIT 2-2 CITYWIDE MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING





## EXHIBIT 2-3 LOCAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



**EXHIBIT 2-4**  
**AERIAL IMAGE OF PROJECT SITE**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING





**Figure 1:** The nearest paved road to the project site is located at the intersection of Dillon Road and Little Morongo Road approximately three-quarters of a mile north of the property. The paved portion of Little Morongo Road ends at this intersection and continues as an unpaved gravel road leading south to the project site.



**Figure 2:** To the east of the project site is an expanse of undeveloped desert land. These vacant parcels are currently available for future development with zoning designations for Light Industrial including cannabis-related uses. Further east lays an open-space floodway that extends for several miles in a north to south direction.

## EXHIBIT 2-5 PHOTOGRAPHS OF THE PROJECT SITE SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING





**Figure 3:** Extending several miles south of the project site, land use is designated entirely for Light Industrial uses. The public view shed of the distant mountains to the south are obscured by the Southern California Electric utility towers extending along Powerline Road in a northeast to southwest direction.



**Figure 4:** The project site is covered over in undisturbed gravel, sandy soil, and ruderal vegetation. Plant species present on the site included creosote bush, white ratany, Schott's dalea, white bursage, California primrose, desert woollystar, and fiddleneck.

**EXHIBIT 2-6**  
**PHOTOGRAPHS OF THE PROJECT SITE**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



- *Phase 2 – Preparation.* During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require two weeks to complete.
- *Phase 3 - Construction.* The new building would be constructed during this phase. This phase will take approximately four months to complete.
- *Phase 4 - Paving and Finishing.* This concluding phase would involve the paving and finishing. The completion of both phases will take approximately one month to complete.

## **2.5 DISCRETIONARY ACTIONS**

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of Desert Hot Springs) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- Approval of a Conditional Use Permit (CUP); and
- A Mitigated Negative Declaration (MND).

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## SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);	Mineral Resources (Section 3.12);
Agricultural & Forestry Resources (Section 3.2);	Noise (Section 3.13);
Air Quality (Section 3.3);	Population & Housing (Section 3.14);
Biological Resources (Section 3.4);	Public Services (Section 3.15);
Cultural Resources (Section 3.5);	Recreation (Section 3.16);
Energy (Section 3.6)	Transportation (Section 3.17);
Geology & Soils (Section 3.7);	Tribal Cultural Resources (Section 3.18);
Greenhouse Gas Emissions; (Section 3.8);	Utilities (Section 3.19);
Hazards & Hazardous Materials (Section 3.9);	Wildfire (Section 3.20); and,
Hydrology & Water Quality (Section 3.10);	Mandatory Findings of Significance (Section
Land Use & Planning (Section 3.11);	3.21).

The environmental analysis included in this section reflects the Initial Study Checklist format used by the City of Desert Hot Springs in its environmental review process (refer to Section 1.3 herein). Under each issue area, an analysis of impacts is provided in the form of questions followed by corresponding detailed responses. For the evaluation of potential impacts, questions are stated and an answer is provided according to the analysis undertaken as part of this Initial Study's preparation. To each question, there are four possible responses:

- *No Impact.* The proposed project *will not* have any measurable environmental impact on the environment.
- *Less Than Significant Impact.* The proposed project *may have* the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of Desert Hot Springs or other responsible agencies consider to be significant.
- *Less Than Significant Impact with Mitigation.* The proposed project *may have* the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant.

This Initial Study will assist the City of Desert Hot Springs in making a determination as to whether there is a potential for significant adverse impacts on the environment associated with the implementation of the proposed project.

### 3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			✘	
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✘
C. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✘
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A. *Would the project have a substantial adverse effect on a scenic vista? • Less than Significant Impact***

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. The dominant scenic views in the area include the Little San Bernardino Mountains to the north and west along with Mt. San Jacinto to the south on the opposite side of the valley. The dominant scenic view from the project site is the San Jacinto Mountains, located approximately 10 miles to the southwest of the property. Although the proposed 35-foot structure may block certain views of the distant mountains, the overall scenic mountain vista would still be visible from the surrounding properties. Therefore, this change to the area's scenic quality is expected to result in less than significant impact. In addition, local views are already dominated by regional Southern California Edison (SCE) transmissions towers and transmission lines. As a result, less than significant impacts will occur.

**B. *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.***

The City of Desert Hot Springs Comprehensive General Plan identifies prominent view sheds within the City as being comprised primarily of undeveloped desert land, and distant views of the surrounding mountains.<sup>9</sup> The project site is located within an undeveloped rural area, and not in close proximity to any public scenic areas, major roads or highways. According to the California Department of Transportation (Caltrans), the nearest designated scenic highway to the project site is a 9-mile segment of the Twentynine Palms Highway (SR-62), located approximately four miles to the east of the site.<sup>10</sup> In addition, there are no buildings in the immediate area which are listed in the State or U.S. National Park Service's National

<sup>9</sup> Terra Nova Planning and Research. *Desert Hot Springs North Comprehensive General Plan*. Adopted September 5, 2000.

<sup>10</sup> Google Earth. Website accessed April 30, 2020.

Register of Historic Places. As a result, no impacts will occur.

- C.** *In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?* • *No Impact*

Distant views of the mountains will not be substantially impacted by the proposed development, as the prevalent public view shed in the area is already occupied by regional SCE transmission towers and transmission lines. In addition, there are no designated scenic vista points within the project site or with the adjacent properties. Once the project site is developed, views of the aforementioned mountains would continue to be visible from the public right-of-way and the adjacent properties. Furthermore, the project site's zoning designation is Light Industrial and the proposed land use as a cannabis cultivation facility would conform to the applicable development standards. An architectural simulation of the project site is provided in Exhibit 3-1. As a result, no impacts will occur.

- D.** *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* • *No Impact*

The proposed development would be a new light source within the project site and surrounding areas. However, the proposed project would not expose any sensitive receptors to daytime or nighttime light trespass, since there are no light-sensitive land uses located adjacent to the property. The nearest sensitive receptors are located approximately 3,900 feet ( $\frac{3}{4}$  mile) to the north of the project site. Development of the cannabis cultivation facility would be in conformance with Section 17.12.370 of the City of Desert Hot Springs Municipal Code, and all lighting fixtures would be shielded to confine light spread within the site boundaries. As a result, no impacts will occur.

## **MITIGATION MEASURES**

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.



<b>DRAWN BY:</b> MIAGANY 11211 N. MIAGANY AVE. DESERT HOT SPRINGS, CA 92420 PHONE: 952-753-7389	DATE: _____ TIME: _____ 11/27/2018
<b>NEW WAREHOUSE</b> ROAD: _____ DESERT HOT SPRINGS, CA 92420 COUNTY: SAN BERNARDINO ADDRESS: 11211 N. MIAGANY AVE. PARCELS: 094-000003 APN: 094-000003 LOCAL: 100-00-000-000003 LEGAL: 100-00-000-000003 DESERT HOT SPRINGS	DATE: _____ TIME: _____ 11/27/2018
<b>COLOR BOARD</b>	

**EXHIBIT 3-1**  
**PROPOSED BUILDING ELEVATIONS**  
 SOURCE: FERNANDO MIAGANY



### 3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				✘
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				✘
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✘
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				✘
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? • No Impact.*

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story 25,641 square-foot cannabis cultivation facility proposed for a 0.98-acre (42,689 square-foot) property. According to the California Department of Conservation Important Farmland Finder, the project site is categorized as “Other Land” which includes vacant and nonagricultural land surrounded on all sides by urban development. The project site does not contain any areas of Farmland of Statewide Importance, and there are no agricultural uses located onsite or adjacent to the property. The project site’s zoning designation is Light Industrial, and the proposed land use as a cannabis cultivation facility would conform to the applicable development standards. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. As a result, no impacts will occur.<sup>11</sup>

**B.** *Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? • No Impact.*

The project site is currently zoned as Light Industrial, with no agricultural uses located onsite or adjacent to the property. The project site’s zoning designation is Light Industrial, and the proposed land use as a

<sup>11</sup> California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/>

cannabis cultivation facility would conform to the applicable development standards. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract.<sup>12</sup> As a result, no impacts on existing Williamson Act Contracts will result from the proposed project's implementation.

- C.** *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?* • *No Impact.*

The project site is covered over in undisturbed gravel, sandy soil, and ruderal vegetation. Plant species present on the site included creosote bush, white ratany, Schott's dalea, white bursage, California primrose, desert woollystar, and fiddleneck. There are no forest lands or timber lands located within or adjacent to the site. Furthermore, the site's existing zoning designation does not contemplate forest land or timber land uses. As a result, no impacts will occur.

- D.** *Would the project result in the loss of forest land or conversion of forest land to a non-forest use?* • *No Impact.*

No forest lands are located within the project site though land managed by the Bureau of Land Management (BLM) and the National Park Service (NPS) are located within and outside of the City's corporate boundaries. The proposed land use will be restricted to the site only and will not affect any land under the jurisdiction of the BLM or NPS. As a result, no loss or conversion of forest lands to urban uses will result from the proposed project's implementation.

- E.** *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?* • *No Impact.*

The project would not involve the disruption or damage of the existing environment that would result in a loss of farmland to nonagricultural use or conversion of forest land to non-forest use because the project site is not located in close proximity to farm land or forest land. As a result, no farmland conversion impacts will result from the implementation of the proposed project.

## **MITIGATION MEASURES**

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

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<sup>12</sup> California Department of Conservation. *State of California Williamson Act Contract Land*. <ftp://ftp.consrv.ca.gov/>

### 3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?			✘	
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			✘	
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✘	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		✘		

### ENVIRONMENTAL SETTING

Air quality impacts may occur during the construction or operation of a project, and may come from stationary (e.g., industrial processes, generators), mobile (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. The project site and City of Desert Hot Springs are located within the Salton Sea Air Basin (SSAB) which is under the jurisdiction of the South Coast Air Quality Management District (SQAQMD). The SQAQMD is the regulatory agency responsible for improving air quality for a 6,600 square-mile area covering areas of Los Angeles, Orange County, Riverside and San Bernardino counties, including the Coachella Valley.<sup>13</sup> Measures to improve regional air quality are outlined in the SQAQMD’s Air Quality Management Plan (AQMP). The most recent AQMP was adopted in 2017 and was jointly prepared with the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG). The AQMP will help the SQAQMD maintain focus on the air quality impacts of major projects associated with goods movement, land use, energy efficiency, and other key areas of growth.

The SQAQMD has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the South Coast Air Basin generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O<sub>3</sub>)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).

<sup>13</sup> South Coast Air Quality Management District (SQAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 550 pounds per day of carbon monoxide (CO).
- *Nitrogen Oxide (NOx)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NOx is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 55 pounds per day of nitrogen oxide (NOx).
- *Sulfur Dioxide (SO2)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 150 pounds per day of sulfur oxides (SO2).
- *PM10 and PM2.5* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 150 pounds per day of PM10 and 55 pounds per day of PM2.5.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of “smog.” The daily threshold is 55 pounds per day of ROG.

According to the SCAQMD, a project is non-conforming if it conflicts with, or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts may be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. An example of a non-conforming project would be one that increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area relative to the applicable land use plan.<sup>14</sup>

The United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have designated portions of the District non-attainment for a variety of pollutants, and some of those designations have an associated classification. Please refer to Table 3-1 for a chart of these designations and classifications. As indicated in Table 3-1, Salton Sea Air Basin Attainment Status, the Coachella Valley-portion of the SSAB has been designated by the EPA as a non-attainment area for ozone (O<sub>3</sub>) and suspended particles (PM<sub>10</sub>). Currently, the SSAB is in attainment with the ambient air quality standards for carbon monoxide (CO), lead, sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), and particulate matter (PM<sub>2.5</sub>).

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<sup>14</sup> South Coast Air Quality Management District (SCAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

**Table 3-1  
 Salton Sea Air Basin Status**

<b>Pollutant</b>	<b>State Attainment Status</b>	<b>Federal Attainment Status</b>
Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Unclassified Nonattainment
Sulfur Dioxide	Attainment	Attainment
Particulates (10 microns)	Nonattainment	Nonattainment
Particulates (2.5 microns)	Attainment	Unclassified Attainment

Source of State status: California Air Resources Board 2020.

**ANALYSIS OF ENVIRONMENTAL IMPACTS**

**A. Would the project conflict with or obstruct implementation of the applicable air quality plan? • Less Than Significant Impact.**

The proposed project involves the development of a 0.98-acre (42,689 square-foot) property for use as a cannabis cultivation facility, a land use that would conform to the project site’s zoning designation of Light Industrial and applicable development standards. Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the SCAQMD growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the SCAQMD. According to the Growth Forecast Appendix prepared by SCAG for the 2016-2040 RTP/SCS, the City of Desert Hot Springs is projected to add a total of 31,100 new residents and 9,200 new employees through the year 2040.<sup>15</sup>

The primary criterial pollutant in the Coachella Valley is particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) consisting of wind-blown sand. This wind-blown sand, often referred to as blowsand, is the result of the aeolian (windborne) transport of smaller dust particles. This fugitive dust is particulate matter that is suspended in the air due to direct or indirect human activities. Two South Coast AQMD rules, Rule 403 and 403.1 were adopted for the purpose of reducing the amount of fugitive dust entrained as a result of human activities. Rule 403 applies to any activity capable of generating fugitive dust. Rule 403.1 is supplemental to Rule 403 and applies only to fugitive dust sources in Coachella Valley. The project contractors will be required to adhere to both of these SCAQMD Rules during grading.

<sup>15</sup> SCAG 2016 RTP/SCS Demographics and Growth Forecast Appendix. December 2015.  
[http://scagrtpscsc.net/Documents/2016/draft/d2016RTPSCS\\_DemographicsGrowthForecast.pdf](http://scagrtpscsc.net/Documents/2016/draft/d2016RTPSCS_DemographicsGrowthForecast.pdf)

The proposed project will not introduce new residents and will be consistent with the applicable General Plan and zoning designation of Light Industrial. No zone change or general plan amendment will be required to implement the proposed project. Therefore, the proposed project is not in conflict with the growth projections established for the City by SCAG. The project's construction emissions would be below the thresholds of significance established by the SCAQMD (refer to the analysis included in the next section where construction emissions are summarized in Table 3-2). In addition, the proposed project's long-term (operational) airborne emissions will be below levels that the SCAQMD considers to be a significant impact (the long-term stationary and mobile emissions for the proposed project are summarized in Table 3-3). Therefore, the project will not conflict with or obstruct implementation of the applicable air quality plan and as a result, the impacts will be less than significant.

**B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact.**

The proposed project involves the development of a 0.98-acre (42,689 square-foot) property for use as a cannabis cultivation facility, a land use that would conform to the project site's zoning designation of Light Industrial and applicable development standards. According to the SCAQMD, any project is significant if it triggers or exceeds the SCAQMD daily emissions threshold identified previously and noted at the bottom of Tables 3-2 and 3-3. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the SCAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-2 and 3-3);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the City's Zoning and General Plan); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project's construction and operation will not lead to a violation of the above-mentioned criteria. The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2016.3.2). For air quality modeling purposes, a six-month period of construction for all five phases was assumed. As shown in Table 3-2, daily construction emissions will not exceed the SCAQMD significance thresholds. The short-term construction emissions will be limited to those emissions generated during project construction.

**Table 3-2  
Estimated Daily Construction Emissions (Mitigated, Lbs./day)**

Construction Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Site Preparation (on-site)	0.64	7.82	4.02	--	0.54	0.30
Site Preparation (off-site)	0.02	0.01	0.18	--	0.06	0.02
<b>Total Site Preparation</b>	<b>0.68</b>	<b>7.83</b>	<b>4.20</b>	<b>--</b>	<b>0.60</b>	<b>0.32</b>
Grading (on-site)	0.80	7.25	7.57	0.01	0.75	0.57
Grading (off-site)	0.04	0.03	0.38	--	0.11	0.03
<b>Total Grading</b>	<b>0.84</b>	<b>7.28</b>	<b>8.95</b>	<b>0.01</b>	<b>0.86</b>	<b>0.60</b>
Building Construction (on-site)	0.78	7.99	7.26	0.01	0.45	0.41
Building Construction (off-site)	0.09	0.71	0.80	--	0.24	0.07
<b>Total Building Construction</b>	<b>0.87</b>	<b>8.70</b>	<b>8.06</b>	<b>0.01</b>	<b>0.69</b>	<b>0.48</b>
Paving (on-site)	0.80	6.72	7.09	0.01	0.35	0.33
Paving (off-site)	0.08	0.05	0.68	--	0.20	0.05
<b>Total Paving</b>	<b>0.88</b>	<b>6.77</b>	<b>7.77</b>	<b>0.01</b>	<b>0.55</b>	<b>0.38</b>
Architectural Coating (on-site)	22.23	1.53	1.82	--	0.90	0.90
Architectural Coating (off-site)	0.02	--	0.11	--	0.30	--
<b>Total Architectural Coating</b>	<b>22.25</b>	<b>1.53</b>	<b>1.93</b>	<b>--</b>	<b>1.20</b>	<b>0.90</b>
<b>Maximum Daily Emissions</b>	<b>22.25</b>	<b>8.70</b>	<b>8.95</b>	<b>0.01</b>	<b>0.86</b>	<b>0.90</b>
<b>Daily Thresholds</b>	<b>75</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod V.2016.3.2.

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 3-3 also used the CalEEMod V.2016.3.2 computer model. The analysis summarized in Table 3-3 indicates that the operational (long-term) emissions will be below the SCAQMD daily emissions thresholds.

**Table 3-3  
Estimated Operational Emissions in lbs/day**

Emission Source	ROG	NOx	CO	SO2	PM10	PM2.5
Area-wide (lbs/day)	0.58	--	--	--	--	--
Energy (lbs/day)	0.02	0.22	0.19	--	0.02	0.02
Mobile (lbs/day)	0.35	1.85	5.21	0.02	1.70	1.46
<b>Total (lbs/day)</b>	<b>0.95</b>	<b>2.07</b>	<b>5.40</b>	<b>0.02</b>	<b>1.72</b>	<b>1.48</b>
<b>Daily Thresholds</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod V.2016.3.2.

The analysis presented in Tables 3-2 and 3-3 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3-2 and 3-3, the impacts are considered to be less than significant. In addition, the SCAQMD Rule Book contains numerous regulations governing various activities undertaken within the District. Among these regulations is Rule 403.2 – Fugitive Dust Control for the South Coast Planning Area, which was adopted in 1996 for the purpose of

controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the District. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.<sup>3</sup> Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant.

**C. *Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.***

According to the SCAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. Furthermore, fugitive dust emission, which is responsible for PM<sub>10</sub> and PM<sub>2.5</sub> emissions, will further be reduced through the implementation of SCAQMD regulations related to fugitive dust generation and other construction-related emissions. These SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD. The nearest sensitive receptors are located approximately 3,900 feet (¾ mile) to the north of the project site. Since the nearest sensitive receptor is located outside of the Localized Significance Thresholds Look-Up Tables screening radius of 500 meters (1,640 feet), a less than significant localized impact would occur during construction and operation of the project at the nearest sensitive receptors. In addition, the proposed project will be required to adhere to all dust suppression requirements detailed in SCAQMD Rules 403 and 403.1. As a result, the impacts will be less than significant.

**D. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • Less than Significant Impact with Mitigation.***

Cannabis cultivation directly impacts air quality in two (2) predominant operations; plant growth and extraction processes. Cannabis cultivation and, to a lesser degree, the manufacturing process, are often accompanied by the generation of strong odors. The majority of the odors of cannabis come from a class of chemicals called terpenes. Terpenes are among the most common compounds produced by flowering plants and vary widely between plants.<sup>8</sup> Cannabis produces over 140 different terpenes and these chemicals are found in varying concentrations in different cannabis varieties. Tetrahydrocannabinol (THC), the cannabinoid primarily responsible for cannabis' psychoactivity, has no odor whatsoever. The type and potency of cannabis odors range widely from variety to variety, as do receptors' opinions regarding whether the odor is pleasant or objectionable.<sup>16</sup> The natural growth of the cannabis plants, and other processes at cultivation facilities, emit terpenes. Terpenes, known for their strong odor, are volatile organic compounds (VOCs). At facilities such as that being considered, the evaporation of solvents, and other processes in the production cycle also result in VOC emissions. The project Applicant will employ new technologies that will be beneficial to the odor control plan as time progresses including the following:

- *Carbon Filters.* Also known as carbon scrubbers, carbon filters are historically one of the best methods for odor control. This type of filter uses pellets of charcoal to trap the terpenes. Carbon filters are simple to install, effective, and reliable. Carbon filters will be installed at key locations in the facility and will be monitored and replaced by staff on a regular basis.

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<sup>16</sup>Cannabis Environmental Best Management Practices Draft Section for Review: Air Quality August 9, 2018.



- *Air Filters.* Standard air filters, also referred to as air purifiers, are typically made of densely woven fiber screens. These filters trap particles as air circulates through the filter, which can either be a stand-alone unit or incorporated into a ventilation system depending on the exact specifications.
- *Negative Ion Generators.* The machines will use a negative charge to attract positively charged particles in the air. This equipment will be installed in areas that do not interfere with the production activities but instead can proactively treat the air in order to meet regulations.
- *Air-tight Seals.* The proposed facility will utilize air-tight seals throughout the facility. Predominately used in the exhaust system, these airtight seals will be used in order to keep the exhaust system efficient and effective.
- *Negative Air Pressure.* The Applicant will make use of negative air pressure in order to retain odor for treatment. This will help to serve as a safeguard of odor escaping into the ambient air until it can be treated using the techniques above. GSC Holding Group, LLC. will seal the facility, except for the intake and exhaust, which creates suction when exhaust fans are turned off. The proper use of both negative air and negative ion generators will efficiently expunge odor before leaving the facilities.
- *Staff Training.* The facility's employees will be trained regarding compliance with industry best standards and facility regulations in order to achieve successful odor control. Employees will be trained in the use of odor control methods as well as any new techniques and technologies that may be added in the future.

The project Applicant will be required to prepare an Odor Management Plan pursuant to Riverside County Department of Public Health construction guidelines. In addition, the entire cultivation process will occur in separate rooms. Airlock rooms are provided throughout the facility. These rooms provide additional odor suppression. The following mitigation measure will be required to control odors and to ensure that the indoor air is safe for the workers:

- Indoor air must be filtered so as to remove VOCs from the indoor air envelope. The filtration equipment must be installed prior to the issuance of an Occupancy Permit.

The above mitigation will reduce the potential impacts to levels that are less than significant.

## **MITIGATION MEASURES**

The analysis of air quality impacts indicated that the projected emissions would be below the SCAQMD's thresholds of significance. However, the following mitigation would be required to address potential odor impacts:

*Mitigation Measure No. 1 (Air Quality Impacts).* Indoor air must be filtered so as to remove VOCs from the indoor air envelope. The filtration equipment must be installed prior to the issuance of an Occupancy Permit.

### 3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✘		
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✘
C. Would the project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✘
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				✘
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✘
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?			✘	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • Less than Significant Impact with Mitigation.*

The City of Desert Hot Springs is reviewing an application for the development of a 0.98-acre (42,689 square-foot) site that would involve the construction of a new two-story, 25,641 square-foot cannabis cultivation facility within the southern portion of the city. A biological survey was completed by RCA Associates in June 2020. The results of this survey were compiled in a report that has been included in Appendix B.<sup>9</sup> The project site is covered over in creosote vegetation which covers the majority of the site. Plant species present on the site included creosote bush (*Larrea tridentata*), white ratany (*Krameria grayi*), Schott's dalea (*Psoralea schottii*), white bursage (*Ambrosia dumosa*), California primrose (*Eulobus californicus*), desert woollystar (*Eriastrum eremicum*), and fiddleneck (*Amsinckia tessellata*). Table 3-4

<sup>9</sup> RCA Associates, Inc. *General Biological Resources Assessment. Desert Hot Springs, Riverside County, California. (Township 3 South, Range 4 East, Section 14) APN: 666-350-033. July 20, 2020.*

provides a compendium of all plants occurring on the site and/or the immediate surrounding area.

**Table 3-4  
 Plants Observed on the Site and Known to Occur in the Immediate  
 Surrounding Area**

Common Name	Scientific Name	Location of Sighting
Creosote bush	Larrea tridentata	On Site
Brome grass	Bromus sp.	On site
White bursage	Ambrosia dumosa	On site
Asian Mustard	Descurainia pinnata	On Site
Kelch-grass	Schismus barbatus	On site
White ratany	Krameria grayi	On site
Desert woollystar	Eriastrum eremicum	On site
Fiddleneck	Amsinckia tessellata	On Site
Silver Cholla	Cylindropuntia echinocarpa	On site
California primrose	Eulobus californicus	On site
Schott's dalea	Psorothamnus schottii	On site

Note: The above list is not intended to be a comprehensive list of every plant which may occur on the site or in the zone of influence.

The site is expected to support a variety of wildlife species on the site; however, there were no live mammals observed on site during the field investigations on July 15, 2020. The only mammal observed was of a jackrabbit (*Lepus californicus*) carcass. Other mammals expected to inhabit the site include desert cottontails (*Sylvilagus audubonii*) and California ground squirrel (*Otospermophilus beecheyi*). Coyotes (*Canis Iatrans*), which are the most common carnivore in the region, utilized the site for hunting activities but were not observed during the field investigations. No birds were observed on the site or immediate area, but species common to the area include greater roadrunner (*Geococcyx californianus*), house sparrow (*Passer domesticus*), and American crow (*Corvus brachyrhynchos*).<sup>10</sup> Although no live reptiles were observed during the site survey, a desert iguana carcass was found on the site. Other reptile species that are expected in the area include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), common chuckwalla (*Sauromalus Citer*), and western whiptail lizard (*Cnemidophorus tigris*). Table 3-5 provides a compendium of wildlife species observed during the survey.

<sup>10</sup> RCA Associates, Inc. *General Biological Resources Assessment. Desert Hot Springs, Riverside County, California. (Township 3 South, Range 4 East, Section 14) APN: 666-350-033. July 20, 2020.*

**Table 3-5  
 Wildlife Observed on the Site and Known to Occur in the Immediate  
 Surrounding Area**

Common Name	Scientific Name	Location of Sighting
Greater road runner	Geococcyx californianus	In surrounding area
California ground squirrel	Spermophilus beecheyi	In Surrounding Area
Desert iguana	Dipsosaurus dorsalis	On site
House sparrow	Passer domesticus	May occur on site
American crow	Corvus brachyrhynchos	May occur on site
Mourning dove	Zenaida macroura	May occur on site
Gambel's quail	Callipepla gambelii	May occur on site
Western whiptail lizard	Cnemidophorus tigris	May occur on site
Side-blotched lizard	Uta stansburiana	May occur on site
Desert spiny lizard	Sceloporus magister	May occur on site
Common chuckwalla	Sauromalus ater	May occur on site
Desert cottontail	Sylvilagus auduboni	May occur on site
Jackrabbit	Lepus Californicus	On site
Coyotes	Canis latrans	May occur on site

Note: The above table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.

No sensitive habitats (e.g., sensitive species critical habitats, etc.) have been documented in the immediate area according to the CNDDDB (2020) and none were observed during the field investigations. As part of the environmental process, a search of the California Natural Diversity Database (CNDDDB) search was performed. Based on this review, it was determined that twenty-seven special status species (ten plants, one invertebrate, and sixteen animals) have been documented within the Desert Hot Spring quad of the property.<sup>11</sup> Table 3-6 indicates the listed and special status *plant* species that are known to occur in the surrounding region; however, it is not a comprehensive list. This information has been taken from the California Natural Diversity Database (2020).

<sup>11</sup> RCA Associates, Inc. *General Biological Resources Assessment. Desert Hot Springs, Riverside County, California. (Township 3 South, Range 4 East, Section 14) APN: 666-350-033. July 20, 2020.*

**Table 3-6  
Federal and State Plant Listed Species and State Species of Special Concern**

Name	Status	Habitat Requirements	Presence on Site
Coachella Valley milk-vetch (Astragalus lentiginosus var. coachellae)	Federal: Endangered State: None CNPS: 1B.2	Occurs in non-wetlands, Creosote bush scrub communities	No suitable habitat, none observed on site
Triple-ribbed milk-vetch (Astragalus tricarınatus)	Federal: Endangered State None CNPS: 1 B.2	Creosote bush scrub, Joshua Tree Woodland	No suitable habitat, none observed on site
White-bracted spineflower (Chorizanthe xanti var. Leucotheca)	Federal: None State: None CNPS: 1B.2	Creosote bush scrub, Pinyon-Juniper woodland	Suitable habitat, none observed on site
Slender-horned spineflower (Dodecahema leptoceras)	Federal: Endangered State: Endangered CNPS: 1B.1	Alluvial-fans, Chaparral, Coastal Sage scrub	No suitable habitat, none observed on site
Harwood's eriastrum (Eriastrum harwoodii)	Federal: None State: None CNPS: 1B.2	Desert dunes in creosote bush scrub	No suitable habitat observed on site
Cliff spurge (Euphorbia misera)	Federal: None State: None CNPS: 2B.2	Coastal, Coastal sage scrub	No suitable habitat observed on site
Little San Bernardino Mountains linanthus (Linanthus maculatus SSP. Maculatus)	Federal: None State: None CNPS: 1B.2	Dunes, creosote bush scrub, Joshua tree woodland, Mojavean desert scrub	Minimal suitable habitat, none observed on site
Spiny hair blazing star (Mentzelia tricuspis)	Federal: None State: None CNPS: 2B.1	Creosote bush scrub, sandy, gravelly, slopes and washes, Mojavean desert scrub	Minimal suitable habitat, none observed on site
Slender cottonheads (Nemacaulis denudata var. racilis)	Federal: None State: None CNPS: 2B.2	Coastal dunes, desert dunes, Sonoran Desert scrub	Minimal suitable habitat, none observed on site
Desert spike-moss (Selaginella eremophila)	Federal: None State: None CNPS: 2B.2	Coastal dunes, desert dunes, Sonoran Desert scrub	No suitable habitat, none observed on site

E = Endangered; T = Threatened; SSC = Species of special concern; GNPS = California Native Plant Society; CNDDDB = California Natural Diversity Data Base

Table 3-7 indicates the listed and special status *animal* species that are known to occur in the surrounding region; however, it is not a comprehensive list. This information has been taken from the California Natural Diversity Database (2020).

**Table 3-7  
Federal and State Listed Animal Species and State Species of Special Concern**

Name	Status	Habitat Requirements	Presence on Site
Desert tortoise ( <i>Gopherus agassizii</i> )	Federal: T State: T	Desert shrub.	Nearest documented observation west of the site. No tortoises or tortoise sign observed on-site.
Prairie falcon ( <i>Falco mexicanus</i> )	Federal: None State: None	Rolling foothills, mountain areas.	Suitable habitat absent from site, and not expected to occur on the site.
Burrowing owl ( <i>Athene cunicularia</i> )	Federal: None State: None	Open grassland areas where the owls utilize abandoned mammal burrows.	Marginal habitat present on the site. Not expected to occur on the site, and none observed during survey.
Pallid San Diego pocket mouse ( <i>Chaetodipus fallax allidus</i> )	Federal: None State: None	Variety of temperate habitats, through coastal sage and deserts of Baja California.	Suitable habitat, none observed on site.
Le Conte's thrasher ( <i>Toxostoma lecontei</i> )	Federal: None State: None	Desert flats with sparse growth of saltbush, also on creosote bush flats.	Suitable habitat, none observed on site.
Golden Eagle ( <i>Aquila chrysaetos</i> )	Federal: None State: None	Favor open country, especially around mountains, hills, and cliffs. Habitats range from arctic to desert.	Habitat unsuitable, unlikely to occur on or near the property.
Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> )	Federal: None State: None	Montane forest, arid habitats with limited scrub vegetation.	Habitat unsuitable, unlikely to occur on or near the area.
Red-diamond rattlesnake ( <i>Crotalus ruber</i> )	Federal: None State: None	Inhabits arid scrub, coastal chaparral, rocky grasslands, cultivated areas.	Suitable habitat, none observed on site.
San Diego desert woodrat ( <i>Neotoma lepida intermedia</i> )	Federal: None State: None	Sagebrush scrub, chaparral, succulent vegetation, juniper sagebrush, creosote bush scrub, and Joshua tree woodlands.	Suitable habitat, none observed on site.
Desert spike-moss ( <i>Selaginella eremophila</i> )	Federal: None State: None	Chaparral, Sonoran desert scrub.	Suitable habitat, none observed on site.
Desert bighorn sheep ( <i>Ovis canadensis nelsoni</i> )	Federal: None State: None	Rugged open habitat, rocky slopes and cliffs, canyons, and washes.	Habitat not suitable.
Peninsular bighorn sheep DPS ( <i>Ovis canadensis nelsoni</i> )	Federal: E State: T	Steep slopes and cliffs, rough and rocky topography, and sparse vegetation.	Habitat not suitable.
Palm Springs pocket mouse ( <i>Perognathus longimembris bangsi</i> )	Federal: None State: None	Creosote scrub, desert scrub, and grasslands.	Suitable habitat, none observed on site.
Coast horned lizard ( <i>Phrynosoma blainvillii</i> )	Federal: None State: None	Inhabits open areas of sandy soils and low vegetation in valleys, foothills, and semiarid mountains.	Suitable habitat, none observed on site.
Flat-tailed horned lizard ( <i>Phrynosoma mcallii</i> )	Federal: None State: None	Sandy desert hardpan or gravel flats with scattered sparse vegetation of low species diversity.	Suitable habitat, none observed on site.
Coachella Valley jerusalem cricket ( <i>Stenopelmatus calhuilaensis</i> )	Federal: None State: None	Sand dunes.	Habitat not suitable, none observed on site.
Coachella Valley fringe-toed lizard ( <i>Uma inornata</i> )	Federal: T State: E	Sparsely vegetated arid areas with fine windblown sand.	Habitat not suitable.
Palm Springs roundtailed ground squirrel ( <i>Xeroperophilus tereticaudus chlorus</i> )	Federal: None State: None	Favorable habitats appear to be areas where hummocks of sand accumulate at the base of large shrubs that provide burrow sites and adequate cover. Numerous in the transition between dunes and creosote bush scrub.	Suitable habitat, none observed on site.

Federal and State Listed Species are described in this section.

- *Desert Tortoise*. The desert tortoise is a federally and state threatened species, and a covered species under the CVMSHCP. Desert tortoises can be found in the Mojave Desert and occupy desert scrubs that may consist of shrub steppe, perennial grasses, Joshua trees, and open scrub areas consisting of creosote bush. The site does contain suitable habitat for the desert tortoise and is also located within the documented tortoise habitat according to CNDBB. According to the USFWS desert tortoise protocol, ten meter transects were walked during the July 15, 2020 survey to observe the site for any desert tortoises or desert tortoise signs (i.e., scat, active burrow, or carcasses). No tortoises or signs were observed on the project site, the nearest documented desert tortoise sighting is located 5.6 miles northwest of the site, according to the CNDBB. The species is not expected to move onto the site in the near future based on the absence of any sign and the absence of any recent observations in the immediate area. These survey results are valid for one year as per CDFW and USFWS requirements.
- *Peninsular Bighorn Sheep DPS*. The peninsular bighorn sheep DPS is a federally endangered and state threatened species that is also a covered species under the CVMSHCP. The peninsular bighorn sheep DPS can be found in steep slopes and cliffs on rough and rocky topography with sparse vegetation. The project site contains a flat topography, with moderately dense desert scrub vegetation, which provides no suitable habitat for the peninsular bighorn sheep DPS. In addition, the project site is not located within a CVMSHCP Conservation Area; therefore, according to the CVMSHCP, no further surveys are required for this species. According to the CNDBB, the nearest observable documentation of the peninsular bighorn sheep DPS is approximately 5.9 miles southwest of the project area.
- *Coachella Valley Fringe-Toed Lizard*. The Coachella Valley fringe-toed lizard (CVFTL) is a federally threatened and state endangered species that is also a covered species under the CVMSHCP. The Coachella Valley fringe-toed lizard can be found in widely-space vegetated arid areas with fine, loose, windblown sand, aeolian sand hummock habitat. It was determined that the site, which has contained compact dirt, invasive grasses, and moderately spread vegetation, did not supply prime habitat for the CVFTL. In addition, because CVFTL is a covered species, according to the CVMSHCP, no further surveys are required. The nearest documented CVFTL, according to CNDBB, is 3.7 miles southwest from the site in the Whitewater Flood Conservation Area. The species is not expected to occur on the site in the foreseeable future, due to lack of habitat.
- *Coachella Valley Milk-Vetch*. The Coachella Valley milk-vetch (CVMV) is a federally endangered perennial plant species, with a CNPS rare plant 1B.2, that is also a covered species under the CVMSHCP. The Coachella Valley Milk-vetch can be found in desert scrub and dune communities that contain sandy flats, washes, and outwash fans. The project area contains some suitable habitat, yet none were observed on the site during the July 15, 2020 survey, and highly unlikely to be observed in the foreseeable future. In addition, because CVMV is a covered species, according to CVMSHCP, no further surveys are required. The nearest documented CVMV, according to CNDBB, is located 3.5 miles southeast of the project, in the Whitewater Flood Conservation Area.
- *Triple-Ribbed Milk-Vetch*. The triple-ribbed milk-vetch (TRMV) is a federally endangered perennial plant species, with a CNPS rare plant 1B.2, that is also a covered species under the CVMSHCP. Triple-ribbed milk vetch can be found in Joshua tree woodland and Sonoran Desert scrub occupying a micro habitat of hot, rocky slopes in canyons and along edge of boulder-strewn

desert washes. The site does not contain suitable habitat for the TRMV, and none were observed during the July 15, 2020 survey, due to lack of suitable micro-habitat. TRMV is not expected to occur on the site. In addition, because TRMV is a covered species and the site is not located within a conservation area, according to CVMSHCP, no further surveys are required. The nearest documented TRMV, according to CNDDDB, is approximately 5.9 miles north of the project site.

- *Slender-Horned Spineflower*. The slender-horned spineflower is an annual federally and state listed endangered plant species with a CNPS rare plant rank of 1B.1. The Slender-horned spineflower can be found in chaparral, cismontane woodland, and coastal scrub where they can be observed in terraces and washes. The site, which contains desert scrub and no washes, does not contain suitable habitat for the slender-horned spineflower, and none were observed during the July 15, 2020 survey. Due to no suitable habitat, slender-horned spineflower is not expected to occur on the site, therefore no further surveys are required. The nearest documented slender-horned spineflower, according to CNDDDB, is approximately 6.3 miles east of the project site along a major wash.

For the remaining 21 special status species in the Desert Hot Springs quadrangle, ten wildlife species are considered Species of Special Concern by CDFW. These species are the burrowing owl (*Athene cunicularia*), pallid San Diego pocket mouse (*Chaetodipus fallaxpallidus*), San Diego woodrat (*Neotoma lepida intermedia*), Palm Springs pocket mouse (*Perognathus longimembris bangsi*), coasted horned lizard (*Phrynosoma blainvillii*), flat-tailed horned lizard (*Phrynosoma mcallii*), Le Conte's thrasher (*Toxostoma lecontei*), Townsend's big-eared bat (*Corynorhinus townsendii*), red-diamond rattlesnake (*Crotalus ruber*), and Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*). Of these ten species, five species, the burrowing owl, Palm Springs round-tailed ground squirrel, Palm Springs pocket mouse, flat-tailed horned lizard, and Le Conte's thrasher, are also protected under the CVMSHCP. Four species of special concern are located within five miles of the site, the burrowing owl located 3.75 miles north, flattailed horned lizard located 4.62 miles southwest, Le Conte's thrasher was located 4.45 miles north, and San Diego desert wood rat located 3 miles south. No species of special concern were observed during the field investigation. A pre-construction survey will be required by CDFW for the burrowing owl, to avoid take. This survey is recommended no less than 14 days prior to ground disturbance, followed by a final pre-construction survey within 24 hours of breaking ground, where 30 meter transects are walked on the property to guarantee full coverage for burrowing owl observations. The remaining three special status wildlife species, desert bighorn sheep (*Ovis canadensis nelsoni*), golden eagle (*Aquila chrysaetos*), and Coachella Valley Jerusalem cricket (*Stenopelmatus caluilaensis*), which is a protected under the CVMSHCP, were not observed on the project and are unlikely to occur due to lack of habitat. No survey protocols will be needed.

There are seven special status plants in the Desert Hot Springs quadrangle that are not federally, or state protected. These plants include slender cottonheads (*Nemacaulis dendata* var. *gracilis*), desert spike-moss (*Selaginella eremophila*), Harwood's eriastrum (*Eriastrum harwoodii*), cliff spurge (*Euphorbia misera*), Little San Bernardino Mountains. *Linanthus* (*Linanthus maculatus* var. *maculatus*), spiny-hair blazing star (*Mentzelia tricuspis*), and white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*). Of these species only the Little San Bernardino Mountains. *Linanthus* is covered under the CVMSHCP, however, since the site is not located within a Conservation Area, according to the CVMSHCP, no further surveys are required, with none observed or expected to occur on site. Of the remaining six special status plant species, suitable habitat is not present on site for three species including Harwood's eriastrum, cliff spurge, and slender cottonheads, these species dwell best in habitats with desert sand dunes and washes. Suitable habitat is present on site for the remaining three species including white-bracted spineflower, spiny-hair blazing star,



and desert spike moss. Two of the seven species were found within five miles of the site, the white-bracted spineflower was located 4.07 miles east of the site, and the slender cottonheads which was also located 4.65 miles east of the site. According to Sections 15125 and 15380 of CEQA, federal and state threatened and endangered and CRPR List 1 and 2 species, require full consideration. Due to the presence of suitable habitat and to comply with CEQA, focused surveys will be required for white-bracted spineflower, spiny-hair blazing star, and desert spike moss. None of the special status plant and wildlife species were observed on the site during the field investigations nor are any of the species expected to occur on the 0.98-acre site during the July 15, 2020 field investigations.

No riparian vegetation (e.g., cottonwoods, willows, etc.) exist on the site or in the adjacent habitats. No focused plant surveys, for special status plant species that have the potential to occur on the site during the appropriate blooming season, were conducted during the field survey. During the July 15, 2020 survey, no protected plant species (e.g., yuccas, Joshua trees, etc.) were observed on site or in the immediate surrounding areas.

No federal or State-listed species or signs were observed on the site during the field investigations. In addition, there are no documented observations of any listed or special status species on the site or in the immediate surrounding area.

Future development activities are expected to result in the removal of vegetation from the 0.98- acre parcel; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on the presence of habitat on the site which is very common throughout the region. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any suitable burrows. The following mitigation measures are recommended for consistency with CVMSHCP:

- Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.
- A focused plant survey shall be conducted for white-bracted spineflower, spiny-hair blazing star, and desert spike-moss. The survey shall be conducted between April and May, when all three plant species would be identifiable, following recommended protocols by CDFW. The purpose of the survey is to determine the potential environmental effects of the proposed project on special status plants.
- If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization

for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

- In accordance with the city of Desert Hot Springs Municipal Code, Chapter 3, Section 3.40.010 through 3.40.120, Ordinance No 502 “CVMSHCP/ Natural Community Conservation Plan Mitigation Fee Ordinance,” concerning local development mitigation fee for funding the preservation of natural ecosystems in accordance with the CVMSHCP, a mitigation fee is necessary in order to mitigate the impacts caused by new development on land supporting species covered by the MSHCP, and to pay for new development’s fair share of the cost of acquisition and perpetual conservation.

The above mitigations will reduce the potential impacts to levels that are less than significant.

- B.** *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?* • *No Impact.*

According to the United States Fish and Wildlife Service and the results of the site survey, there are no wetland or riparian habitats located on-site or in the surrounding areas.<sup>18</sup> No offsite wetland areas or riparian areas will be affected by the proposed development since all new development will be confined to the project site as illustrated in Exhibit 3-2. As a result, no impacts are anticipated.

- C.** *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?* • *No Impact.*

No wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.<sup>19</sup> The site supports a creosote community which covers most of the property. As a result, no impacts are anticipated.

- D.** *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?* • *No Impact.*

The proposed project will comply with all pertinent requirements of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) which provides protection for approximately 240,000 acres of open space within the larger Coachella Valley. Through these preservation efforts, the CVMSHCP provides for a more streamlined process for development by avoiding the process of obtaining ‘take permits’ and providing developers a better understanding on the conservation required on any given property prior to project implementation. In addition, the preservation and maintenance of large area of open space will ensure that critical migration and movement corridors are preserved and maintained. In addition, the proposed development will abide by all migratory and nesting bird protections required by the Migratory Bird Treaty act of 1918. As indicated in Subsection F, the proposed project will conform to the requirements

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<sup>19</sup> RCA Associates, Inc. *General Biological Resources Assessment. Desert Hot Springs, Riverside County, California. (Township 3 South, Range 4 East, Section 14) APN: 666-350-033.* July 20, 2020.

of the CVMSHCP and, as a result, no impacts are anticipated.

**E.** *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • No Impact*

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

- *Goal 1.* Protection and preservation of City and regional biological resources, especially those sensitive, rare, threatened or endangered species of plants and wildlife and their habitats, and a functional, harmonious relationship and balance between nature and human development.
- *Policy 2.* Support all practical efforts to maintain a broad variety of habitats, including suitable habitat for rare and endangered species occurring in the City and vicinity.
- *Program 2A.* The City shall participate and be a pro-active partner in the development and implementation of the Coachella Valley Multiple Species Habitat Conservation Plan with special emphasis on habitat located in or near the San Bernardino and Little San Bernardino Mountains.
- *Policy 3.* All development proposals on vacant lands shall be reviewed and evaluated to assure minimal impacts on existing habitat and wildlife.
- *Program 3A.* City shall assure a thorough assessment of impacts to habitat and/or wildlife associated with proposed development, including requiring preparation of detailed biological resource surveys and mitigation programs in identified sensitive areas of the City.
- *Program 3B.* City shall encourage developers to salvage naturally occurring desert plant materials for incorporation into project landscaping to the greatest extent possible and shall indicate utilization of these indigenous materials on project landscape plans, which provide or enhance wildlife habitat and serve to extend the local desert environment into the urban design of the City. Plans shall be submitted to the City for approval.
- *Program 3C.* City shall prepare a comprehensive planting materials list, which shall include native and nonnative, drought tolerant trees, shrubs and groundcovers that complement the local environment, provide habitat for local wildlife, and extend the desert into the built environment. A list of prohibited plant materials shall also be prepared.
- *Policy 4* Assure that sensitive habitat and wildlife areas, as well as state and federal lands, are appropriately buffered from urban development.
- *Program 4A* The General Plan Land Use, Circulation, and Open Space and Conservation Elements shall recognize, reflect and provide an effective buffer between urban-type development and other incompatible uses, and the San Bernardino and Little San Bernardino Mountains and other sensitive wildlife and open space and conservation lands.

There are no trees located on the property and, as a result, no tree replacement or preservation requirements would be applicable to the proposed project. The proposed project would conform to all

pertinent General Plan policies and programs identified above. As a result, no impacts on this issue are anticipated.

- F.** *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*
- *Less than Significant Impact.*

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) provides protection for approximately 240,000 acres of open space and 27 species. The CVMSHCP identifies the most valuable resource protection areas and establishes both a permanent habitat reserve and land management program so as to accommodate urbanization and recreation uses within the Coachella Valley. In the absence of the CVMSHCP, *take permits* from the U. S. Fish and Wildlife Service (USFWS) would be required for individual development projects that would potentially impact sensitive species or habitat. The implementation of the CVMSHCP's objectives and provisions satisfies the legal requirements for the issuance of 'take permits' removing the need for individual permits in most cases. By looking at multiple species and multiple habitats on a regional basis, the CVMSHCP provides a more comprehensive conservation effort than would be typical of conservation provided by individual 'take permits. In addition, the CVMSHCP provides for a process of obtaining 'take permits' and providing developers a better understanding on the conservation required on any given property prior to project inception.

Two conservation areas are located nearest to the project site: the Morongo Wash Special Provisions Area and the Willow Hole Conservation Area. The project site itself is located just outside of the boundaries of the aforementioned areas. For all project's located within the CVMSHCP boundaries, a conservation fee is required to be paid which is utilized for obtaining property that may not be otherwise set aside or obtained through development approvals. The fee that is applicable to industrial and commercial properties, such as the proposed project site, is \$5,728. The payment of the applicable CVMSHCP fees will mitigate any potential impacts to levels that are less than less than significant.

## **MITIGATION MEASURES**

The following mitigation measures will be required based on recommendations of the biological field survey and report that was completed for the proposed project:

*Mitigation Measure No. 1 (Biological Resources).* Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance by a qualified biologist. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized.

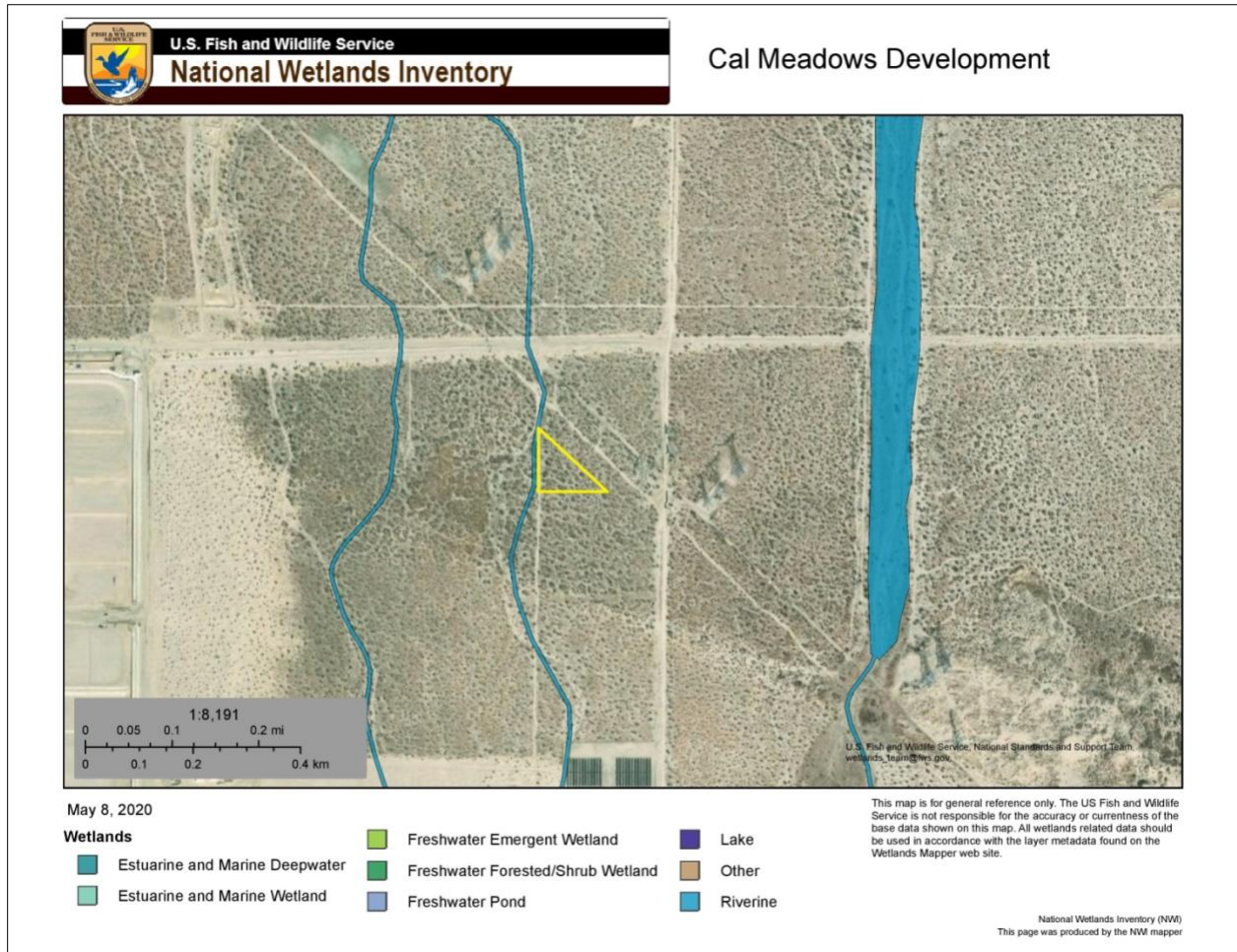
- *Burrowing Owl-* Surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 or most recent edition), no less than 14 days prior to the start of project activities and within 24 hours prior to ground disturbance.
- *Desert Tortoise-* Surveys shall be conducted in accordance with protocols in Chapter 4 of the *Desert Tortoise (Mojave Population) Field Manual* (USFWS 2009 or most recent version), during the species most active periods (April through May or September through October), no more than 14 days prior to the start of Project activities. The survey shall include the project area and a 50-foot buffer zone.

- *Nesting Birds*- Surveys shall be conducted by a qualified avian biologist no more than three days prior to vegetation clearing or ground disturbing activities. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.

*Mitigation Measure No. 2 (Biological Resources)*. A focused plant survey shall be conducted by a qualified biologist for white-bracted spineflower, spiny-hair blazing star, and desert spike-moss. The survey shall be conducted between April and May, when all three plant species would be identifiable, following recommended protocols by CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Species Native Plant Populations and Natural Communities (CDFW 2018 or most recent version)*. The purpose of the survey is to determine the potential environmental effects of the proposed project on special status plants.

*Mitigation Measure No. 3 (Biological Resources)*. If any listed or sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

*Mitigation Measure No. 4 (Biological Resources)*. In accordance with the city of Desert Hot Springs Municipal Code, Chapter 3, Section 3.40.010 through 3.40.120, Ordinance No 502 “CVMSHCP/ Natural Community Conservation Plan Mitigation Fee Ordinance,” concerning local development mitigation fee for funding the preservation of natural ecosystems in accordance with the CVMSHCP, a mitigation fee is necessary in order to mitigate the impacts caused by new development on land supporting species covered by the MSHCP, and to pay for new development’s fair share of the cost of acquisition and perpetual conservation.



**EXHIBIT 3-2**  
**WETLANDS MAP**  
 SOURCE: NATIONAL WETLANDS INVENTORY

### 3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?				<b>×</b>
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?		<b>×</b>		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			<b>×</b>	

#### ENVIRONMENTAL SETTING

Historical resources are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. Specific criteria outlined in CEQA Section 15064.5 used to evaluate the significance of a historical or cultural resource includes the following:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1. <sup>20</sup>

## **ANALYSIS OF ENVIRONMENTAL IMPACTS**

**A.** *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines? • No Impact.*

A search of the National Register of Historic Places and the list of California Historical Resources was conducted for the City.<sup>21</sup> The City's Historical Society has identified the Cabot's Old Indian Pueblo Museum, the B-Bar Guest house, and the Yerxa's Discovery Location (hot water well) as important historic resources located within the City of Desert Hot Springs. The Cabot Old Indian Pueblo Museum, completed in 1941, is listed on the National Register of Historic Places (Listing No.11000942) and is eligible for listing on the California Register of Historical Resources (CRHR). In addition, the Museum is where Cabot Yerxa, in 1913, discovered the first hot water well and its location has been designated as a California Historic Point of Interest (Plaque No. 560) (Office of Historic Preservation). The B-Bar Guest house was built in 1937 and the California Resources Inventory System-Eastern Information Center (CHRIS-EIC) has determined the house to be eligible for listing in the California Register of Historical Resources (CRHR).

The proposed project will be limited to the project site and will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. Furthermore, the project site is not present on the list of historic resources identified by the State Office of Historic Preservation (SHPO).<sup>22</sup> The project site is undeveloped with no structures, buildings, landscapes or other objects of historical or cultural significance located within the property. Since the project's implementation will not impact any Federal, State, or locally designated historic resources, no impacts will occur.

**B.** *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines? • Less than Significant Impact with Mitigation.*

David Brunzell, M.A., RPA acted as the Project Manager and Principal Investigator for the current study and compiled the technical report. Brunzell has completed aerial photo and topographic map research to characterize the land use of the project site. BCR Consulting Archaeological Field Director Joseph Orozco (M.A., RPA) completed the pedestrian field survey. The project site is situated within the traditional

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<sup>20</sup>CEQA Statutes and Guidelines. Section 15064.5. 2019. Website accessed July 2, 2020.  
[https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

<sup>21</sup> California State Parks, Office of Historic Preservation. *Listed California Historical Resources*. Website accessed April 30, 2020.



boundaries of the Cahuilla, who belong to the Cupan group of the Takic subfamily of languages. Like other Native American groups in Southern California, they practiced semi-nomadic, hunter-gatherer subsistence strategies, and commonly exploited seasonably available plant and animal resources. Spanish missionaries were the first outsiders to encounter these groups during the late 18th century. The Cahuilla are generally divided into three groups: the Desert Cahuilla, the Mountain Cahuilla, and the Western (or Pass) Cahuilla. The distinctions are believed to be primarily geographic, although linguistic and cultural differences may have existed to varying degrees. Cahuilla territory lies within the geographic center of Southern California and the Cocopa-Maricopa Trail, a major prehistoric trade route, that ran through it. The first written accounts of the Cahuilla are attributed to mission fathers; later documentation was by Strong (1929), Bright (1998), and others.<sup>12</sup>

Prior to fieldwork, BCR Consulting requested an archaeological records search from the Eastern Information Center (EIC) for the State of California located at the University of California Riverside. This record search will include a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, survey and excavation reports generated from projects completed within one mile of the project site. In addition, a review will be conducted of the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures. An archaeological pedestrian field survey of the project site was conducted on August 18, 2020. The survey was conducted by walking parallel transects approximately 15 meters apart across 100 percent of the project site. Soil exposures, including natural and artificial clearings were carefully inspected for evidence of cultural resources.<sup>13</sup>

During the field survey, BCR Consulting staff carefully inspected the project site and identified no cultural resources within its boundaries. Surface visibility was approximately 60 percent within the project site. Sediments consisted of rocky, silty sand containing poorly sorted gravels. The property has been subject to severe disturbances related to excavation for adjacent utility access roads, off-road vehicle use, and modern trash dumping. Vegetation was dominated by creosote and seasonal grasses. No cultural resources (including prehistoric or historic-period archaeological sites or historic buildings) were identified within the project site boundaries during the pedestrian cultural resources field survey. Preliminary results indicate that cultural resources (including prehistoric or historic-period archaeological sites or historic buildings) are not likely within the project site. However, records search results could reveal previous archaeological discoveries within the project site that have been obscured by changing surface conditions, or previous archaeological discoveries on properties adjacent to the project site.<sup>14</sup>

A qualified archaeologist selected by the responsible tribes and approved by the Lead Agency, shall monitor construction activities involving ground disturbance during site preparation, grading, and excavation activities. This monitoring will occur at the cost of the applicant. The archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center (EIC) for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation. An AB-52 consultation has been initiated with the following tribes: the Soboba Band of Luiseno Indians, the Agua

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<sup>12</sup> BCR Consulting, Inc. *Draft Cultural Resources Assessment [for the] Cal Meadows Project The City of Desert Hot Springs, Riverside County, California*. August 25, 2020.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

Caliente Band of Cahuilla Indians, and the Morongo Band of Mission Indians. Adherence to the aforementioned standard mitigation will ensure potential impacts remain at levels that are less than significant.

*C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.*

There are no dedicated cemeteries located in the vicinity of the project site.<sup>15</sup> The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries in the vicinity. The nearest dedicated cemetery to the site is the Desert Memorial Park, located approximately 8 ½ miles to the southeast of the project site.

As noted above, a survey of the proposed project property was conducted by a qualified archaeologist who did not indicate the presence of human remains within the study area. While no human remains were identified on the surface during the archaeological survey there remains a possibility of encountering human remains during project construction. Per Health and Safety Code Section 7050.5:

(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Additionally, Section 5097.98 of the Public Resources Code states the following: Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendations within 48 hours of their notification by the Native American Heritage Commission. The recommendation

may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the land owner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

For the purposes of this section, “conferral” or “discuss and confer” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.

Whenever the commission is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Adherence to the aforementioned standard condition will ensure potential impacts remain at levels that are less than significant.

## **MITIGATION MEASURES**

The analysis of potential cultural resources impacts indicated that the project site's previous disturbance would limit the potential for cultural resources or human remains to be discovered within the project site. Mitigation measures are provided below and in Section 3.18 (Tribal Cultural Resources) to ensure that a tribal representative is present during construction-related ground-disturbing activities.

*Mitigation Measure No. 1 (Cultural Resources).* The applicant/developer shall adhere to all mitigation measures and monitoring program requirements mandated by the City of Desert Hot Springs.

*Mitigation Measure No. 2 (Cultural Resources)* If the project involves any ground disturbance Applicant / Developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.

*Mitigation Measure No. 3 (Cultural Resources)* The applicant/developer shall provide tribe(s) which have initiated formal consultation under AB 52 the following:

- a) Cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.

- b) Copy of the records search with associated survey reports and site records from the information center.
- c) Copies of any cultural resource documentation (report and site records) generation in connection with this project.

*Mitigation Measure No. 4 (Cultural Resources)* The applicant/developer shall have on site during any ground disturbing activities (including archeological surveys) a designated Cultural Resource / Tribal Monitor(s) from the consulting tribe(s) which have initiated formal consultation under AB 52. Should buried cultural resource be encountered, the Monitor(s) may request that desiccative construction halt and the Monitor(s) shall notify a Qualified Archeologist to investigate and, if necessary, prepare a mitigation plan for submission to each of the consulting Tribal Preservation Office's.

*Mitigation Measure No. 5 (Cultural Resources)*. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor(s) shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with state regulations relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

*Mitigation Measure No. 6 (Cultural Resources)* Prior to grading permit issuance: If there are any changes to project site design and/or proposed grades, the Applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, Applicant, and consulting tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.

*Mitigation Measure No. 7 (Cultural Resources) Archaeological Monitoring:* The Developer, the City and the consulting tribe(s) shall develop an archaeological monitoring plan to address details, timing and responsibilities of all archaeological activities that will occur at the project site, when it is determined by either the city or the consulting tribe(s) to be necessary. Details of the plan may include:

- a) Project grading and development scheduling;
- b) The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
- c) The protocols and stipulations that the Developer, City of Desert Hot Springs, the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
- d) Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts.

*Mitigation Measure No. 8 (Cultural Resources) Treatment and Disposition of Cultural Resources:* In the event that Native American cultural resources, items of cultural patrimony, or Tribal Cultural Resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:

- a) Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
- b) Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
  - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
  - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
  - iii. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.

At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the consulting tribes and Eastern Information Center and interested tribes.

This final mitigation measure language will be incorporated into the Mitigation Monitoring and Reporting Program.

### 3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✘	
B. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? • Less than Significant Impact.*

The City of Desert Hot Springs is reviewing an application for the development of a 0.98-acre site that would involve the construction of a new two-story, 25,641 square-foot cannabis cultivation facility. Growing (cultivation) of cannabis is an agricultural production process where the environmental conditions, temperature, and humidity are tightly controlled to optimize the quality of the cannabis plants and to reduce crop loss. The quality and amount of light provided is the primary variable affecting crop yield and quality once air temperature and humidity needs are met. Dehumidification is generally achieved mechanically by sub-cooling the air to remove water and then reheating the air to the desired supply air temperature through traditional dehumidification units or by absorbing moisture in the air through a desiccant dehumidifier. The indoor air conditioning will also require electrical consumption.

For indoor grow operations (as opposed to greenhouse operations), LED lighting fixtures are being successfully applied to vegetative rooms, saving up to 50% of the lighting energy compared to the standard practice. For flower rooms, double ended, high-pressure sodium (HPS) fixtures save 20-25% compared to the standard HPS fixtures. While less common, some growers are successfully applying LED fixtures or LED/HPS hybrid designs for up to 30-40% energy savings in flower rooms. For cooling and dehumidification, smaller grow operations are saving energy by using split ductless air conditioning units in place of standard rooftop units. Medium and large-sized grow operations are using chilled water systems to accomplish both cooling and dehumidification, with energy savings of up to 40% compared to the standard practice. By implementing all these best practices, a medium-size or larger indoor grow operation can achieve up to 30-35% energy savings compared to a standard indoor grow.<sup>23</sup> The total energy costs for indoor cannabis grow operations typically varies between 20-50% of total operating costs. By comparison, for a typical medium-size or larger brewery, energy use accounts for about 6-12% of total operating costs.

The proposed project’s electric power service would be provided by the Southern California Edison Company (SCE) which operates and maintains two transmission substations within the City of Desert Hot Springs and its sphere-of-influence. Electric power is primarily generated outside the Coachella Valley;

<sup>23</sup> Trends and Observations of Energy Use in the Cannabis Industry,” Jesse Remillard and Nick Collins, ERS, ACEEE Summer Study of Energy Efficiency in Industry, 2017.

though SCE does purchase wind-generated power from local producers. The nearest substation to the proposed project site is the Devers Substation, located north of Dillon Road in the southwestern portion of the City. The nearest available power lines to the project site are located directly adjacent to the north-eastern property boundary along Powerline Road.

Indoor cannabis cultivation facilities consume up to ~150 kilowatt-hours of electricity per year per square foot, which is about 10 times as much as a typical office building in the Southwest. Assuming this rate of consumption, the proposed project would consume 10,273kWh of electricity on a daily basis. The project Applicant will be required to closely work with the local electrical utility company to identify existing and future strategies that will be effective in reducing energy consumption. As a result, the impact will be less than significant.

**B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*** • *No Impact.*

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project as well as any future development within the remainder of the project site will be required to conform to all pertinent energy conservation requirements.

In July 2013, the City of Desert Hot Springs adopted an Energy Action Plan (EAP), that outlined the City's strategy to help reduce energy consumption, reduce operating costs, and increase energy awareness within the City. The EAP contains 60 energy efficiency measures that target improvements for various municipal buildings. The measures identified for the governmental facilities include more efficient lighting, more efficient insulation, upgrading temperature controls, and installing modern and energy efficient appliances and heating, ventilation, and air conditioning (HVAC) units. While the proposed project is a privately owned commercial use, the implementation of similar programs would prove effective in reducing potential energy consumption. The proposed project will be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. As a result, the potential impacts will be less than significant.

The City of Desert Hot Springs General Plan, Open Space and Natural Resources Element includes the a number of policies that focus on energy conservation. The following policies are relevant to the proposed project.

- *Policy OS-4.1: Energy Conservation.* Seek to incorporate energy conservation measures into new development projects.
- *Policy OS-4.3: Rooftop Solar Projects.* Streamline solar panel permits for small-scale residential and commercial business rooftop projects by removing discretionary planning permits or allowing approval over the counter.



- *Policy OS-4.4: Solar Energy Systems.* Encourage the use of solar energy systems or any other technologies that similarly reduce the use of power from the grid in residential and commercial uses.
- *Policy OS-4.7: Alternative Electricity Options.* Continue to explore, assist, and encourage alternative electricity options such as wind or small-scale solar energy facilities.

The proposed project will benefit from the availability of the energy options provided by the aforementioned policies and programs with respect to energy conservation. As a result, no impacts are anticipated.

### **MITIGATION MEASURES**

The analysis determined that the proposed project will not result in significant impacts related to energy and mitigation measures are not required.

### 3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or, landslides?			✘	
<b>B.</b> Would the project result in substantial soil erosion or the loss of topsoil?			✘	
<b>C.</b> Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✘	
<b>D.</b> Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property?			✘	
<b>E.</b> Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✘	
<b>F.</b> Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or, landslides? • Less than Significant Impact.*

The City of Desert Hot Springs is located in a seismically active region. The proposed project site is located in the northwestern portion of the Coachella Valley, a part of the Colorado Desert geomorphic province. Earthquakes from several active and potentially active faults located in the Coachella Valley and elsewhere in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Fault Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake.<sup>24</sup> The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The nearest designated Alquist-Priolo Earthquake Fault Zone is the San Andreas Fault, which splits into two branches that surround the City of Desert Hot Springs. The southern branch of the San Andreas Fault (known as the

<sup>24</sup> California Department of Conservation. *What is the Alquist-Priolo Act.* <https://www.conservation.ca.gov/cgs/alquist-priolo>

Banning Fault) is located approximately 425 feet to the south of the proposed project site as illustrated in Exhibit 3-3. According to the California Department of Conservation Desert Hot Springs Quadrangle Map data, the southwestern portion of the project site is located within a designated Alquist-Priolo Earthquake Fault Zone.<sup>25</sup> However, because the proposed development is non-residential and would meet the Alquist-Priolo Earthquake Fault Zoning Act, California Public Resources Code, Chapter 7.5, Section 2621.7 requirement that any new construction must be located over 50 feet from an identified fault trace.

Other potential seismic issues analyzed within this report include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. According to the County of Riverside General Plan EIR supporting Geology and Soils Section, geological surveys in the area have indicated that the local soils are generally dry to damp, with moisture contents less than approximately one percent and historic groundwater depth is below 50 feet. For these reasons, the liquefaction potential is considered to be low within the project site and surrounding areas. Other geologic hazards, including lateral spreading and seismically induced flooding are also considered to be low.<sup>26</sup> Furthermore, the underlying soils are not prone to shrinking and swelling. Finally, the proposed project site is generally level with a 0 to 5 percent slope and is therefore not prone to landslides according to the University of California at Davis California Soil Resource Database. As a result, the potential impacts in regard to liquefaction, landslides, and other geologic hazards are less than significant.

**B. *Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.***

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California, Davis SoilWeb database, the soils association that underlies the site is the Carcitas fine sand (0 to 5% slope). These soils consist of interbedded sands and gravels though cobbles and boulders are common near hydrologic features. The site lies within an area of moderate to high potential for wind and water erosion.<sup>27</sup>

The proposed project's contractors will be required to adhere to specific requirements that govern wind and water erosion during site preparation and construction activities. Following development, the project site would be paved over and landscaped, which would minimize soil erosion. The project's construction will not result in soil erosion with adherence to those development requirements that restrict storm water runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Since the site is less than one acre, the latter applies to the proposed project.

Prior to initiating construction, contractors must obtain coverage under a NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). The County has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. These BMPs may include

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<sup>25</sup> California Department of Conservation. Information Warehouse: Regulatory Maps. Desert Hot Springs Quadrant. <https://maps.conservacion.ca.gov/cgs/informationwarehouse/>. Website Accessed July 7, 2020.

<sup>26</sup> University of California at Davis. <https://casoilresource.lawr.ucdavis.edu/gmap/>. Website accessed on May 8, 2020.

<sup>27</sup> Ibid.

but not be limited to good housekeeping of work areas, preventing chemical spills from construction equipment during construction activities, retaining storm water runoff during construction activities, and promoting water quality through environmental design. The use of construction BMPs may also be effective in minimizing soil erosion during construction. These BMPs may include, but not be limited to sandbag barriers, stabilized soils through landscaping and rocks, mulch, erosion blankets (mats comprised of organic fibers), surface roughening, and dust control. These soil erosion BMPs will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. As a result, the impacts will be less than significant.

**C.** *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? • Less than Significant Impact.*

The proposed project's construction will not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.<sup>28</sup> The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater since water used for both construction and operations will be transported to the project site by trucks. As a result, the potential impacts are will be less than significant.

**D.** *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.*

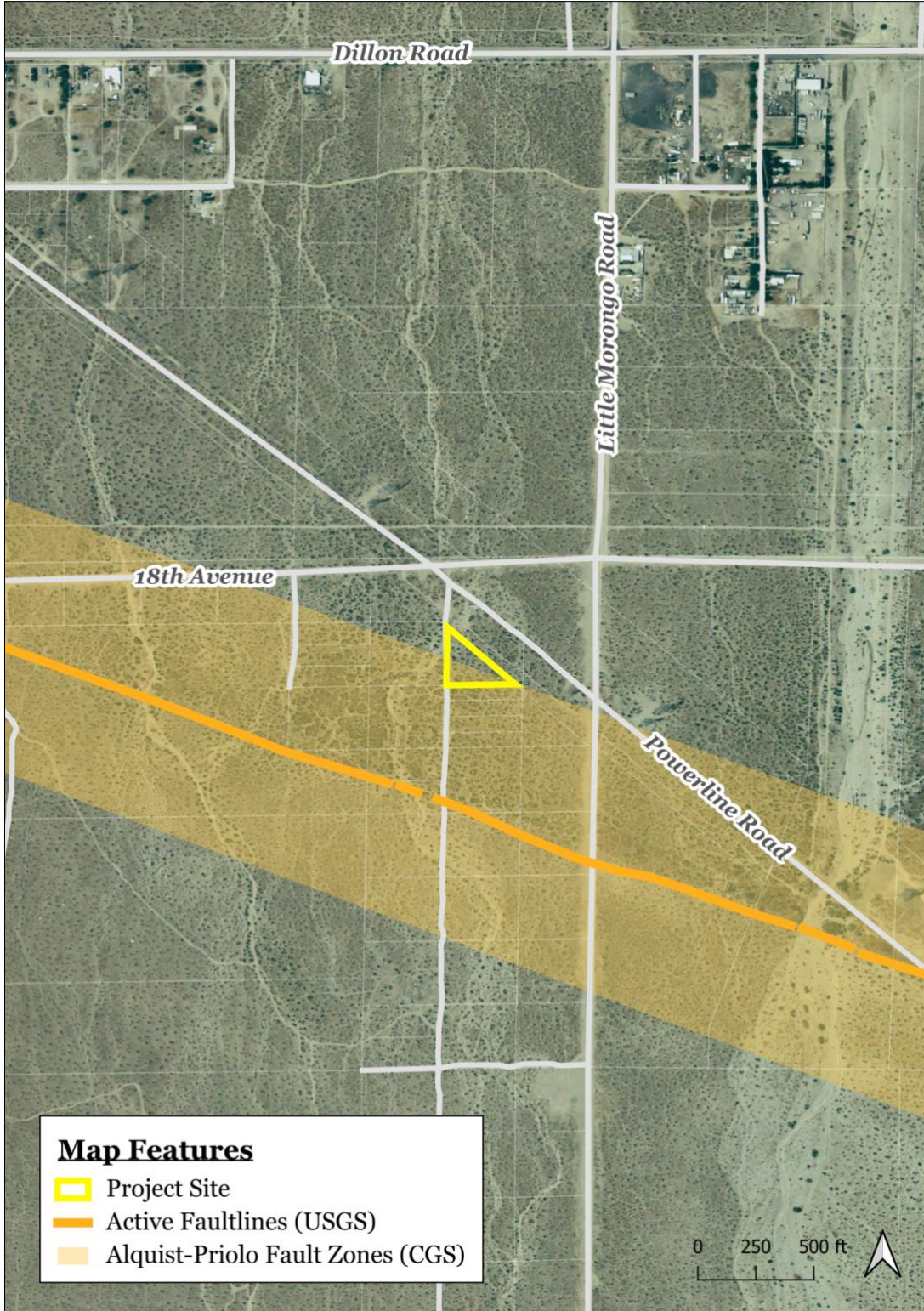
The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California Davis SoilWeb database, the project site is underlain by the Carsitas fine sand Association.<sup>29</sup> According to the U.S. Department of Agriculture, these soils are acceptable for the development of smaller commercial buildings which include those less than three stories tall and without basements, with foundations that are assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.<sup>30</sup> The applicant is required to adhere to all requirements detailed by the USDA, resulting in impacts which will be less than significant.

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<sup>28</sup> United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Riverside California – Palm Spring Area*. Report dated 1978.

<sup>29</sup> UC Davis. *Soil Web*. <https://casoilresource.lawr.ucdavis.edu/gmap/>

<sup>30</sup> United States Department of Agriculture. Natural Resources Conservation Service. Website accessed July 2, 2020. [https://www.nrcs.usda.gov/wps/PA\\_NRCSCconsumption/download?cid=nrcseprd1295676&ext=pdf#:~:text=Small%20commercial%20buildings%20are%20structures,frost%20penetration%2C%20whichever%20is%20deeper.](https://www.nrcs.usda.gov/wps/PA_NRCSCconsumption/download?cid=nrcseprd1295676&ext=pdf#:~:text=Small%20commercial%20buildings%20are%20structures,frost%20penetration%2C%20whichever%20is%20deeper.)



**EXHIBIT 3-3**  
**GEOLOGIC HAZARDS MAP**  
SOURCE: CALIFORNIA GEOLOGICAL SURVEY

**E.** *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? • Less than Significant Impact*

A 1,500-gallon septic tank system will be used to accommodate the proposed project's effluent generation. As indicated previously, the soils that underlie the proposed project site consist of the Carsitas fine sand soils association. According to the USDA, this soil association's for septic tanks is very limited. As a result, special provisions, such as a larger septic tank and holding tank along with the periodic removal of the sludge from the tank must be implemented as opposed to using a leach field, to take into account the solids limitations. Given that this type of equipment is readily available, impacts associated with the use of septic tanks as part of the proposed project's implementation will be less than significant.

**F.** *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • No Impact*

David Brunzell, M.A., RPA oversaw the completion of a paleontological records search for the project site. The geologic units underlying this project are mapped entirely as alluvial sand and gravel deposits dating from the Holocene period. While Holocene alluvial units are considered to be of high preservation value, material found is unlikely to be fossil material due to the relatively modern associated dates of the deposits. However, if development requires any substantial depth of disturbance, the likelihood of reaching earliest Holocene or Late Pleistocene alluvial sediments would increase. The Western Science Center does not have localities within the project area or within a one-mile radius.<sup>16</sup>

While the presence of any fossil material is unlikely, if excavation activity disturbs deeper sediment dating to the earliest parts of the Holocene or Late Pleistocene periods, the material would be scientifically significant. Excavation activity associated with the development of the project area is unlikely to be paleontologically sensitive, but caution during development should be observed. The majority of the site will be graded with the top three to five inches disturbed. In a few places where building footings will be located, the depths will be approximately three to four feet. The majority of the fossil containing sedimentary strata underlies the alluvium layers which, if present, is well below the anticipated depth of any disturbance. As a result, no impacts are anticipated to result.<sup>17</sup>

## **MITIGATION MEASURES**

The analysis determined that the proposed project will not result in significant impacts related to geological impacts or paleontological resources and no mitigation measures are required.

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<sup>16</sup> BCR Consulting, Inc. *Draft Cultural Resources Assessment [for the] Cal Meadows Project The City of Desert Hot Springs, Riverside County, California.* August 25, 2020.

<sup>17</sup>Ibid.



### 3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✘	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✘

#### ENVIRONMENTAL SETTING

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Carbon dioxide equivalent, or CO<sub>2</sub>E, is a term that is used for describing different greenhouses gases in a common and collective unit. Two landmark California bills were recently passed to address climate change and global warming: Assembly Bill-32 and Senate Bill-32.

Assembly Bill 32 (AB 32) requires California to reduce its GHG emissions to 1990 levels by 2020 — a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario. Pursuant to AB 32, the CARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

The *California Global Warming Solutions Act of 2006*, or *SB-32*, is a California Senate bill expanding upon AB-32 to reduce GHG emissions. SB-32 was signed into law on September 8, 2016 establishes mandated reduction targets for GHG emissions. SB-32 requires CARB to reduce greenhouse gas emissions to 40% below the 1990 levels by 2030. This bill gives CARB the authority to adopt regulations in order to achieve the maximum technology feasible to be the most cost-efficient way to reduce greenhouse gas emissions. They are also required to meet these goals in such a way that benefits the state’s most disadvantaged communities as they are “disproportionately impacted” by the effects of climate change, such as drought and flooding.

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.*

The City of Desert Hot Springs General Plan DEIR Update established a 3,000 MTCO<sub>2</sub>E threshold for industrial land uses. As indicated in Table 3-4, the CO<sub>2</sub>E total for the project is 378.91 MTCO<sub>2</sub>E per year when adding operational emissions and amortized construction emissions, which is below the aforementioned thresholds.

**Table 3-4  
 Greenhouse Gas Emissions Inventory**

Source	GHG Emissions (metric tons/year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
Long-Term – Area Emissions	--	--	--	--
Long-Term - Energy Emissions	129.09	--	--	129.65
Long-Term - Mobile Emissions	246.60	0.01	--	246.88
Long-Term - Total Emissions	375.69	0.01	--	376.53
Total Construction Emissions	71.17	0.01	0.00	71.61
Construction Emissions Amortized Over 30 Years				2.38 MTCO <sub>2</sub> E
Operational Emissions w/Amortized Construction				<b>378.91 MTCO<sub>2</sub>E</b>
Significance Threshold				<b>3,000 MTCO<sub>2</sub>E</b>

Furthermore, as mentioned in Section 3.17, Transportation, the projected vehicle trips to and from the site will not be significant given the proposed use. No customers will visit the project site since the new business will be closed to the general public. As a result, the potential impacts are considered to be less than significant.

**B.** *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • No Impact.*

The City of Desert Hot Springs adopted a Climate Action Plan (CAP) in 2013 that included policies and programs that would be effective in reducing GHG emissions within the City. The CAP is based on the directives of the Assembly Bill (AB) 32 and Executive Order (EO) S-3-05 and uses a baseline GHG emission inventory from the Year 2010 to establish the City’s baseline emissions for the purposes of assessing future GHG reduction goals and forecasting GHG emissions in the future. In the Year 2010, the CAP estimated the city’s community-wide GHG emissions were approximately 100,654 MTCO<sub>2</sub>e. Based on this historical emissions profile, the CAP established its annual Year 2020 GHG emission reduction goal to be 64,047 MTCO<sub>2</sub>e, which would require an approximately 48,769 MTCO<sub>2</sub>e decrease from its forecasted scenario for the Year 2020.

To achieve this objective, the CAP included 80 specific measures specifically designed to reduce the City’s GHG emissions. These measures are grouped into the following seven key issue areas: live, work, development, mobility, governance, recreation, and education. The primary objective of the CAP is to reduce GHG emissions pursuant to directives outlined in AB 32 and EO S-3-05 though the other desired objectives associated with the adoption of the CAP include:

- Increasing energy efficiency in local government operations and in community activities;
- Supporting City and community initiatives to increase health and wellness;
- Creating new jobs associated with smart energy management;
- Saving money now being spent for energy and keeping it in the City by establishing a revolving fund



whereby funds derived from municipal energy savings will be available for municipal and community programs to further reduce GHG emissions.

- Maintaining or increasing the comfortable desert lifestyle of residents and visitors alike; and • Bringing Coachella Valley Association of Governments' jurisdictions together for effective regional climate planning.

The proposed project will not be in conflict with the above CAP objectives. In addition, AB-32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28% in "business as usual" GHG emissions for the entire State. Additionally, Governor Edmund G. Brown signed into law Executive Order (E.O.) B-30-15 on April 29, 2015, the Country's most ambitious policy for reducing Greenhouse Gas Emissions. Executive Order B-30-15 calls for a 40% reduction in greenhouse gas emissions below 1990 levels by 2030.<sup>31</sup> The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no potential conflict with an applicable greenhouse gas policy plan, policy, or regulation will occur and no impacts will occur.

### **MITIGATION MEASURES**

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

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<sup>31</sup> Office of Governor Edmund G. Brown Jr. *New California Goal Aims to Reduce Emissions 40 Percent Below 1990 Levels by 2030.*  
<http://gov.ca.gov/news.php?id=18938>.

### 3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✘	
<b>B.</b> Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✘	
<b>C.</b> Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✘
<b>D.</b> Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✘
<b>E.</b> Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✘
<b>F.</b> Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✘
<b>G.</b> Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.*

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story, 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property that has a General Plan zoning designation of Light Industrial. The project’s construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project’s construction phase include, but are not limited to, gasoline, solvents, architectural coatings (paints and thinners), and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. Once operational, the potentially hazardous materials that are often associated with the new development that involves the cultivation of cannabis are outlined below.

- *Mold.* Marijuana production requires increased levels of humidity and this increased humidity in the presence of organic material, promotes the growth of mold. Previous studies of illegal indoor cultivation operations have reported elevated levels of airborne mold spores, especially

during activities such as plant removal by law enforcement personnel. Physiological effects include allergic reactions, hypersensitivity, and anaphylaxis to marijuana.

- *Skin Sensitivity.* Skin contact through personal handling of plant material or occupational exposure has been associated with hives, itchy skin, and swollen or puffy eyes. As with most sensitizers, initial exposure results in a normal response, but over time, repeated exposures can lead to progressively strong and abnormal responses.
- *Carbon dioxide (CO<sub>2</sub>).* CO<sub>2</sub> is used in the marijuana industry to increase plant growth and to produce concentrates. In addition to the liquid gas form, solid carbon dioxide or dry ice can be used for extraction processes. Compressed gases can present a physical hazard and has additional safety regulations that must be adhered to.
- *Carbon monoxide (CO).* CO is a colorless, odorless, toxic gas which interferes with the oxygen-carrying capacity of blood. At elevated concentrations, CO can overcome persons without warning. Sources of carbon monoxide exposure include furnaces, hot water heaters, portable generators/generators in buildings; concrete cutting saws, compressors; forklifts, power trowels, floor buffers, space heaters, welding, and gasoline powered pumps.
- *Indoor Air Quality.* Workers may encounter ozone as a product of the chemical reaction of nitrogen oxides and volatile organic compounds (e.g., terpenes emitted from the marijuana plant) present inside a cultivation facility. Terpenes and nitric oxides are associated with eye, skin, and mucous irritation. Ozone generators may also be found in facilities for odor control. Ozone can cause decreased lung function and/or exacerbate pre-existing health effects, especially in workers with asthma or other respiratory complications.
- *Pesticides.* Cannabis cultivation facilities may have insecticides and fungicides used within the facility. Some pesticides, including pyrethrins and neem oil are non-persistent and have low volatility (neem oil is an organic pest repellent derived from the neem tree). However, these pesticides have been associated with dermal and respiratory toxicity for the workers who apply them. Depending on the pesticide, requirements from 40 CFR Part 170 also known as the EPA's Agricultural Worker Protection Standard or WPS may need to be implemented.
- *Nutrients and Corrosive Chemicals.* Cannabis Cultivation facilities may encounter corrosive chemicals in the mixing of nutrients used for plant growth. Respiratory hazards may also occur from breathing in corrosive vapors or particles that irritate or burn the inner lining of the nose, throat, and lungs.

The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the County of Riverside Fire Department prior to the issuance of the Occupancy Permit. As a result, less than significant impacts will occur.

- B.** *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? • Less than Significant Impact.*

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. Once the facility is operational, the Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the County of Riverside Fire Department prior to the issuance of the Occupancy Permit. As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. As a result, the likelihood of encountering contamination or other environmental concerns during the project's construction or operations will be less than significant.

- C.** *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • No Impact.*

There are no schools located within one-quarter of a mile from the project site. As a result, the proposed project will not create a hazard to any local school and no impacts are anticipated.

- D.** *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? • No Impact.*

A Phase I Environmental Site Assessment was performed for the project site. This assessment has revealed no evidence of Recognized Environmental Conditions in connection with the property. The EDR Report did not identify any sites that would be expected to have a significant negative environmental impact on the subject property. There is no evidence of storage or handling of chemicals on the subject site.<sup>18</sup> Based upon the proposed use and past use of the site, the site is not considered a significant environmental condition. Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.<sup>32</sup> Therefore, no impacts will occur.

- E.** *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.*

The project site is not located within two miles of a public use airport. The nearest airport to the project is the Palm Springs International Airport, located approximately 5.19 miles to the southeast. As a result, the proposed project will not present a safety or noise hazard related to aircraft or airport operations at a public

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<sup>31</sup> Sladden Engineering. Phase I Environmental Site Assessment. September 23, 2019.

use airport to people working in the project site. As a result, no impacts related to this issue will occur.

**F.** *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.*

At no time will any adjacent street be completely closed to traffic during the proposed project's construction. The major potential evacuation routes in the area include Indian Canyon Drive located one mile to the east and the I-10 Freeway located approximately 1.3 miles to the south. These two roadways are located too far from the project site to be affected by construction activities. In addition, all construction staging must occur on-site. As a result, no impacts are associated with the proposed project's implementation.

**G.** *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? • No Impact.*

The project site and the adjacent properties are undeveloped. The project site is not located within a "very high fire hazard severity zone."<sup>33</sup> As a result, no impacts will result.

## **MITIGATION MEASURES**

The analysis of potential impacts related to hazards and hazardous materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✘	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✘	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows?			✘	
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				✘
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.*

The Clean Water Act (CWA) established regulations governing the discharge of pollutants to waters of the U.S. from any point source. The CWA also has established a framework for regulating nonpoint source stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). In the State of California, the State Water Resources Control Board (SWRCB) and nine California Regional Water Quality Control Boards (RWQCBs) administer the regulation, protection and administration of water quality pursuant to the NPDES. Their regulations encompass storm water discharges from construction sites, municipal separate storm sewer systems (MS4s), and major industrial facilities.

The proposed project and the surrounding City of Desert Hot Springs are located within the Whitewater River Watershed in the Colorado River Region (Region 7). As proposed, the project will disturb an area slightly less than one acre. When including the access road, the disturbed area will be slightly over one acre in area and, therefore must comply with the State’s most current Construction General Permit (CGP) (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006- DWQ). Compliance with the CGP involves the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the period of construction. The SWPPP will identify areas of construction activity requiring best management practices (BMPs) and other necessary compliance measures to prevent stormwater runoff pollution. Based on the project location and

setting, the SWPPP is expected to identify temporary sediment track-out prevention devices at the construction entrance/exit points adjacent to Little Morongo Road. Linear sediment barriers would be installed along the construction site perimeter as deemed necessary. Construction activities would also be subject to site maintenance activities, including street sweeping, waste management, material handling and storage.

The proposed project would be required to comply with Rule 403 and 403.1 South Coast Air Quality Management District's (SCAQMD) regulations by implementing a Fugitive Dust (PM<sub>10</sub>) Control Plan. Although implementation of the Fugitive Dust Control Plan largely pertains to air quality, it also supports water quality protection through the requirement of soil stabilization measures to prevent sediment erosion and track out. The concurrent implementation of the required SWPPP and Dust Control Plan plans will minimize or prevent the potential construction-related impacts to water quality at the site and its surroundings, therefore resulting in less than significant impacts. The proposed project will also be required to comply with the Stormwater Management and Discharge Controls pursuant to Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03).

The proposed project's construction will not involve any grading or excavation that will extend into the local aquifer or groundwater. According to the project engineer, the depth to groundwater under the project site is more than 100 feet below the ground surface. In addition, there are no groundwater wells located on the project site. All of the water that will be used onsite during construction and operations will be transported onsite and stored in reservoir tanks. Finally, the project's construction will not disrupt or otherwise affect any natural channel or drainage feature. Compliance with the ordinance will help reduce the level of water runoff and soil erosion impacts to levels that are less than significant.

**B.** *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.*

No new direct construction related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust during construction will be transported to the site via truck. No direct ground water extraction will occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. Water used for indoor irrigation and employee facilities will be transported to the project site and will be stored in an above ground water reservoir tank. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. As a result, the impacts are considered to be less than significant.

**C.** *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows? • Less than Significant Impact.*

The proposed project's location will be restricted to the designated construction site and the project will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is

presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscape parkway areas. The project's construction will not disrupt or otherwise affect any natural channel or drainage feature. The project site has a total land area of 42,689 square feet. Hardscape surfaces will account for 44.4% of the total site area. Landscaping will account for 18.1% of the total site area. The landscaping will be provided around the site's perimeter. Given the site's small size and the amount of open space remaining on the property following development and adherence to the required stormwater retention requirements, the potential impacts will be less than significant.

**D.** *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?* • *No Impact.*

According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the City of Desert Hot Springs, the proposed project site is located in Zone X.<sup>34</sup> Properties located in Zone X are not located within a 100-year flood plain, and therefore are not subject to risk for flood hazards. In addition, the proposed project site is located in an inland area that is not subject to inundation by seiche or tsunami.<sup>35</sup> As a result, no impacts are anticipated.

**E.** *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?* • *No Impact.*

The proposed project's construction and operation will comply with the Stormwater Management and Discharge Controls per Chapter 13.08 of the Desert Hot Springs Municipal Code (Ordinance #1997-03). Compliance with the ordinance will help minimize the discharge and transport of pollutants associated with the new development through the control of volume and rate stormwater runoff, therefore preventing any potential violations or inconsistencies with the local requirements. As a result, the construction impacts will be less than significant. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. As a result, no impacts are anticipated.

## **MITIGATION MEASURES**

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

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<sup>34</sup> Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2020.

<sup>35</sup> Google Earth. Website accessed April 30, 2020.



### 3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✘
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community?* • No Impact.

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story, 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. The proposed project site is zoned for Light Industrial land use, as illustrated in Exhibit 3-4. The surrounding land use designations include the following:

- *North of the Site:* This area north of the project site is zoned primarily for Light Industrial, Commercial, and High-Density Residential, though very few high-residential developments exist at this time and none with in view of the project site. The nearest of these multiple-family residential developments is located approximately 3,900 feet (3/4 mile) from the project site.
- *East of the project site:* Directly to the east of the project site are several vacant parcels which are currently available for future development with zoning designations for Light Industrial land use and cannabis cultivation. Further east lays an open-space floodway that extends for several miles in a north to south direction.
- *South of the project site:* Extending several miles south of the project site, land use is designated entirely for Light Industrial uses.
- *West of the project site:* Vacant parcels located to the west of the project site and are currently available for development and designated entirely for future Light Industrial land use including cannabis cultivation

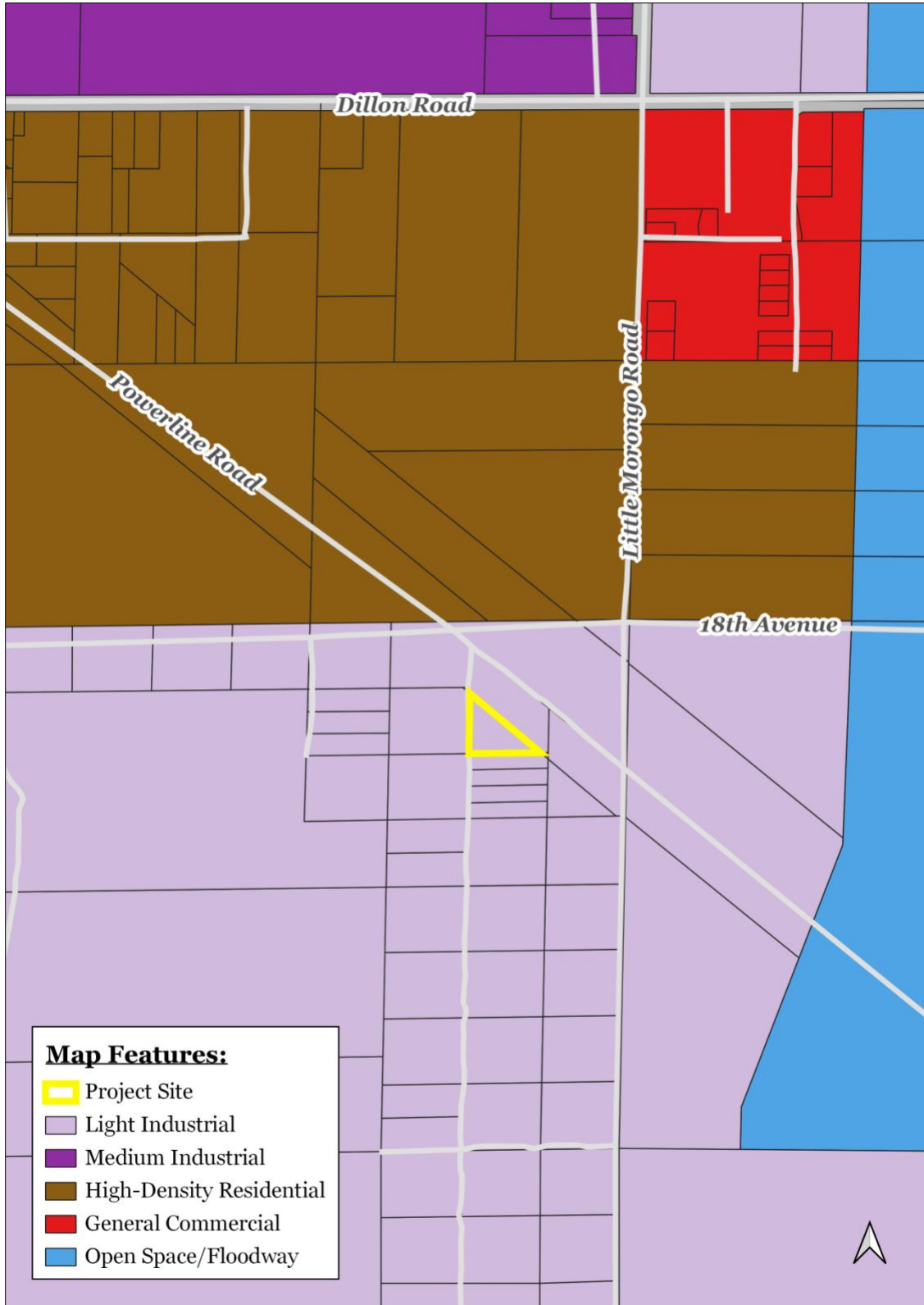
This issue is specifically concerned with the expansion of an inconsistent land use into an established neighborhood. The proposed project will be confined within the project site’s boundaries. The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood and no impacts will occur.

- B.** *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • No Impact.*

The City of Desert Hot Springs permits and regulates Medicinal and Adult Use Cannabis activities in designated zones. Cannabis activity is permitted with a Conditional Use Permit (CUP) only within areas zoned for Light Industrial land use. Because the proposed project site is located within a Light Industrial zoning designation in the southern portion of the City, the proposed use is permitted with the approval of a CUP. As a result, no impacts will occur.

### **MITIGATION MEASURES**

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.



**EXHIBIT 3-4**  
**LAND USE AND ZONING MAP**  
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

### 3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				✘
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? • No Impact.*

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.<sup>36</sup> The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1):* This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2):* This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3):* This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgraded it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4):* This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

The project site is located within Mineral Resource Zone 1 (MRZ-1) within the City of Desert Hot Springs, which indicates that no significant mineral deposits are present in the area and it has been judged that little

<sup>36</sup> California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder.*  
<https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14>.

likelihood exists for their presence.<sup>37</sup> In addition, there are no active mineral extraction activities occurring on-site or in the adjacent properties. As a result, no impacts to mineral resources will occur.

**B.** *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? • No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. Therefore, no impacts will result from the implementation of the proposed project.

## **MITIGATION MEASURES**

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

### 3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✘	
B. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?			✘	
C. For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* • *Less than Significant Impact.*

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. The property has a General Plan and zoning land use designation of Light Industrial. Surrounding vacant desert land is currently available for development and has been designated by the City to include Light Industrial, Commercial, and High-Density Residential land uses, though there are no residential developments within view of the project site. The nearest residential land use is located approximately 3,900 feet (¾ mile) to the north of the project site. The nearest commercial developments along the unpaved portion of Little Morongo Road include an auto repair shop and tow yard, and a masonry warehouse with a large outdoor storage area.

The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.<sup>38</sup> Noise levels that are associated with common, everyday activities are illustrated in Exhibit 3-5.

Once in operation, the proposed project will not significantly raise groundborne noise levels. Slight increases in groundborne noise levels could occur during the construction phase. The limited duration of construction activities and the City’s construction-related noise control requirements will reduce the potential impacts to levels that are less than significant. Furthermore, there are no sensitive receptors or noise sensitive land uses located near the project site. As a result, the impacts will be less than significant.

**B. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? • Less than Significant Impact.***

Once in operation, the proposed project will not significantly raise groundborne noise levels. Slight increases in groundborne noise levels could occur during the construction phase. The limited duration of construction activities and the City's construction-related noise control requirements will reduce the potential impacts to levels that are less than significant. Furthermore, there are no sensitive receptors or noise sensitive land uses located near the project site. The nearest sensitive receptors are located approximately 3,900 feet (¾ mile) to the north of the project site. As a result, the impacts will be less than significant.

**C. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.***

The project site is not located within an airport land use plan and is not located within two miles of a public airport or public use airport. The nearest airport to the project is the Palm Springs International Airport, located approximately 5.19 miles to the southeast.<sup>39</sup> The proposed use is not considered to be a sensitive receptor and no sensitive receptors are located adjacent to the project site. The nearest sensitive receptors are located approximately 3,900 feet (¾ mile) to the north of the project site. As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses. As a result, no impacts will occur.

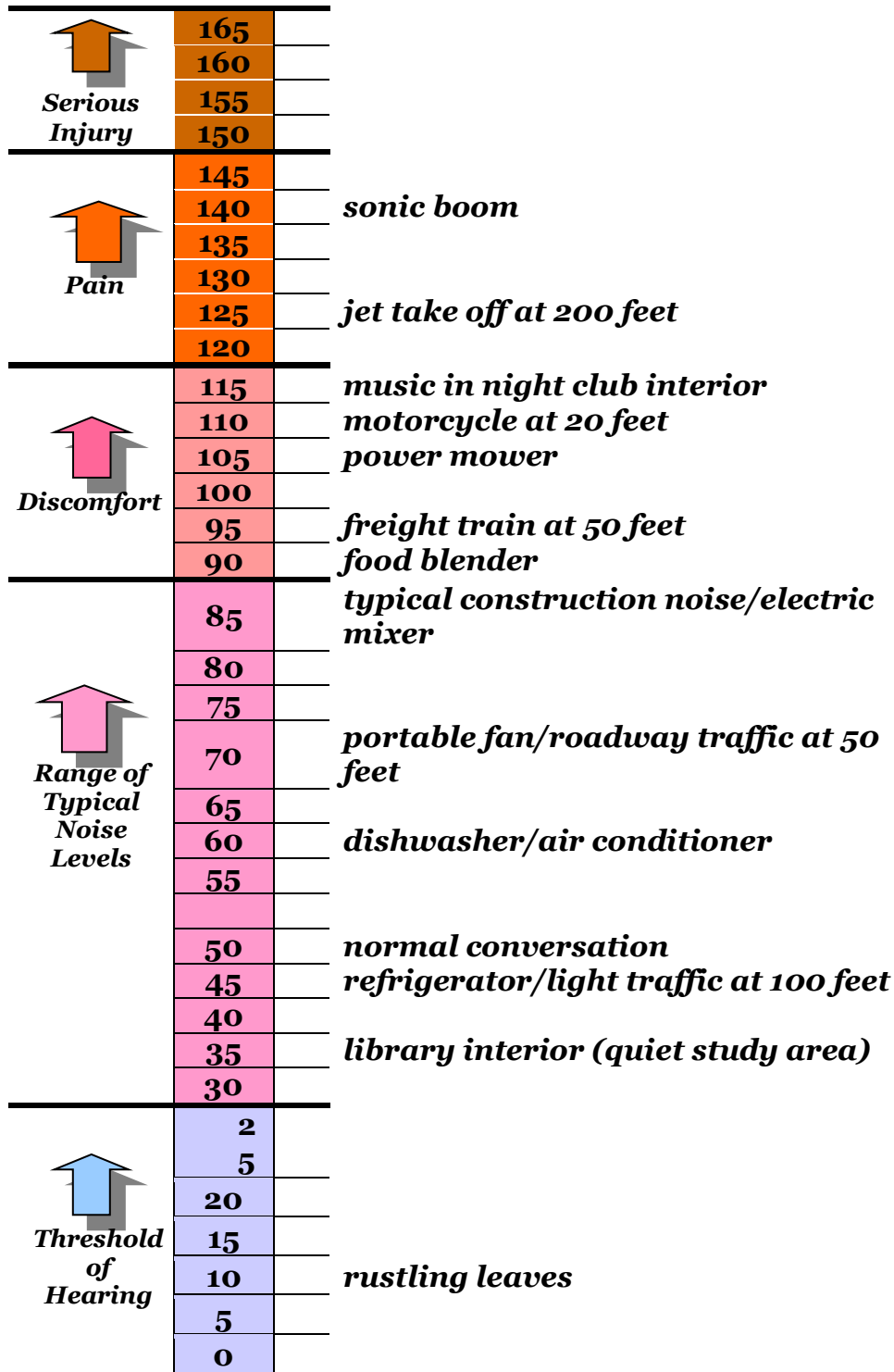
## **MITIGATION MEASURES**

The analysis of potential noise impacts indicated that no significant adverse impacts would result from the proposed project's construction and operation. As a result, no mitigation measures are required.

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<sup>39</sup> Google Earth. Website Accessed April 30, 2020.

**Noise Levels – in dBA**



**EXHIBIT 3-5  
TYPICAL NOISE SOURCES AND LOUDNESS SCALE**

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



### 3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✘
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* • *No Impact.*

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is currently vacant and unoccupied, but all land use surrounding the property has been previously designated as Light Industrial zoning by the City of Desert Hot Springs.
- *Extension of roadways and other transportation facilities.* Future roadway and infrastructure connections will serve the proposed project site only. The existing roadways that are located in the vicinity of the project site are unimproved (unpaved).
- *Extension of infrastructure and other improvements.* The installation of any new utility lines will not lead to subsequent offsite development since these utility lines will serve the site only. At present, there are no public water or sewer utility lines within the immediate area of the project site. The project’s potential utility impacts are analyzed in Section 3.19.
- *Major off-site public projects (treatment plants, etc.).* The project’s increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants. The project’s potential utility impacts are further described in Section 3.19.
- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project will result in a limited increase in employment which can be accommodated by the local labor market. The cultivation facility is projected to employ 15-20 persons per shift. The hours of on-site operations for the proposed new development will be Monday through Friday, 8:00 AM to 5:00 PM. The project Applicant will be required to pay all required development impact fees mandated

under Chapter 17.144 – Development Impact Fees of the City of Desert Hot Springs Municipal Code.

- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed project will utilize existing roadways and infrastructure. The new road improvements and utility lines that will be provided will serve the project site only and will not extend into undeveloped areas and will not result in unplanned growth. Therefore, no impacts will result.

- B.** *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?* • *No Impact.*

The project site is vacant and unoccupied. This property and surrounding areas have a General Plan and zoning designations of Light Industrial. No housing units will be permitted and none will be displaced as a result of the proposed project's implementation. Therefore, no impacts will result.

### **MITIGATION MEASURES**

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p>A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for: fire protection; police protection; schools; parks; or other public facilities?</p>			<p>×</p>	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in fire protection; police protection; schools; parks; or other public facilities? • Less than Significant Impact.*

#### Fire Department

The City of Desert Hot Springs contracts fire protection services with the Riverside County Fire Department from two fire stations located within the City limits. The Fire Department currently reviews all new development plans. The proposed project will be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow (or the flow rate of water that is available for extinguishing fires). The proposed project would only place an incremental demand on fire services since the project will be constructed with strict adherence to all pertinent building and fire codes. In addition, the proposed project would be required to implement all pertinent Fire Code Standards including the installation of fire hydrants and sprinkler systems inside the buildings. Furthermore, the project will be reviewed by City and Fire officials to ensure adequate fire service and safety as a result of project implementation. The project will also be required to comply with the City’s Development Impact Fees (DIF) requirements to assist in the funding public facilities and services, including fire. As a result, the potential impacts to fire protection services will be less than significant.

#### Law Enforcement

Law enforcement services within the City are provided by the City of Desert Hot Springs Police Department (DHSPD), which serves the community from one police station located at 65950 Pierson Blvd. The DHSPD will review security and site plans to ensure the proposed project conforms to the Department’s security regulations. The proposed project will not be open or be accessible to the general public. On-site security will include security personnel, gates, cameras, and detailed background checks of employees. The facility will be closed to the public at all times. Non-employees will only be allowed to enter the facility with a

permitted escort. Two full-time security guards will be stationed at the facility 24 hours a day, seven days a week. The proposed facility will also be required to comply with the DHSPD requirements along with the City's DIF regulations. As a result, the potential impacts to law enforcement services will be less than significant.

### **Schools**

The proposed project site is located within the attendance boundaries of the Palm Springs Unified School District (PSUSD). The proposed project will not involve any development and/or uses that could potentially affect school enrollments. The proposed project will not directly result in an increase in population and therefore will not create a significant incremental demand for school services. In addition, the proposed project will be required to pay all pertinent development fees, \$0.61 per square foot for nonresidential development, to the PSUSD. As a result, less than significant impacts on school services will result from the proposed project's implementation.

### **Recreational Services**

The proposed project will not result in any local increase in residential development which could potentially impact the local recreational facilities. As a result, no significant impacts on parks will result from the proposed project's implementation.

### **Governmental Services**

The proposed project will not create direct local population growth which could potentially create demand for other public facilities. As a result, less than significant impacts will result from the proposed project's implementation.

### **MITIGATION MEASURES**

The analysis of public service impacts indicated that no significant adverse impacts are anticipated and no mitigation is required with the implementation of the proposed project.

### 3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✘
<b>B.</b> Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • *No Impact.*

The City of Desert Hot Springs Parks and Recreation Department maintains seven parks with a total land area 28.9 acres. There are no parks located within two miles of the proposed project site. The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story, 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. The General Plan zoning for the project site and surrounding land areas is designated as Light Industrial. Due to the industrial nature of the proposed project, no significant increase in the use of City parks and recreational facilities is anticipated to occur. No parks are located adjacent to the site. In addition, no public park is located within one mile of the project site. The proposed project would not result in any improvements that would potentially significantly physically alter any public park facilities and services. As a result, no impacts are anticipated.

**B.** *Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* • *No Impact.*

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the City. No such facilities are located adjacent to the project site and, as a result, no impacts will occur.

#### MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project’s approval and subsequent implementation. As a result, no mitigation measures are required.

### 3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✘	
<b>B.</b> Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✘	
<b>C.</b> Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✘	
<b>D.</b> Would the project result in inadequate emergency access?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A.** *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.*

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story, 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. General Plan zoning for the project site and surrounding areas is designated for Light Industrial land use. Public transit service in the City and surrounding area is provided by the Sunline Transit Agency (Sunline). Sunline operates the Sunbus with two routes (Route 14 and Route 20) in the nearby areas that travel along Palm Drive. Palm Drive is located approximately 1.5 miles to the east of the project site. There are no sidewalks or other pedestrian facilities in the immediate area of the project site. The site plan also calls for the installation of three bicycle racks in the northern portion of the site just next to the trash enclosure.

The existing roadways in the vicinity of the project site include 18<sup>th</sup> Avenue located approximately 275 feet north of the project site and Little Morongo Road, located approximately 400 feet east of the project site. Both of these roadways are currently unpaved. Access to the project site will be provided by a new future improved asphalt road with curbs and gutters that would be located along the site’s west side continuing north to 18<sup>th</sup> Avenue. A new sidewalk will also be provided along the property’s westerly frontage. The approximate linear length of the new roadway would be 650 feet.

The proposed project’s parking demand will be provided by 32 standard parking spaces along with 2 ADA-compliant parking stalls which exceeds the City’s requirements. Access to the project site will be provided by a new future improved asphalt road with curbs and gutters that would be located along the site’s west side continuing north to 18<sup>th</sup> Avenue. The approximate linear length of the new roadway would be 650 feet. Two gated driveway connections would be provided to this new improved roadway. A new sidewalk will also be provided along the property’s westerly frontage.

As indicated herein in Section 2.4.3, the proposed project will be constructed in four phases that would occur over a six-month period. The first two phases (Phase 1 and Phase 2) would involve grading and would require heavy equipment such as graders and excavators to be transported to the site. During Phase 3 the building would be erected and during this phase, building materials and the majority of the construction workers would travel to and from the work site. Finally, during Phase 4, the site would be paved, the building would be painted, and the landscaping. Based on the CalEEMod air quality computer model, approximately 46 average daily construction trips (employees, equipment, and supplies) would occur on a daily basis.

The key operational assumptions used in determining potential daily traffic generation are summarized below:

- The proposed project will operate the cannabis cultivation facility from 8:00 AM to 5:00 PM, Monday through Friday. A total of four to five full-time employees, including the security guards, will be on-site each day.
- The facility will be closed to the public at all times. Non-employees such as vendors, delivery persons, and maintenance personnel, will only be allowed to enter the facility with a permitted escort.
- Two full-time security guards will be stationed at the facility 24 hours a day, seven days a week.

The total trip generation assumed 10 trip ends (5 round trips) per day for the employees and 4 trip ends (2 round trips) per day for the vendors and commercial deliveries and pick-ups. The vendor trips and commercial delivery trips would total 14 round trips per week and include supply deliveries, maintenance vehicles, waste removal, water deliveries, and other scheduled trips. A maximum of 14 trip ends (7 round trips) per day are anticipated for the proposed project per day. As a result, the impacts will be less than significant.

**B. *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.***

CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The proposed project is not a transportation project. As a result, no impacts on this issue will result. CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. As previously mentioned in Subsection A, the proposed project will not create a significant amount of traffic in the surrounding area or result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines. As a result, the impacts will be less than significant.

**C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.***

Access to the project site will be provided by a new future improved asphalt road with curbs and gutters that would be located along the site's west side continuing north to 18<sup>th</sup> Avenue. A new sidewalk will also be provided along the property's westerly frontage. The approximate linear length of the new roadway would be 650 feet. Two gated driveway connections would be provided to this new improved roadway. The design

of driveways and the new access road will be based on City Code, which sets standards for such design.<sup>19</sup> The proposed project will not expose future residents to dangerous intersections or sharp curves and the proposed project will not introduce incompatible equipment or vehicles to the adjacent roads. Adequate gap time and sight distance is available along 18th Avenue and Little Morongo Road. As a result, the potential impacts will be less than significant.

**D.** *Would the project result in inadequate emergency access? • No Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction will adjacent streets be completely closed to traffic. All construction staging must occur on-site. The Fire Department currently reviews all new development plans. The proposed project will be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks and emergency access requirements. As a result, no impacts are associated with the proposed project's implementation.

### **MITIGATION MEASURES**

The analysis of potential impacts related to traffic and circulation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.



### 3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p><b>A.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe5020.1(k)?</p>			<p>×</p>	

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A.** *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? • Less than Significant Impact.*

A Tribal Cultural Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

The project site is situated within the traditional boundaries of the Cahuilla, who belong to the Cupan group of the Takic subfamily of languages. Like other Native American groups in Southern California, they practiced semi-nomadic, hunter-gatherer subsistence strategies, and commonly exploited seasonably available plant and animal resources. Spanish missionaries were the first outsiders to encounter these groups during the late 18th century. The Cahuilla are generally divided into three groups: the Desert Cahuilla, the Mountain Cahuilla, and the Western (or Pass) Cahuilla. The distinctions are believed to be primarily geographic, although linguistic and cultural differences may have existed to varying degrees.

During the field survey, BCR Consulting staff carefully inspected the project site and identified no cultural resources within its boundaries. Surface visibility was approximately 60 percent within the project site. Sediments consisted of rocky, silty sand containing poorly sorted gravels. The property has been subject to severe disturbances related to excavation for adjacent utility access roads, off-road vehicle use, and modern trash dumping. Vegetation was dominated by creosote and seasonal grasses. No cultural resources (including prehistoric or historic-period archaeological sites or historic buildings) were identified within the project site boundaries during the pedestrian cultural resources field survey. Preliminary results indicate that cultural resources (including prehistoric or historic-period archaeological sites or historic buildings) are not likely within the project site.

On June 26, 2020 AB 52 notification letters were sent to 10 Native American tribal governments or designated tribal representatives via certified mail. Of the 10 tribes or tribal representatives (in some cases multiple letters were sent to representatives of the same tribe), three responses were received.

Responses and consultation requests were received from the following tribes:

- Morongo Band of Mission Indians (July 8, 2020): A response was received by Tribal Historic Preservation Office, Ann Brierty, indicating that Mr. Travis Armstrong has departed the Tribe and requested all information be rerouted to Ms. Brierty’s contact information. On September 16, 2020, Mr. Brierty stated that the project is not located within the boundaries of the Morongo Reservation but is within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. Mr. Brierty requested any documentation prepared to be forwarded to begin meaningful consultation. The Sacred Lands request was forwarded to Ms. Brierty on September 17, 2020. Available times and dates to conduct formal consultation was provided on September 18, 2020. The completed Cultural Resources Assessment was forwarded to Ms. Brierty on September 23, 2020. No questions or responses were received from Ms. Brierty on the availability for a conference call to conduct consultation.
- Agua Caliente Band of Cahuilla Indians (July 16, 2020): The Tribe stated that the project area is not located within the boundaries of the ACBCI Reservation but is within the Tribe’s Traditional Use Area. The Agua Caliente Band of Cahuilla Indians requested formal government to government consultation and requested any prepared technical reports and

data regarding the project such as a cultural resources inventory, a copy of the records search with associated survey reports and site records, copies of reports and site records, and requested the presence of an approved Agua Caliente Native American Cultural Resources Monitor during ground disturbing activities (including archaeological testing and surveys). A conference call was scheduled with Tribal Historic Preservation Officer Patricia Garcia-Plotkin on August 21, 2020 to discuss the project. A follow up was sent on August 28, 2020. A second set of availability was sent on September 18, 2020 to schedule consultation to discuss the project, along with other projects that the Tribe received in the earlier months. This call was scheduled on September 23, 2020 due to the limitations from the pandemic. Ms. Plotkin indicated that the Tribe would provide recommendations in writing regarding the appropriate mitigation language to address their concerns. In addition to a follow up request being sent to Ms. Plotkin on October 9, 202, a copy of the proposed standard environmental/tribal mitigation conditions from Tribal Historic Preservation Officer Joseph Ontiveros from the Soboba Band of Luiseno Indians also was provided to Ms. Plotkin on October 16, 2020 for review and comment. On October 23, 2020, the Tribe reviewed the documents and have provided the following comments:

- At this time the concerns of the ACBCI THPO have been addressed and proper mitigation measures have been proposed to ensure the protection of tribal cultural resources. This letter shall conclude our AB52 consultation efforts.
  - Before ground disturbing activities begin please contact the Tribal Historic Preservation Office at ACBCI-THPO@aguacaliente.net to arrange cultural monitoring.
- Soboba Band of Luiseño Indians (August 15, 2020): An email was received from Ms. Jessica Valdez from the Tribe to request consultation. When scheduling a consultation call for another project on August 17, 2020, it was agreed that the consultation call will include a discussion of this project along with other projects that the Tribe received notification for in the earlier months. A follow up was sent to Mr. Ontiveros on August 21, 2020 and September 18, 2020 to schedule a consultation call for the project. Mr. Ontiveros submitted a response on September 24, 2020 to initiate formal consultation. On September 28, 2020, Mr. Ontiveros received a date and time of availability. A conference call was scheduled with Joseph Ontiveros to discuss the project, along with other projects that the Tribe received in the earlier months. This call was scheduled on October 6, 2020 due to the limitations from the pandemic. On October 14, 2020, Mr. Ontiveros forwarded the proposed standard environmental/tribal mitigation conditions. The proposed standard environmental/tribal mitigation conditions received would be relevant to the other projects in process with the City. The language was forwarded to the Agua Caliente Band of Cahuilla Indians for comment on October 16, 2020. Receiving no comments from the Agua Caliente Band of Cahuilla Indians, Mr. Ontiveros was notified on October 29, 2020 that no comments have been received. On November 9, 2020, a letter was sent to Mr. Ontiveros to confirm the consultation process is concluded.

Pursuant to PRC 21080.3.1(d), each tribal government or representative was given 30 days upon receipt of the AB 52 notification letter to provide a request for consultation on the Project. Three of the 10 tribal representatives responded to the initial notification letter, with two requesting consultation and additional reports. No additional responses or requests were received. The City of Desert Hot Springs, as lead agency, has fulfilled its obligations under AB 52 to engage in tribal consultation with all other tribal governments.

## MITIGATION MEASURES

The analysis of potential cultural resources impacts recommended the following mitigation measure:

*Mitigation Measure No. 1 (Cultural Resources).* The applicant/developer shall adhere to all mitigation measures and monitoring program requirements mandated by the City of Desert Hot Springs.

*Mitigation Measure No. 2 (Cultural Resources)* If the project involves any ground disturbance Applicant / Developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.

*Mitigation Measure No. 3 (Cultural Resources)* The applicant/developer shall provide tribe(s) which have initiated formal consultation under AB 52 the following:

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

*Mitigation Measure No. 4 (Cultural Resources)* The applicant/developer shall have on site during any ground disturbing activities (including archeological surveys) a designated Cultural Resource / Tribal Monitor(s) from the consulting tribe(s) which have initiated formal consultation under AB 52. Should buried cultural resource be encountered, the Monitor(s) may request that desiccative construction halt and the Monitor(s) shall notify a Qualified Archeologist to investigate and, if necessary, prepare a mitigation plan for submission to each of the consulting Tribal Preservation Office's.

*Mitigation Measure No. 5 (Cultural Resources).* In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor(s) shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with state regulations relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native

American Heritage Commission in accordance with California Public Resources Code 5097.98. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

*Mitigation Measure No. 6 (Cultural Resources)* Prior to grading permit issuance: If there are any changes to project site design and/or proposed grades, the Applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, Applicant, and consulting tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.

*Mitigation Measure No. 7 (Cultural Resources)* Archaeological Monitoring: The Developer, the City and the consulting tribe(s) shall develop an archaeological monitoring plan to address details, timing and responsibilities of all archaeological activities that will occur at the project site, when it is determined by either the city or the consulting tribe(s) to be necessary. Details of the plan may include:

- e) Project grading and development scheduling;
- f) The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
- g) The protocols and stipulations that the Developer, City of Desert Hot Springs, the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
- h) Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts.

*Mitigation Measure No. 8 (Cultural Resources)* Treatment and Disposition of Cultural Resources: In the event that Native American cultural resources, items of cultural patrimony, or Tribal Cultural Resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:

- c) Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project

archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and

- d) Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
- iv. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
  - v. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
  - vi. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.

At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the consulting tribes and Eastern Information Center and interested tribes.

### 3.19 UTILITIES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✘	
<b>B.</b> Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✘	
<b>C.</b> Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✘	
<b>D.</b> Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✘	
<b>E.</b> Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?				✘
<b>F.</b> Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

- A.** *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*
- *Less than Significant Impact.*

The City of Desert Hot Springs is reviewing an application submitted by Cal Meadows Development for the construction of a two-story, 25,641 square-foot cannabis cultivation facility within a 0.98-acre (42,689 square-foot) property. The project's implementation will not require the relocation of any utilities. The project site is not currently served by City water or sewer utilities. A new 1,500-gallon water tank will be installed on-site to provide water supplies for the operation of the cannabis cultivation facility. In addition, the proposed project will be equipped with a new 1,500-gallon septic tank and 1,500-gallon holding tank system to accommodate future wastewater. Potable water used by employees as well as water used for irrigation and maintenance will be drawn from the holding tank system. Wireless telecommunications services are available from a number of service providers. The site is served by electrical power from Southern California Edison (SCE) with above ground power lines located along Powerline Road and Little Morongo Road. Connections to these existing above ground power lines are anticipated. The Applicant may also install natural gas generators to supply auxiliary and/or back up power. As a result, the potential impacts are will be less than significant.

- B.** *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? • Less than Significant Impact.*

The Mission Springs Water District provides water service and wastewater service to approximately 28,885 residents of the City of Desert Hot Springs. The MSWD is responsible for providing adequate water services to the majority of the City. According to the Desert Water Agency's 2015 Urban Water Management Plan, the City of Desert Hot Springs is projected to have an adequate supply of water to meet the increase in demand. In addition, the City is projected to have enough water to meet demand during a single dry year, and a multiple dry year scenario.<sup>40</sup>

The project site is not currently served by City water or sewer utilities and will therefore be equipped with a 1,500-gallon potable water holding tank that would be installed on-site to provide water supplies for the operation of the cannabis cultivation facility, including all crop irrigation and employee uses. The daily water consumption for the proposed indoor plant cultivation area would equal approximately 0.096 gallons per day per square foot (multiplied by 7,500 square feet of growing area), for a total of 720 gallons per day. Other water uses including employee restrooms and break areas would potentially use 3 to 5 gallons of water per day for 15-20 employees, translating into a maximum of 100 gallons per day. This would result in a total operational water consumption of 820 gallons per day. To accommodate this demand, potable water deliveries would be required to recharge the holding tank once every two or three days. As a result, the impacts will be less than significant.

- C.** *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.*

The project site is not currently served by City water or sewer utilities and will therefore be equipped with a new 1,500-gallon septic tank and 1,500 holding tank system to accommodate all future wastewater and treatments for the proposed cannabis cultivation facility, including all crop irrigation and employee wastewater generation. As a result, the impacts to the City's wastewater treatment system will be less than significant. As indicated previously, the estimated daily water consumption for the proposed indoor plant cultivation area would equal approximately 0.096 gallons per day per square foot (multiplied by 7,500 square feet of growing area), for a total of 720 gallons per day. Other water uses including employee restrooms and break areas would potentially use 3 to 5 gallons of water per day for 15-20 employees, translating into a maximum of 100 gallons per day. This would result in a total operational water consumption of 820 gallons per day. The effluent would be estimated to be approximately 1000 gallons per day and would be disposed of treated using the septic tank system. To accommodate this demand, potable water deliveries would be required to recharge the holding tank once every two or three days. As a result, the impacts will be less than significant.

- D.** *Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.*

The cannabis waste will be controlled using a "track and trace" system. The California Cannabis Track-and-Trace (CCTT) system is the program used statewide to record the inventory and movement of cannabis and

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<sup>40</sup> Desert Water Agency. 2015 Urban Water Management Plan. Report dated June 22, 2016.



cannabis products through the commercial cannabis supply chain from cultivation to sale or disposal of waste products. Metrc is the track-and-trace system software used by the State of California to track commercial cannabis activity and movement across the distribution chain. Licensees are required to submit data to the state's cannabis tracking system, and will be required to maintain records and logs as identified in the regulations set forth by the Bureau of Cannabis Control (BCC), California Department of Public Health (CDPH), and the California Department of Food and Agriculture (CDFA). In addition, licensed waste haulers must remove the organic waste. Other conventional solid waste may be handled by commercial waste disposal companies. As a result, the potential impacts are will be less than significant.

*E. Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals? • No Impact.*

The proposed project, like all other development in Riverside County and the City of Desert Hot Springs, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

*F. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.*

The proposed project, like all other development in Riverside, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

## **MITIGATION MEASURES**

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

### 3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>A.</b> If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✘
<b>B.</b> If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✘
<b>C.</b> If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✘
<b>D.</b> If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✘

#### ANALYSIS OF ENVIRONMENTAL IMPACTS

**A.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The project site is located in the midst of a rural area, though it is not included within a designated high-risk zone by CalFire. Improved and unimproved streets serve the project site and the surrounding area. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction will adjacent roads be completely closed to traffic. All construction staging must occur on-site. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be used in the event of a wildfire. As a result, no impacts will occur.

**B.** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.*

The proposed project site may be exposed to particulate emissions generated by wildland fires in the mountains (the site located approximately 10 miles north of the San Jacinto Mountains and 7 miles south of the Little San Bernardino Mountain ranges). However, the potential impacts would not be exclusive to

the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. As a result, no impacts will occur.

*C. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.*

The project site is not located in an area that is classified as a high fire risk, and therefore will not require the installation of specialized infrastructure such as *fire roads, fuel breaks, or emergency water sources*. As a result, no impacts will occur.

*D. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The surrounding areas are sparsely developed. The site's topography is also level and there are no hillsides located in the immediate area. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes and no impacts will occur.

## **MITIGATION MEASURES**

The analysis of wildfires impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

### 3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p><b>A.</b> Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>		<p>✘</p>		
<p><b>B.</b> Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>				<p>✘</p>
<p><b>C.</b> Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>✘</p>

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- A.** The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory with implementation of the discussed mitigation measures. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.
- B.** The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The proposed project is relatively small and the attendant environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
- C.** The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

## SECTION 4 CONCLUSIONS

### 4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

### 4.2 MITIGATION MONITORING

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of Desert Hot Springs can make the following additional findings: a mitigation monitoring and reporting program will not be required.

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## SECTION 5 REFERENCES

### 5.1 PREPARERS

Blodgett Baylosis Environmental Planning  
16388 Colima Road, Suite 206J  
Hacienda Heights, CA 92240  
(626) 336-0033

Marc Blodgett, Project Principal  
Jessica Golden, Project Manager

### 5.2 REFERENCES

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