

Draft Initial Study and Mitigated Negative Declaration

Conditional Use Permit 20-10
Nathan Prenk
Industrial Project
On APN 665-040-021

Prepared for:

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



Prepared by:

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TABLE OF CONTENTS

<i>Title</i>	<i>Page No.</i>
<i>Chapter 1 – Introduction</i>	
1.1 Purpose and Authority.....	3
1.2 Determination.....	4
1.3 Authority to Prepare a Negative Declaration.....	4
1.4 Public Review Process.....	4
<i>Chapter 2 – Project Summary</i>	
2.1 Project Location.....	5
2.2 Project Description.....	8
2.3 Mitigation Monitoring Program.....	11
<i>Chapter 3 – Environmental Checklist Form.....</i>	22
<i>Chapter 4 – Discussion of Environmental Impacts.....</i>	37
<i>Appendices</i>	
Appendix A – Air Quality Model Output	
Appendix B – Fuel Consumption	
Appendix C – Greenhouse Gas Emissions Model Output	
Appendix D – Project Plans	



CHAPTER ONE – INTRODUCTION

1.1 Purpose and Authority

This Initial Study and Mitigated Negative Declaration have been prepared for the development of Conditional Use Permit (CUP) 20-10, Industrial Project on APN 665-040-021 (Proposed Project) in accordance with Section 17 of the Municipal Code. The City of Desert Hot Springs adopted Ordinance No. 552 and 553 pertaining to the regulation of cannabis cultivation facilities. Ordinance No. 552 is codified in Chapter 5.50 and Ordinance No. 553 is codified in Chapter 17.180 of the Desert Hot Springs Municipal Code. The facilities permitted under these ordinances include cannabis dispensaries and cannabis cultivation facilities that are owned and operated by bona fide non-profit organizations, such as a cooperative or a collective. These facilities are subject to the provisions of the Compassionate Use Act of 1996 (California Health and Safety Code Sections 11362.7 through 11362.83), the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Growth for Medical Use (issued in August 2008), the Medicinal and Adult Use Cannabis Regulation and Safety Act enacted June 27, 2017, and any future state laws pertaining to cultivating and dispensing cannabis, such as State Assembly Bill 266 (AB 266), if adopted.

The City of Desert Hot Springs allows for the cultivation of marijuana for medical use within Industrial Districts with approval of a Conditional Use Permit (CUP) and Cannabis Regulatory Permit. The Proposed Project is located in an area with a qualifying Industrial (I) land use designation with an Industrial Cannabis Overlay. Cannabis cultivation is only permitted in the interior of enclosed structures, facilities, and buildings. Cultivation operations, including all marijuana plants at any stage of growth, shall not be visible from the exterior or any structure, facility, or building containing cultivation of cannabis.

The Proposed Project would develop an approximately 5,296 square-foot (sf) facility on a 0.3 acre site for the indoor cultivation of cannabis. The proposed building would include installation of offices, restrooms, a storage room, seven (7) flower rooms, a fertigation room, vegetation room, drying/curing room, extraction room, and packaging/labeling room. Fertigation is the injection of fertilizers into the drip water irrigation system. The Proposed Project would include six (6) parking stalls on the western side of the project site. The project site would be surrounded by drought-tolerant landscaping and a controlled-access perimeter security fence. The estimated construction start date is March 2021 and construction would be completed in six months.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq. The City of Desert Hot Springs would serve as the lead agency pursuant to CEQA.



1.2 Determination

This Initial Study determined that development of the Proposed Project would not have a significant impact on the environment with the implementation of mitigation measures (see Table 2-1 in Section 2.3, below). A Mitigated Negative Declaration is proposed.

1.3 California Environmental Quality Act (CEQA) Authority to Prepare a Mitigated Negative Declaration

This Draft Mitigated Negative Declaration (DMND) has been prepared by the City of Desert Hot Springs as lead agency and is in conformance with Section 15070, Subsection (a), of the State of California Guidelines for Implementation of CEQA. The purpose of the DMND and the Initial Study Checklist was to determine whether there were potentially significant impacts associated with development of the Proposed Project.

1.4 Public Review Process

In accordance with CEQA, a good faith effort has been made during the preparation of this DMND to contact affected agencies, organizations, and persons who may have an interest in this Proposed Project. The DMND has been sent to the Riverside County Clerk, responsible agencies, and advertised in *The Desert Star Weekly*. The DMND will also be posted on the City of Desert Hot Springs website.



CHAPTER TWO – PROJECT DESCRIPTION

2.1 Project Vicinity

The Proposed Project would develop a 5,296 sf facility on an approximately 0.3 acre north of Palomar Lane and east of Little Morongo Road in the City of Desert Hot Springs, California. The site is surrounded by vacant undisturbed desert habitat.

Total Project Area: 0.3 acre

Assessor's Parcel Number: 665-040-021

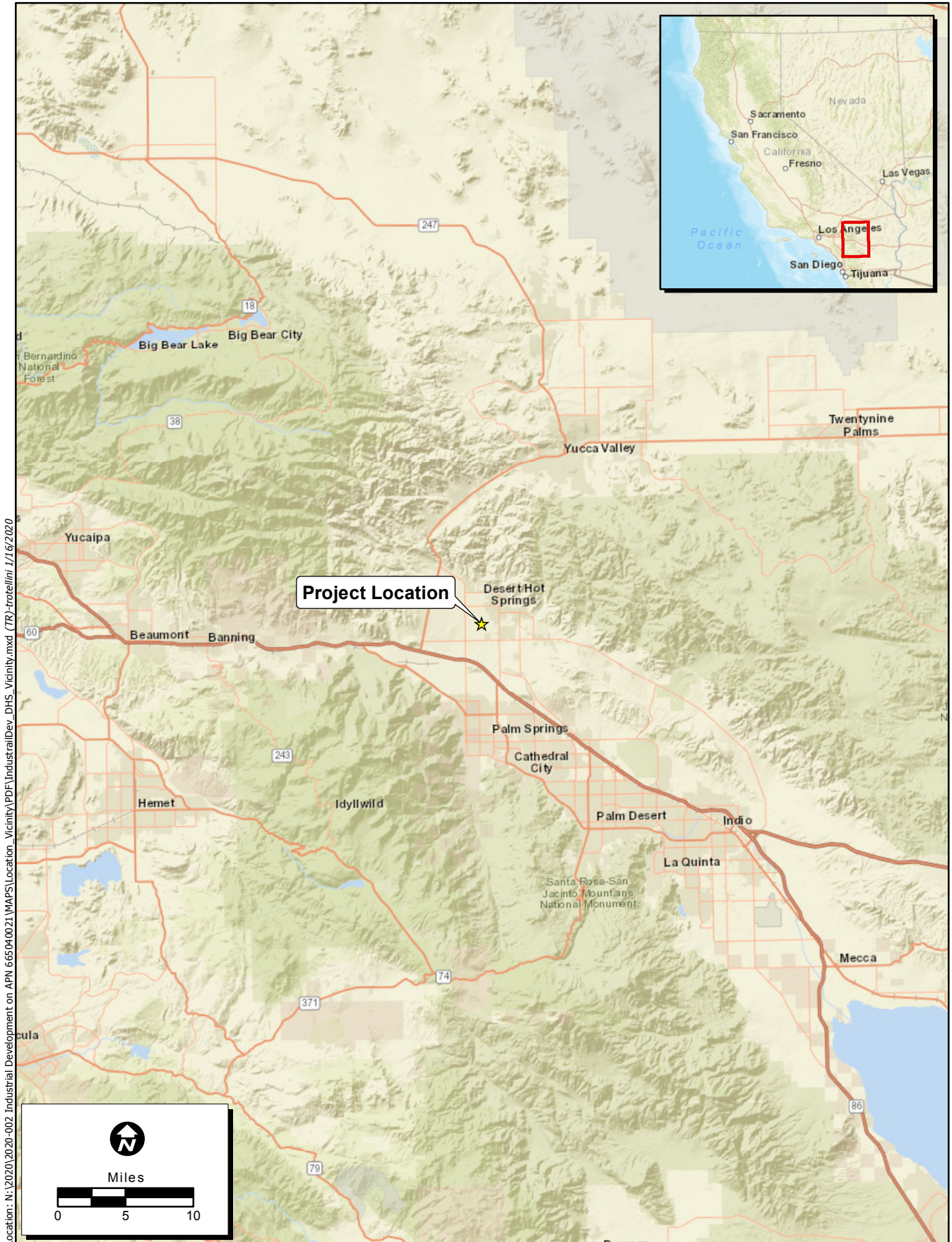
Section, Township & Range Description or reference:

The project site, as depicted on the United States Geological Survey (USGS) DESERT HOT SPRINGS QUADRANGLE (1955), lies within Section 1 of Township 3 South, Range 4 East. Elevation on the property is approximately 963 feet (ft) above mean sea level (msl).

The approximately 0.3 acre project site is located north of Palomar Lane and east of Little Morongo Road in the City of Desert Hot Springs, California. Soils on the site are generally sandy and consist of Carsitas fine sand. Vegetation within the project site consists mostly of creosote bush scrub community. The Project area is generally flat and surrounded by open land. Structures exist north of San Gorgonio Lane and south of Palomar Lane and include churches, cannabis cultivation facilities, and corporate offices.

The location of the project site is shown below in Figures 1 and 2.





Location: N:\2020\2020-002 Industrial Development on APN 665040021\WAPS\Location_Vicinity\PDF\IndustrialDev_DHS_Vicinity.mxd (TR)-trotellini 1/16/2020

Figure 1. Project Vicinity
 2020-002 Industrial Development on APN 665040021

2.2 Project Description

The Proposed Project would develop an approximately 5,296 sf facility on approximately 0.3 acre for the indoor cultivation of cannabis. The proposed building would include 250 sf of office space, 2,834 sf of growing space, restrooms, a storage room, a fertigation room, vegetation room, drying/curing room, extraction room, and packaging/labeling room. Fertigation is the injection of fertilizers into the drip water irrigation system. The Proposed Project would include 6 parking stalls (5 standards spaces and 1 handicapped space) on the western side of the project site as well as the construction of Binnie Road (Figure 3). Binnie Road would be graded and graveled from the northern boundary of the project parcel south to Palomar Lane. This segment of Binnie Road would be 30 feet wide. project site

Ingress to and egress from the project site would be provided via a 39-foot-wide gated driveway on the western side of the site along newly constructed Binnie Road with controlled vehicular access on and off the project site. One main entrance to the building would be provided via the parking lot, and a second entryway would be located on the southern side of the building. Drought-tolerant landscaping and a security fence would span the perimeter of the project site. Exterior area lights would be installed illuminating the parking lot area, building, and interior driveway. The overall architectural character would be that of an attractive, well-maintained industrial building. As required by City ordinance, the facility would include sufficient odor absorbing ventilation and exhaust systems. Off-site improvements would be required for access and utility connections. Construction of the Proposed Project would take approximately six months. Project construction is anticipated to begin in March 2021.

The Proposed Project includes a Conditional Use Permit (CUP). Approval of these entitlements would render the Proposed Project in full compliance with City regulations. In addition, all cannabis cultivation operations and any related activities, such as transportation, manufacturing, and testing, are required to comply with all relevant State laws and any future laws that may be enacted.

Operations would be similar to that of a standard retail nursery and does not include onsite sales. Hours would be consistent with Municipal Code Chapter 5.50. Cannabis cultivation facilities may operate between the hours of 8:00 a.m. and 10:00 p.m. up to seven days per week. There would be no general public access to the facility at any time. All staff would be subject to thorough background checks in accordance with City regulations. Inbound deliveries would include such materials as fixtures and equipment, irrigation supplies, and soil amendments. Deliveries would typically be made with cargo vans or small box truck type delivery vehicles. All finished product would be packaged and loaded onto vehicles within the secure perimeter fence area. All deliveries, both inbound and outbound, would occur during the operating hours designated in the Municipal Code (8:00 a.m. to 10:00 p.m.).



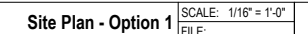


Figure 3. Site Plan
2020-002 Industrial Development on APN 665040021

2.3 Mitigation Monitoring Program

Mitigation measures are included within each section of the Initial Study Checklist that has an identified potentially significant impact. Table 2-1 lists the Proposed Project's mitigation measures and assigns responsibility for the oversight of each mitigation measure. This table shall be included in all bid documents and included as a part of the Project development.



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 10

**Table 2-1
Mitigation Monitoring Program**

Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
4. Biological Resources	BIO-1: The developer shall ensure that the applicable CVMSHCP Local Development Mitigation Fee is paid to the City of Desert Hot Springs. The time of payment must comply with the City's Municipal Code (Chapter 3.40).	Developer	Prior to building permits	Less than significant
	BIO-2: A pre-construction survey shall be conducted for the special-status plant species that have been identified to have high to moderate potential to occur and are not covered by the CVMSHCP, including white-bracted spineflower, desert spike moss, and Harwood's eriastrum. The survey methods shall follow the guidelines listed in the CNPS Botanical Survey Guidelines (CNPS 2001). If a population of special-status plants, not covered by the CVMSHCP, is found on the project site then CDFW shall be consulted to discuss appropriate mitigation measures. Mitigation measures could include, but are not limited to, seed collection and/or transplanting.	Developer Planning Department Biological Surveyor	Prior to issuance of grading permit, as indicated	Less than significant
	BIO-3: Pre-construction surveys for burrowing owl shall be conducted. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys shall be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows are identified on the project site during the survey, and impact to those features are unavoidable, the Applicant shall consult with CDFW and follow the methods listed in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation.	Developer Planning Department Biological Surveyor	Prior to issuance of grading permit, as indicated	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	BIO-4: A pre-construction survey for desert tortoise shall be conducted to identify any desert tortoise on the project site prior to construction and ensure there is no desert tortoise mortality. This survey can be conducted in conjunction with the pre-construction burrowing owl survey. If desert tortoise are identified on the project site during the pre-construction survey, and direct impacts to the species are unavoidable, the Applicant shall consult with the City, CDFW, and USFWS before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.	Developer Planning Department Biological Surveyor	Prior to issuance of grading permit, as indicated	Less than significant
	BIO-5: A pre-construction survey for desert kit fox shall be conducted. This survey can be conducted in conjunction with the pre-construction burrowing owl survey. There are no specific guidelines for desert kit fox CDFW usually recommends that the survey follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If desert kit fox and/or suitable desert kit fox dens are identified on the project site during the clearance survey, and impacts to those features are unavoidable, the Applicant shall consult with CDFW, before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.	Developer Planning Department Biological Surveyor	Prior to issuance of grading permit, as indicated	Less than significant
	BIO-6: If construction or other Project activities are scheduled to occur during the bird breeding season (February through August for raptors and March through August for the majority of migratory bird species), a pre-construction nesting bird survey shall be conducted by a qualified biologist. The survey shall be completed no more than 14 days prior to initial ground disturbance. The nesting bird survey shall include the project site and adjacent areas where Project activities have the potential to cause nest failure. If an active nest is identified, a	Developer Planning Department Biological Surveyor	Prior to ground disturbing activities	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	qualified biologist shall establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities will need to be avoided within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist.			
5. Cultural Resources	CR-1: The Applicant (or its contractor) shall retain a qualified archaeologist to monitor all ground disturbing activities. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. The archaeologist shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgement. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the City of Desert Hot Springs, and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the Lead Agency, through consultation as appropriate, determines that the site either: 1) is not a Historical	Planning Department Qualified Archaeologist Riverside County Coroner	During grading and other ground disturbing activities	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction. If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Riverside County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until			



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.			
7. Geology and Soils	GEO-1: The Applicant shall implement Best Management Practices (BMPs), including, but not limited to, the use of sandbags and fiber rolls during the grading phase of the project to minimize soil erosion or the loss of topsoil. BMPs shall be required to minimize waterborne erosion and maintain the existing quality of stormwater runoff to the extent practicable. BMPs shall be reviewed and approved by the City Engineer prior to grading permit issuance.	Planning Department	During grading phase.	Less than significant
7. Geology and Soils	GEO-2: During ground-disturbing activities, a paleontological monitor shall be retained by the Applicant to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. All work must halt within a 100-foot radius of the discovery. A meeting regarding the find shall be held with the Applicant, paleontologist, and the City of Desert Hot Springs.	Planning Department Qualified Paleontologist	During construction if paleontological resources are discovered.	Less than significant
18. Tribal Cultural Resources	TCR-1: The applicant/developer shall adhere to all mitigation measures and monitoring program requirements mandated by the City of Desert Hot Springs.	Planning Department	During construction.	Less than significant
18. Tribal Cultural Resources	TCR-2: 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.	Planning Department Qualified Paleontologist	During ground disturbing construction activities.	Less than significant
18. Tribal Cultural Resources	TCR-3: The applicant/developer shall provide tribe(s) which have initiated formal consultation under AB 52 the following:	Planning Department	Prior to construction.	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	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.			
18. Tribal Cultural Resources	TCR-4: 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 the State Historic Preservation Officer and each of the consulting Tribal Preservation Office's.	Planning Department Cultural Resource/Tribal Monitor(s)	During any ground disturbing activities (including archeological surveys).	Less than significant
18. Tribal Cultural Resources	TCR-5: 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	Planning Department	During any ground disturbing activities if human remains are discovered.	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	applicant shall comply with the state 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)).			
18. Tribal Cultural Resources	TCR-6: 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	Planning Department Applicant	Prior to grading permit issuance.	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	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.			
18. Tribal Cultural Resources	TCR-7: 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	Planning Department Applicant Consulting tribe(s) Qualified Archaeologist	Prior to grading permit issuance.	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	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.			
18. Tribal Cultural Resources	TCR-8: 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	Planning Department Land Owner Consulting tribe(s) Qualified Archaeologist	During construction if cultural resources are encountered.	Less than significant



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	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			



Section Number	Mitigation Measures	Responsible for Monitoring	Timing	Impact after Mitigation
	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.			



CHAPTER THREE – ENVIRONMENTAL CHECKLIST

1. **Project Name:** Industrial Project on APN 665-040-021
2. **Lead Agency Name and Address:**
City of Desert Hot Springs
65950 Pierson Boulevard
Desert Hot Springs, California, 92240
3. **Contact Person and Phone Number:**
Rebecca Deming
Community Development Director
rdeming@cityofdhs.org
(760) 329-6411
4. **Project Location:**
Located north of Palomar Lane and east of Little Morongo Road in the City of Desert Hot Springs, California. See Figure 1.
5. **Project Applicants' Name and Address:**
Nathan Prenk
168 Hardgrove Avenue, Irvine, CA 92620
6. **General Plan Designation:** I: Industrial (Industrial Cannabis Overlay)
7. **Zoning Designation:** I-L: Light Industrial (Industrial Cannabis Overlay)
8. **Description of Project:** To process a Conditional Use Permit to construct a cannabis facility specifically limited to cultivation. The Proposed Project would construct a 5,296 sf industrial building on approximately 0.3 acre.
9. **Surrounding Land Uses and Setting:** Light Industrial uses with vacant land immediately adjacent to the project site.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** None
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?:** Yes, please see Section 18. Tribal Cultural Resources of this Initial Study for a summary of consultation and a list of mitigation measures included to reduce potential impacts to a less than significant level.



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant With Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Rebecca Deming/Community Development Director

Date



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 23

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) 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 publicly accessible vantage points)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to the information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined by Public Resource Code section 122220(g)), timberland (as defined by Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))? d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the exiting environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 27

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY – Would the project:				
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
VII. GEOLOGY AND SOILS -- Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) 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?	☐	☐	☒	☐



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

VIII. GREENHOUSE GAS EMISSIONS –
Would the project:

a) Generate greenhouse gas emissions either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒
X. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 30

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐
XI. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒
XII. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of an 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?	☐	☐	☐	☒
XIV. POPULATION AND HOUSING -- Would the project:				
a) 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) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES				
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 could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

XVI. RECREATION

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?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

XVII. TRANSPORTATION -- Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

XVIII. TRIBAL CULTURAL RESOURCES –

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

a) 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	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5020.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

XIX. UTILITIES AND SERVICE SYSTEMS –

Would the project:



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 34

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c) 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?	☐	☐	☐	☒
d) 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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒
XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 35

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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?	☐	☐	☐	☒
d) 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?	☐	☐	☐	☒

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a) 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?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐



CHAPTER FOUR – DISCUSSION OF ENVIRONMENTAL IMPACTS

This section provides explanation and justification of the Initial Study Checklist found in Chapter Three. The Proposed Project would have a less than significant impact on the environment with the implementation of mitigation measures as proposed as part of this review.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099,

- a) *Would the project have a substantial adverse effect on a scenic vista?*

Less Than Significant. The Proposed Project would be located within a vacant parcel with a Light Industrial zoning and General Plan land use designation in the City of Desert Hot Springs. The Proposed Project would be located along a newly constructed Binnie Road. The Proposed Project would improve Binnie Road from the northern boundary of the project parcel south to Palomar Lane. This Proposed Project is located east of Little Morongo Road, west of Cabot Road, and north of Palomar Lane. The City of Desert Hot Springs General Plan Industrial designation allows for business parks and the development of industrial uses entirely in enclosed buildings (City of Desert Hot Springs 2020). It also allows for medical marijuana cultivation as a conditional use. The Proposed Project would be consistent with this designation while being subject to additional development and operational restrictions set forth by the Desert Hot Springs Municipal Code Chapters 5.50 and 17.180.

The Project area and vicinity would be located in an area separate from the City of Desert Hot Springs' main residential and commercial districts. Vacant land surrounds the project site. The nearest development consists of an industrial facility located approximately 350 feet southeast of the project site along Palomar Lane. The visual character of the area can be described as an industrial setting with parcels of undisturbed vacant land. From the project site there are distant and partially obstructed views of the Santa Rosa Mountains toward the south, the San Jacinto Mountains to the southwest, and the San Bernardino Mountains to the northwest. From the project site there are also distant and unobstructed views of the Little San Bernardino Mountains to the north. No designated scenic vistas are in the vicinity of the site.

The Proposed Project would construct a single-story industrial steel-framed insulated metal cultivation building, with surrounding parking within fenced property limits. The project site would be landscaped with desert plants. Although the views of the site would change from vacant desert to developed industrial, the Proposed Project would construct an insulated metal building that would be of



similar scale and construction materials to other industrial buildings north of the project site. As such, the Proposed Project would be a compatible development with the existing setting and is not anticipated to adversely alter the existing viewshed of any scenic vistas. Impacts would be less than significant, and no mitigation measures are required.

- 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 project site is characterized as vacant land that is predominantly flat with scattered vegetation, mostly consisting of Sonoran creosote bush scrub community. There are no noticeable topographic features or landmarks within the project site or its surroundings. The project site does not contain any landmarks such as trees or rock outcroppings that would be adversely affected by the Proposed Project.

The California Scenic Highway Program protects and enhances the scenic beauty of California's highways and adjacent corridors. A highway can be designated as scenic based on how much natural beauty can be seen by users of the highway, the quality of the scenic landscape, and if development impacts the enjoyment of the view. In the Desert Hot Springs area, State Route 62 is an eligible State Scenic Highway, and Interstate 10 has been designated as a County-eligible scenic highway (Caltrans 2020; County of Riverside 2015). The project site is located approximately 2.8 miles north of Interstate 10 and 4.0 miles east of State Route 62 and would not be visible from either of these roads. The project site is located along Binnie Road, which is not designated as scenic corridor or route. The Proposed Projects site plan and architectural and landscape features would not result in adverse impacts to scenic resources within a state scenic highway or other local transportation corridor and no mitigation measures is required.

- c) *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 publicly accessible vantage points)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less Than Significant. The Proposed Project would construct an industrial marijuana cultivation facility located within a light industrial zoning district of the City of Desert Hot Springs. The site plan includes a single-story industrial building, parking, desert landscaping, and fencing. The overall architectural character would be that of an attractive, well-maintained industrial building.

The Proposed Project would comply with the City of Desert Hot Springs land use standards and municipal code. Marijuana cultivation would only be conducted in the interior of the facilities. These operations, per the municipal code, would not be



visible at any stage from the exterior of the facilities. The visual character of the Proposed Project would be consistent with the light industrial zoning designations. As such, the Proposed Project would not significantly impact the existing visual character or quality of the site and its surroundings and no mitigation measures are required.

- d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less Than Significant. The Proposed Project would be located on vacant undeveloped land with no current sources of glare or light. The project site is surrounded by vacant land with the closest light industrial development located approximately 350 feet to the south.

The construction materials for the proposed facilities would not have highly reflective properties. To comply with the requirements found in Municipal Code 5.50, the Proposed Project would incorporate outdoor illumination for nighttime safety and facility security. The proposed lighting would be required to comply with the City of Desert Hot Springs Outdoor Lighting Standards, which requires new lighting to preserve low ambient lighting levels while maintaining security considerations and to be fully or partially shielded (Municipal Code 17.40.170). Although new sources of light and glare would be included with the Proposed Project, they would not be substantial and would not adversely affect day or nighttime views in the area. Furthermore, the Proposed Project is not anticipated to add glare that could affect drivers along Palomar Lane because the Proposed Project would comply with the City of Desert Hot Springs Outdoor Lighting Standards and because the project site is located approximately 150 north of Palomar Lane. Impacts would be less than significant.

2. AGRICULTURE AND FORESTRY

- 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 use?*

No Impact. The California Farmland Mapping and Monitoring Program, Important Farmlands Map for Riverside County does not list the soils on the project site as Prime Farmland or Farmland of Statewide Importance (CDC 2016a). The soils on the project site are listed as Other Land. Other Land is generally characterized as vacant and nonagricultural land surrounded on all sides by urban development greater than 40 acres. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and



water bodies smaller than 40 acres. Therefore, the Proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. No impact would occur.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?*

No Impact. The Proposed Project is not located in an agricultural use zone nor is it subject to a Williamson Act Contract (CDC 2016b). Therefore, the Proposed Project would not conflict with existing zoning for agricultural use 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))?*

No Impact. The Proposed Project is located on vacant undisturbed land zoned as light industrial within the City of Desert Hot Springs. The project site is surrounded by vacant land in all directions with the closest light industrial development located approximately 350 feet south of the project site. Surrounding areas are not zoned as forest land, timberland, or timberland production. The Proposed Project would not conflict with the rezoning of forest land, timberland, or timberland production. No impact would occur.

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

No Impact. The Proposed Project is located within the City of Desert Hot Springs within an existing light industrial setting. The surrounding areas consist of vacant desert land and light industrial. The Proposed Project would not cause the loss of forest land or conversion of forest land.

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

No Impact. The project site and the surrounding properties are not currently used for agriculture and are not within forest land. The Proposed Project would not result in the conversion of farmland or forest land.



3. AIR QUALITY

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

No Impact. As part of its enforcement responsibilities, the US EPA requires each state with nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the federal air quality standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under state law, the California Clean Air Act requires an air quality attainment plan to be prepared for areas designated as nonattainment with regard to the federal and state ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

Desert Hot Springs lies in the Coachella Valley, which is located in the northern region of the Salton Sea Air Basin (SSAB) within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SSAB is designated as a nonattainment area for the federal ozone (O₃) and coarse particulate matter (PM₁₀) standards and is also a nonattainment area for the state standards for O₃ and PM₁₀ (CARB 2018).

In order to reduce emissions for which the Coachella Valley is in nonattainment, the SCAQMD has adopted the 2016 Air Quality Management Plan (AQMP) and Coachella Valley PM₁₀ SIP. These air quality plans establish programs of rules and regulations directed at reducing air pollutant emissions and achieving state (California) and national ambient air quality standards. Pollutant control strategies are based on the latest scientific and technical information and planning assumptions, including the Southern California Association of Governments' (SCAG) latest Regional Transportation Plan/Sustainable Communities Strategy, updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. SCAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. According to the SCAQMD, in order to determine consistency with SCAQMD's air quality planning two main criteria must be addressed.

Criterion 1:

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment to answer the following question:



Would the project result in an increase in the frequency or severity of existing air quality violations?

As shown in Tables 3-1, 3-2 and 3-3 below, the Proposed Project would result in emissions that would be below the SCAQMD regional and localized thresholds during both construction and operations. Therefore, the Proposed Project would not result in an increase in the frequency or severity of existing air quality violations and would not have the potential to cause or affect a violation of the ambient air quality standards.

Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?

As shown in Tables 3-1 and 3-2, the Proposed Project would be below the SCAQMD regional thresholds for construction and operations. Because the Proposed Project would result in less than significant regional emission impacts, it would not delay the timely attainment of air quality standards or AQMP and Coachella Valley PM₁₀ SIP emissions reductions.

Criterion 2:

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Coachella Valley focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the Proposed Project exceeds the assumptions utilized in preparing the forecasts presented its air quality planning documents. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP or Coachella Valley PM₁₀ SIP involves the evaluation of the three questions outlined below. The following discussion provides an analysis of each of these criteria.

Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the 2016 AQMP and Coachella Valley PM₁₀ SIP?

A project is consistent with regional air quality planning efforts in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the SCAQMD air quality plans. Generally, three sources of data form the basis for the projections of air pollutant emissions in Desert Hot Springs. Specifically, SCAG's Growth Management Chapter of the Regional Comprehensive Plan and Guide (RCPG) provides regional population forecasts for the region and SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) provides socioeconomic



forecast projections of regional population growth. The City of Desert Hot Springs General Plan is referenced by SCAG in order to assist forecasting future growth in Desert Hot Springs.

The Proposed Project is consistent with the land use designation and development density presented in the City of Desert Hot Springs General Plan. The City of Desert Hot Springs allows for the cultivation of marijuana for medical use within Industrial Districts with approval of a CUP and Cannabis Regulatory Permit. The Proposed Project is located in a qualifying area with an Industrial land use designation with an Industrial Cannabis Overlay. Therefore, the Proposed Project would be considered consistent with the General Plan. Furthermore, the Proposed Project does not involve any uses that would increase population beyond what is considered in the General Plan and, therefore, would not affect City-wide plans for population growth at the project site. Thus, the Proposed Project is consistent with the types, intensity, and patterns of land use envisioned for the site vicinity in the General Plan and RCPG. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review. Additionally, as the SCAQMD has incorporated these same projections into their air quality planning efforts, it can be concluded that the Proposed Project would be consistent with the projections.

Would the project implement all feasible air quality mitigation measures?

In order to further reduce emissions, the Proposed Project would be required to comply with emission reduction measures promulgated by the SCAQMD, such as SCAQMD Rules 402, 403, 1113, and 1186. SCAQMD Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. SCAQMD Rule 403 requires fugitive dust sources to implement Best Available Control Measures for all sources, and all forms of visible particulate matter are prohibited from crossing any property line. SCAQMD Rule 403 is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. SCAQMD 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gases (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories. Rule 1186 is intended to reduce the amount of particulate matter entrained in the ambient air as a result of vehicle travel on unpaved roads. Additionally, the project would be required to comply with all minimum requirements to reduce man-made fugitive dust as described in Chapter 15.84 of the City's Municipal Code. As such, the Proposed Project meets this consistency criterion.



Would the project be consistent with the land use planning strategies set forth by SCAQMD air quality planning efforts?

The 2016 AQMP and Coachella Valley PM₁₀ SIP contain air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Proposed Project is consistent with the land use designation and development density presented in the City's General Plan and therefore would not exceed the population or job growth projections used by the SCAQMD to develop the 2016 AQMP and Coachella Valley PM₁₀ SIP.

In conclusion, the determination of AQMP consistency is primarily concerned with the long-term influence of a project on air quality. The Proposed Project would not result in a long-term impact on the region's ability to meet state and federal air quality standards. The Proposed Project's long-term influence would also be consistent with the goals and policies of the SCAQMD's 2016 AQMP and Coachella Valley PM₁₀ SIP.

The Proposed Project would be consistent with regional air quality planning. No impact would occur.

- 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?*

Less than Significant. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's individual emissions exceed its identified significance thresholds, the project would be cumulatively considerable. Projects that do not exceed significance thresholds would not be considered cumulative considerable.

A portion of the Proposed Project's air quality impacts are attributable to construction activities. The majority of the long-term air quality impacts will be due to the operation of motor vehicles traveling to and from the site. For purposes of impact assessment, air quality impacts have been separated into construction impacts and operational impacts.

Regional Construction Emission Impacts

Construction associated with the Proposed Project would generate short-term emissions of criteria air pollutants, including ROG, carbon monoxide (CO), nitrogen oxide (NO_x), PM₁₀, and fine particulate matter (PM_{2.5}). The largest amount of ROG,



CO, and NO_x emissions would occur during the earthwork phase. PM₁₀ and PM_{2.5} emissions would occur from fugitive dust (due to earthwork and excavation) and from construction equipment exhaust. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced onsite as the equipment is used, and emissions from trucks transporting materials to and from the site. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact.

During construction activities, the Proposed Project would also be required to comply with SCAQMD Rule 403 (Fugitive Dust). The purpose of this rule is to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. Accordingly, these rules include specific measures to be employed to prevent and reduce fugitive dust emissions from anthropogenic sources. For instance, the project applicant would be required to follow PM₁₀ suppression techniques. Construction activities anywhere within the regulatory jurisdiction of the SCAQMD, including the project site, must follow the techniques summarized below.

1. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
2. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
3. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
4. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
5. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

Furthermore, during construction activities, the project would be required to comply with Chapter 17.40.080 (Dust and Dirt) of the City's Municipal Code. This chapter is intended to reduce any measurable amount of dust or dirt emissions beyond any boundary line of the parcel. To ensure a minimal dust environment the following shall be included but are not limited to the following:

1. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g., planting, paving, or construction) will occur as soon as possible after grading.
2. Disturb as little native vegetation as possible.



3. Water graded areas as often as necessary to prevent blowing dust or dirt, hydro seeding with temporary irrigation, adding a dust palliative, and/or building wind fences.
4. Revegetate graded areas as soon as possible.
5. Construct appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the City Engineer.

The SCAQMD identifies significance thresholds for ROG, CO, and NO_x, sulfur dioxide (SO₂), PM₁₀, and PM_{2.5}. Construction-generated emissions associated with the Proposed Project were calculated using the CalEEMod emissions modeling software. Predicted maximum daily construction-generated emissions of criteria air pollutants for the Proposed Project are summarized in Table 3-1.

Table 3-1. Construction-Related Emissions (Regional Significance Analysis)

Construction Year	Pollutant (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction	35.55	9.05	7.93	0.01	6.11	1.18
<i>SCAQMD Regional Significance Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No

Source: CalEEMod version 2016.3.2. Refer to **Appendix A** for Model Data Outputs.

Notes: Emission reduction/credits for construction emissions are applied based on the required implementation of SCAQMD Rule 403. The specific Rule 403 measures applied in CalEEMod include the following: sweeping/cleaning adjacent roadway access areas daily; washing equipment tires before leaving the construction site; water exposed surfaces three times daily; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied.

As shown in Table 3-1, construction-generated emissions would not exceed the SCAQMD significance thresholds. A less than significant impact would occur as a result of the Proposed Project. No mitigation is required.

Construction Localized Significance Threshold

The nearest sensitive receptors to the project site are residences located approximately 3,135 feet (650 meters) northwest of the project site. In order to identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds (LSTs) for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold*



Methodology (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Proposed Project.

For this Project, the appropriate source receptor area (SRA) for the localized significance thresholds is the Coachella Valley source receptor area (SRA 30) as this source receptor area includes the project site. The Proposed Project would disturb approximately 0.3 acre total during construction. The SCAQMD has produced look-up tables for projects that disturb less than or equal to five acres daily. The LST threshold value for a one-acre site from the LST lookup table was employed. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. The nearest sensitive receptors to the project site are residences located approximately 650 meters northwest of the project site. Nonetheless, for the purposes of full disclosure and to provide a conservative analysis, LSTs for receptors located at 500 meters were utilized in this analysis.

The SCAQMD's methodology clearly states: *offsite mobile emissions from a project should not be included in the emissions compared to LSTs*. Therefore, for purposes of the construction LST analysis, only emissions included in the CalEEMod "onsite" emissions outputs were considered. Table 3-2 presents the results of localized emissions during project site preparation and site grading, which are the construction activities that disturbs the most acreage daily. Localized emissions generated during both site preparation and grading are disclosed as these activities can generate substantial amounts of localized pollutants. The LSTs reflect a maximum disturbance of 1.0 acre at 500 meters for the Proposed Project.

Table 3-2. Construction-Related Emissions (Localized Significance Analysis)

Activity	Pollutant (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Project Site Preparation	8.43	4.09	0.86	0.36
Project Site Grading	7.87	7.62	1.22	0.85
SCAQMD Localized Significance Threshold	733	24,417	214	105
Exceed SCAQMD Threshold?	No	No	No	No

Source: CalEEMod version 2016.3.2. Refer to **Appendix A** for Model Data Outputs.

Notes: Emission reduction/credits for construction emissions are applied based on the required implementation of SCAQMD Rule 403. The specific Rule 403 measures applied in CalEEMod include the following: sweeping/cleaning adjacent roadway access areas daily; washing equipment tires before leaving the construction site; water exposed surfaces three times daily; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied.



Table 3-2 shows that the emissions of these pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, a less than significant impact would occur as a result of the Proposed Project. No mitigation is required.

Regional Operational Emission Impacts

Implementation of the Project would result in long-term operational emissions of criteria air pollutants such as PM₁₀, PM_{2.5}, CO, and SO₂ as well as O₃ precursors such as ROG and NO_x. Project-generated increases in emissions would be predominantly associated motor vehicle use.

The SCAQMD identifies significance thresholds for ROG, CO, and NO_x, SO₂, PM₁₀, and PM_{2.5}. Operational-generated emissions associated with the Proposed Project were calculated using CalEEMod. Predicted maximum daily operational-generated emissions of criteria air pollutants for the Proposed Project are summarized in Table 3-3.

Table 3-3. Operational-Related Emissions (Regional Significance Analysis)

Emission Source	Pollutant (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Summer Emissions						
Area	0.21	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.04	0.03	0.00	0.00	0.00
Mobile	0.12	0.88	1.36	0.00	0.36	0.10
Total	0.34	0.93	1.40	0.00	0.36	0.10
Winter Emissions						
Area	0.21	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.04	0.03	0.00	0.00	0.00
Mobile	0.10	0.88	1.20	0.00	0.36	0.10
Total	0.32	0.93	1.24	0.00	0.36	0.10
<i>SCAQMD Regional Significance Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No

Source: CalEEMod version 2016.3.2. Refer to **Appendix A** for Model Data Outputs.



As indicated in Table 3-3, operational-generated emissions would not exceed SCAQMD significance thresholds. A less than significant impact would occur as a result of operation of the Proposed Project. No mitigation is required.

Operational Localized Significance Threshold

According to the SCAQMD localized significance threshold methodology, LSTs would apply to the operations of a proposed project only if the project includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). The Proposed Project does not include such uses. Therefore, in the case of the Proposed Project, the operational LST protocol is not applied.

- b) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The California Air Resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptors to the project site are residences located approximately 3,135 feet (650 meters) northwest of the project site.

Construction-Generated Air Contaminants

Construction-related activities would result in temporary, short-term Project-generated emissions of diesel particulate matter (DPM) from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., clearing, grading); soil hauling truck traffic; paving; and other miscellaneous activities. For construction activity, DPM is the primary toxic air contaminant (TAC) of concern. Particulate exhaust emissions from diesel-fueled engines (i.e., DPM) were identified as a TAC by the CARB in 1998. The potential cancer risk from the inhalation of DPM, as discussed below, outweighs the potential for all other health impacts (i.e., non-cancer chronic risk, short-term acute risk) and health impacts from other TACs. Accordingly, DPM is the focus of this discussion.

Based on the emission modeling conducted the maximum onsite construction-related emissions of exhaust $PM_{2.5}$, considered a surrogate for DPM, would be 0.44 pounds per day during construction activities (see Appendix A). ($PM_{2.5}$ is considered a surrogate for DPM because more than 90 percent of DPM is less than 1 microgram in diameter and therefore is a subset of particulate matter under



2.5 microns in diameter (i.e., PM_{2.5}). Most PM_{2.5} derives from combustion, such as use of gasoline and diesel fuels by motor vehicles.) Furthermore, even during the most intense month of construction, emissions of DPM would be generated from different locations on the project site, rather than a single location, because different types of construction activities (e.g., site preparation, grading, paving) would not occur at the same place at the same time.

The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for any exposed receptor. Thus, the risks estimated for an exposed individual are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-, 30-, or nine-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the Proposed Project. Consequently, an important consideration is the fact that construction of the Proposed Project is anticipated to last approximately six months, and that on a day-to-day basis construction activity generally spans eight hours as opposed to throughout the entire day. Thus, Project construction would not last nine consecutive years, the minimum duration of exposure from which to calculate health risk.

Therefore, considering the relatively low mass of DPM emissions that would be generated during even the most intense season of construction and the temporary nature of construction activities, construction-related TAC emissions would not expose sensitive receptors to substantial amounts of air toxics.

Furthermore, the Project has been evaluated against the SCAQMD's LSTs for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative and can be used to assist lead agencies in analyzing localized impacts associated with Project-specific level of proposed projects. The SCAQMD Environmental Justice Enhancement Initiative program seeks to ensure that everyone has the right to equal protection from air pollution. The Environmental Justice Program is divided into three categories, with the LST protocol promulgated under Category I: *Further-Reduced Health Risk*. As shown in Table 3-2, the emissions of pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. Thus, the fact that onsite Project construction emissions would be generated at rates below the LSTs for NO_x, CO, PM₁₀, and PM_{2.5} demonstrates that the Project would likely not adversely impact nearby sensitive receptors.



Operational Air Contaminants

Operation of the Proposed Project would not result in the development of any substantial sources of air toxics. There are no stationary sources associated with the operations of the Project. Nor would the Project attract mobile sources that spend long periods queuing and idling at the site. Therefore, the Project would not be a source of air toxics and there would be no impact as a result of the Project during operations.

Carbon Monoxide Hot Spots

It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Under certain meteorological conditions, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Given the high traffic volume potential, areas of high CO concentrations, or “hot spots,” are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. However, transport of this criteria pollutant is extremely limited, and CO disperses rapidly with distance from the source under normal meteorological conditions. Furthermore, vehicle emissions standards have become increasingly more stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the Project vicinity have steadily declined.

Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard. The analysis prepared for CO attainment in the South Coast Air Quality Management District 1992 Federal Attainment Plan for Carbon Monoxide (SCAQMD 1992) in Southern California can be used to demonstrate the potential for CO exceedances. The South Coast CO hot spot analysis was conducted for four busy intersections in Los Angeles County during the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood), Wilshire Boulevard and Veteran Avenue (Westwood), Sunset Boulevard and Highland Avenue (Hollywood), and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was at Wilshire Boulevard and Veteran Avenue, which has a traffic volume of approximately 100,000 vehicles per day. The Los Angeles County Metropolitan Transportation Authority evaluated the level of service in the vicinity of the Wilshire Boulevard/Veteran Avenue intersection and found it to be level of service (LOS) E at peak morning traffic and LOS F at peak afternoon traffic. Even with the inefficient



LOS and volume of traffic, the CO analysis concluded that there was no violation of CO standards (SCAQMD 1992).

The Proposed Project would not increase traffic volumes at any intersection by more than 100,000 vehicle trips per day, there is no likelihood of the Project traffic exceeding CO values.

The impact is less than significant. No mitigation is required.

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

Less Than Significant. Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement. The objectionable odors that may be produced during the construction process are of short-term in nature and the odor emissions are expected cease upon the drying or hardening of the odor producing materials. Diesel exhaust and volatile organic compounds would be emitted during construction of the Project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore should not reach an objectionable level at the nearest sensitive receptors. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the Proposed Project.

Potential sources of operational odors generated by the Proposed Project would include plant blossom odors and disposal of miscellaneous commercial refuse. As mandated by the City's Municipal Code Chapters 5.50 and 17.180, all medical marijuana cultivation activities are permitted only within enclosed facilities and its operations shall not be visible from the exterior of the facility. Further, all medical marijuana cultivation facilities shall provide the necessary odor control, ventilation, and filtration systems such that the marijuana odors are not detectable outside of the cultivation facilities, or within the common use and office areas of the facilities. The facility would include sufficient odor absorbing ventilation and exhaust systems.

Consistent with City requirements, all Proposed Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse on-site. Moreover, SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. Potential operation-source odor impacts are therefore considered to be less than significant.



4. BIOLOGICAL RESOURCES

- 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 Game or the U.S. Fish and Wildlife Service?*

Less than Significant With Mitigation. ECORP conducted a biological reconnaissance survey, database search, and literature review for the Proposed Project in January 2020 (ECORP 2020a). The results of the report are incorporated into the analysis below.

The project site is in an area that is covered by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) (CVAG 2007). The CVMSHCP is managed by the CVCC and participants include Riverside County, the Cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, as well as Coachella Valley Water District, Imperial Irrigation District, Mission Springs Water District, Coachella Valley Association of Governments, California State Parks, Coachella Valley Mountains Conservancy, and Caltrans (CVAG 2016). The CVMSHCP is a long-term program designed to conserve federally protected species, state-protected species, and/or other species of concern. The CVMSHCP program aims to conserve over 240,000 acres of open space and protect 27 plant and animal species by providing comprehensive compliance with federal and state endangered species laws.

The project site is not located within and does not share a common boundary with any of the CVMSHCP Conservation Areas. The Morongo Wash Special Provisions Area which lies within the Upper Mission Creek/Big Morongo Canyon Conservation Area is the closest Conservation Area, located approximately 0.25 mile to the east and west of the project site.

Vegetation. One vegetation community, creosote bush scrub, was present on the project site. Creosote bush scrub is a native vegetation community that is common to the Colorado Desert. No special-status habitats or vegetation communities were observed on the project site.

There were seven special-status plant species that appeared in the literature review and database searches for the project site. A list was generated from the results of the literature review and the Proposed Project was evaluated for suitable habitat to support any of the special-status plant species on the list. Of the seven special-status plants identified, five species have a high potential, one species has a moderate potential, and one species has low potential to occur on the project site.



Of the six special-status plant species with high or moderate potential to occur on the project site, Coachella Valley milk-vetch (*Astragalus lentiginos* var. *coachellae*), triple-ribbed milk-vetch (*Astragalus tricarinatus*), and little San Bernardino Mountains linanthus (*Linanthus maculatus* ssp. *maculatus*) are covered under the CVMSHCP and would not require focused surveys or mitigation. However, the remaining three species not covered by the CVMSHCP may require mitigation or avoidance measures which may include focused surveys, pre-construction surveys, and/or construction monitoring. These species include: white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*), desert spike-moss (*Selaginella eremophila*), and Harwood's eriastrum (*Eriastrum harwoodii*).

Ground disturbing activities associated with the construction of the Proposed Project could remove individual special-status plant species, if present, and would result in a permanent loss of habitat. This would result in a significant impact. However, impacts to special-status plant species covered under the CVMSHCP would be less than significant with the implementation of Mitigation Measure BIO-1. Impacts to special-status plant species not covered by the CVMSHCP would be less than significant with the implementation of Mitigation Measure BIO-2.

Wildlife. The project site provides suitable habitat for eight special-status wildlife species that have a high or moderate potential to occur on the project site based on the presence of suitable habitat and documented observations. Of the eight special-status wildlife species with high or moderate potential to occur on the project site, five of them (burrowing owl [*Athene cunicularia*], desert tortoise [*Gopherus agassizii*], Palm Springs pocket mouse [*Perognathus longimembris bangsi*], flat-tailed horned lizard [*Phrynosoma mcallii*] and Coachella Valley fringe-toed lizard [*Uma inornate*]) are covered under the CVMSHCP and will not require focused surveys. Information on additional requirements for burrowing owl and desert tortoise is provided below.

Burrowing Owl. During the survey, several small mammal burrows were noted throughout the site. The burrows were too small for burrowing owl (*Athene cunicularia*) and no sign (whitewash, pellets, and/or feathers) of use by burrowing owl was noted. However, the project site does contain suitable habitat for this species and the literature review and database search identified multiple records in the vicinity of the project site. Burrowing owls are a covered species under the CVMSHCP, and covered species do not require focused surveys or mitigation; however, because burrowing owls are protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC), the potential for direct take of burrowing owl and their burrows must be mitigated. Although burrowing owl and suitable burrowing owl burrows were not identified on the project site during the biological reconnaissance survey, this species is mobile and if the conditions were to change on the project site, burrowing owl could take up residence on the project site. If burrowing owl were to occupy the site prior to construction, direct impacts to burrowing owl by mortality and habitat loss during ground disturbance and indirect impacts from construction noise and vibrations may occur. Impacts to



burrowing owl would be less than significant with the implementation of Mitigation Measure BIO-3.

Desert Tortoise. No desert tortoise or desert tortoise burrows were identified during the biological reconnaissance survey. Desert tortoises were found to have a high potential to occur on the project site based on the presence of suitable habitat. Take of this species is covered under the CVMSHCP and no focused surveys are required, but the CVMSHCP does require that individual tortoises be relocated if identified on a project site prior to construction. During construction direct impacts to desert tortoise could occur by mortality and habitat loss and construction noise and vibrations during construction could indirectly impact desert tortoise. Implementation of Mitigation Measure BIO-4 will reduce impacts to a level that is less than significant.

Three species (pallid San Diego pocket mouse [*Chaetodipus fallax pallidus*], red-diamond rattlesnake [*Crotalus ruber*], and desert kit fox [*Vulpes macrotis arsipus*]) that have high or moderate potential to occur on the site are not covered by the CVMSHCP. Two of these species, pallid San Diego pocket mouse and red diamond rattlesnake, are both CDFW Species of Special Concern. Impacts to these species from loss of 0.3 acre of habitat would not have a substantial adverse effect on these species. Impacts would be less than significant and no mitigation measures are required. Impacts to desert kit fox, a CDFW fully-protected species, are discussed in more detail below.

Desert Kit Fox. No potential desert kit fox dens of the appropriate size and shape were identified during the biological reconnaissance survey. Desert kit fox was found to have a moderate potential to occur on the project site based on the presence of suitable habitat. This species is not covered under the CVMSHCP, and does not currently have a special-status designation from CDFW or U.S. Fish and Wildlife Service (USFWS), but is regulated as a fur-bearing mammal. As a fur-bearing mammal, the desert kit fox is protected under the California Code of Regulations Title 14, Chapter 5, Section 460, which prohibits “take” of the species at any time (CCR 2017). During construction direct impacts to desert kit fox could occur by mortality and habitat loss and construction noise and vibrations during construction could indirectly impact desert kit fox. Impacts to desert kit fox would be less than significant with the implementation of Mitigation Measure BIO-5.

Nesting Birds. The CVMSHCP does not address bird species covered under the MBTA, and all development within the CVMSHCP areas is required to comply with the MBTA and avoid impacts to nesting birds. The project site and surrounding areas provide suitable nesting habitat for raptors and songbirds. If construction of the proposed occurs during the bird breeding season (typically February 1 through August 31), ground-disturbing construction activities could directly affect birds protected by the MBTA and their nests through mortality and the removal of habitat on the project site and indirectly through increased noise, vibrations, and increased



human activity. Impacts to nesting birds would be less than significant with the implementation of Mitigation Measure BIO-6.

The special-status plant and wildlife species with potential to occur, but not covered under the CVMSHCP, do not include any federally or state-listed species. Therefore, the Proposed Project would not need to acquire a mechanism for “take” of federally or state-listed plant or wildlife species. However, impacts to sensitive biological resources on the site that are not covered by the CVMSHCP could occur in the form of habitat loss, mortality, injury, ground vibrations, noise, and increased human activity. These species are still regulated under CEQA and impacts would be less than significant with the implementation of Mitigation Measures BIO-1 through BIO-6.

BIO-1 CVMSHCP Fee: The developer shall ensure that the applicable CVMSHCP Local Development Mitigation Fee is paid to the City of Desert Hot Springs. The time of payment must comply with the City’s Municipal Code (Chapter 3.40).

BIO-2 Pre-construction Rare Plant Survey: A pre-construction survey shall be conducted for the special-status plant species that have been identified to have high to moderate potential to occur and are not covered by the CVMSHCP, including white-bracted spineflower, desert spike moss, and Harwood’s eriastrum. The survey methods shall follow the guidelines listed in the CNPS Botanical Survey Guidelines (CNPS 2001). If a population of special-status plants, not covered by the CVMSHCP, is found on the project site then CDFW shall be consulted to discuss appropriate mitigation measures. Mitigation measures could include, but are not limited to, seed collection and/or transplanting.

BIO-3 Pre-construction Surveys for Burrowing Owl: Pre-construction surveys for burrowing owl shall be conducted. The surveys shall follow the methods described in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys shall be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows are identified on the project site during the survey, and impact to those features are unavoidable, the Applicant shall consult with CDFW and follow the methods listed in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation.

BIO-4 Pre-construction Survey for Desert Tortoise: A pre-construction survey for desert tortoise shall be conducted to identify any desert tortoise on the Pproject site prior to construction and ensure there is no desert tortoise mortality. This survey can be conducted in conjunction with the pre-



construction burrowing owl survey. If desert tortoise are identified on the Project site during the pre-construction survey, and direct impacts to the species are unavoidable, the Applicant shall consult with the City, CDFW, and USFWS before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.

BIO-5 Pre-construction Survey for Desert Kit Fox: A pre-construction survey for desert kit fox shall be conducted. This survey can be conducted in conjunction with the pre-construction burrowing owl survey. There are no specific guidelines for desert kit fox CDFW usually recommends that the survey follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If desert kit fox and/or suitable desert kit fox dens are identified on the project site during the clearance survey, and impacts to those features are unavoidable, the Applicant shall consult with CDFW, before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.

BIO-6 Pre-construction Nesting Bird Survey: If construction or other Project activities are scheduled to occur during the bird breeding season (February through August for raptors and March through August for the majority of migratory bird species), a pre-construction nesting bird survey shall be conducted by a qualified biologist. The survey shall be completed no more than 14 days prior to initial ground disturbance. The nesting bird survey shall include the project site and adjacent areas where Project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist shall establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities will need to be avoided within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist.

- 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, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*

No Impact. The project site does not support riparian habitat, sensitive natural communities, wetlands, or trees that would need to be preserved and no Project related impacts are anticipated for these resources.

- c) *Would the project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*



No Impact. There were no potentially jurisdictional features identified on the project site (ECORP 2020a). No impact would occur.

- 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 wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. The project site is located within and adjacent to areas containing existing disturbances (e.g., paved roads and residential, commercial, and industrial developments). The site is exposed and does not contain any major drainages or washes that would be considered movement corridors for wildlife. Furthermore, the industrial development in the immediate vicinity of the project site likely discourages wildlife travel through the area. Additionally, the Morongo Wash Special Provisions Area, which lies within the Upper Mission Creek/Big Morongo Canyon Conservation Area, is located approximately 0.3 mile west of the project site and is already conserved by the CVMSHCP. These conserved lands likely facilitate wildlife movement corridor for animals moving through or within the vicinity of the project site. No migratory wildlife corridors or native wildlife nursery sites were identified within the project site. No impacts to such resources are expected to occur during the development of the project site.

- d) *Would the project conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The Proposed Project would not conflict with any local policies or ordinances protecting biological resources. The Proposed Project would comply with all requirements of the CVMSHCP. No impact would occur.

- e) *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?*

No Impact. The Proposed Project lies within the boundary of the CVMSHCP, which provides the framework and guidelines for conservation of habitats and natural communities within the area. On October 2, 2008, a habitat mitigation fee from new development projects was established to implement the CVMSHCP and support the procurement of conservation lands. The fee would be applied per Chapter 3.40 of the Desert Hot Springs Municipal Code (CVMSHCP/Natural Community Conservation Plan Mitigation Fees). Based on these requirements; the applicable fees would be collected by the City and remitted to the CVCC at issuance of a certificate of occupancy or upon final inspection of the premises, whichever occurs first. The Proposed Project is also expected to comply with provisions of the CVMSHCP.



5. CULTURAL RESOURCES

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Less Than Significant With Mitigation. A cultural resources inventory for the proposed Project was conducted by ECORP Consulting, Inc. in February 2020 (ECORP 2020b). The inventory included a records search, literature review, and field survey. The records search results indicated that 43 previous cultural resources studies have been conducted within one mile of the Project Area. As a result of those studies, seven historic-era sites have previously been recorded within one mile of the project site. No cultural resources have previously been recorded within or adjacent to the project site.

A search of the Sacred Lands File was requested from the Native American Heritage Commission. The results of this records search are negative indicating that no Sacred Lands have been identified within the project site.

As a result of the field survey, no cultural resources were identified within the project site. As such, the Proposed Project would not result in an impact to any known Historical Resources as defined by CEQA.

In general, the archaeological sensitivity of the project site is considered to be moderate to low. However, unknown buried resources may be present below the ground surface. If these resources are eligible for the California Register of Historical Resources (CRHR) and are disturbed by the development of the project site, a significant impact would occur. This impact would be less than significant with the implementation of Mitigation Measure CR-1.

CR-1: The Applicant (or its contractor) shall retain a qualified archaeologist to monitor all ground disturbing activities. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. The archaeologist shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgement. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the City of Desert Hot Springs, and applicable landowner. The agencies shall consult on a



finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the Lead Agency, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.

- If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Riverside County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less Than Significant With Mitigation. No archaeological resources were identified on the surface within the project site (ECORP 2020b). However, the potential remains for archaeological resources to be present on the site below the ground surface that could be disturbed during Project construction. Implementation of Mitigation Measure CR-1 would reduce this impact to less than significant.



- c) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant With Mitigation. No human remains or formal or informal cemeteries were identified during the survey (ECORP 2020b). However, there is the potential for unknown remains to be present below the ground surface that could be disturbed during Project construction. Implementation of Mitigation Measure CR-1 would reduce this impact to a less-than-significant level.

6. ENERGY

- a) *Would the project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*

Less Than Significant. Southern California Edison provides electrical services to Desert Hot Springs through State-regulated public utility contracts. Southern California Edison, the largest subsidiary of Edison International, is the primary electricity supply company for much of Southern California. It provides 14 million people with electricity across a service territory of approximately 50,000 square miles. The Southern California Gas Company provides natural gas services to the project area. Southern California Gas services approximately 21.6 million customers, spanning roughly 20,000 square miles of California. However, it should be noted that no natural gas connection to the project site would be provided as part of the Proposed Project. The Proposed Project would use imported propane stored within an onsite propane tank.

Electricity use is measured in kilowatt-hours (kWh), and natural gas use is measured in therms. Vehicle fuel use is typically measured in gallons (e.g. of gasoline or diesel fuel), although energy use for electric vehicles is measured in kWh. Electricity, natural gas, and automotive fuel consumption associated with all non-residential uses in Riverside County in 2018, the most recent data available, is shown in Table 6-1.

Table 6-1. Energy Consumption in Riverside County 2018

Energy Type	Energy Consumption
Electricity ¹	8,295,965,387 kilowatt hours
Natural Gas ¹	139,193,875 therms
Automotive Fuel ²	1,013,901,860 gallons

Source: ¹ECDSMS 2019; ²California Air Resources Board (CARB) 2017.



This impact analysis focuses on the four sources of energy that are relevant to the Proposed Project: electricity, natural gas in the form of imported propane, the equipment-fuel necessary for project construction, and the automotive fuel necessary for project operations. Addressing energy impacts requires an agency to make a determination as to what constitutes a significant impact. There are no established thresholds of significance, statewide or locally, for what constitutes a wasteful, inefficient, and unnecessary consumption of energy for a proposed land use project. For the purpose of this analysis, the amount of electricity estimated to be consumed by the Proposed Project is quantified and compared to that consumed by non-residential land uses in Riverside County. Similarly, the amount of fuel necessary for project construction and operations is calculated and compared to that consumed in Riverside County.

The analysis of electricity is based on California Emissions Estimator Model (CalEEMod) modeling conducted by ECORP Consulting (see **Appendix B**), which quantifies energy use for project operations. Electricity and were calculated primarily using CalEEMod model defaults for light industrial land uses in Riverside County; however, CalEEMod model defaults surrounding electricity-use were adjusted based on the California Energy Commission's *Energy Impacts of Cannabis Cultivation* (2017), which estimates an electrical consumption rate of 150 watts for every square foot of cannabis canopy in an indoor growing facility. For the purposes of this analysis, the identified growing space is multiplied by four (4) in order to estimate the total cannabis canopy [5,046 x 4 = 20,184 square feet of canopy]. The amount of operational automotive fuel use was estimated using the CARB's EMFAC2017 computer program, which provides projections for typical daily fuel usage in Riverside County. The amount of total construction-related fuel use was estimated using ratios provided in the Climate Registry's General Reporting Protocol for the Voluntary Reporting Program, Version 2.1. Energy consumption associated with the Proposed Project is summarized in Table 6-2.

Table 6-2. Proposed Project Energy and Fuel Consumption

Energy Type	Annual Energy Consumption	Percentage Increase Countywide
<i>Facility Energy Consumption</i>		
Electricity Consumption ¹	79,389 kilowatt hours	0.0009%
<i>Automotive Fuel Consumption</i>		
Project Construction ²	5,813 gallons	0.0006%
Project Operations ³	8,030 gallons	0.0007%

Source: ¹ECORP 2020c; ²Climate Registry 2016; ³EMFAC2017 (CARB 2017)

Notes: The Project increases in electricity, natural gas consumption, and automotive fuel consumption are compared with all of the non-residential buildings in Riverside County in 2018, the latest data available.



As shown in Table 6-2, the increase in electricity usage as a result of the Proposed Project would constitute an approximate 0.0009 percent increase in the typical annual electricity consumption attributable to non-residential uses in Riverside County. The Proposed Project would adhere to all federal, state, and local requirements for energy efficiency, including the Title 24 standards. The Proposed Project would be required to comply with Title 24 building energy efficiency standards, which establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage. As previously stated, no natural gas connection would be provided to the project site as part of the Proposed Project. Instead, the Proposed Project would use imported propane stored within an onsite propane tank. A typical 500-gallon propane tank has a 5-foot diameter and a capacity of 366,000 thousand British thermal units (BTU), or 3.7 therms of energy. The Proposed Project operator would purchase their own propane from local suppliers and would judiciously use supplies to minimize costs due to waste and subsequently maximize profits. The availability of propane would be regulated by local suppliers.

As further indicated in Table 6-2, the Proposed Project's gasoline fuel consumption during the one-time construction period is estimated to be 5,813 gallons of fuel, which would increase the annual countywide gasoline fuel use in the county by 0.0006 percent. As such, Project construction would have a nominal effect on local and regional energy supplies. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the state. Construction contractors would purchase their own gasoline and diesel fuel from local suppliers and would judiciously use fuel supplies to minimize costs due to waste and subsequently maximize profits. Additionally, construction equipment fleet turnover and increasingly stringent state and federal regulations on engine efficiency combined with state regulations limiting engine idling times and requiring recycling of construction debris, would further reduce the amount of transportation fuel demand during project construction. For these reasons, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

As indicated in Table 6-2, operation of the Proposed Project is estimated to consume approximately 8,030 gallons of automotive fuel per year, which would increase the annual countywide automotive fuel consumption by 0.0007 percent. The amount of operational fuel use was estimated using CARB's EMFAC2017 computer program, which provides projections for typical daily fuel usage in Riverside County. This analysis conservatively assumes that all of the automobile trips projected to arrive at the Proposed Project during operations would be new to Riverside County. The Proposed Project would not result in excessive long-term



operational automotive fuel consumption. Fuel consumption associated with vehicle trips generated by the Proposed Project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. This impact would be less than significant.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less Than Significant. The Proposed Project would not conflict with or obstruct any State plan for renewable energy and would use a minimum of electricity. State and local agencies regulate the use and consumption of energy through various methods and programs. The following State regulations are intended to reduce energy use: California Code of Regulations (CCR) Title 24, Part 6–Energy Efficiency Standards and CCR Title 24, Part 11– California Green Building Standards. Locally, the City’s Building Division enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24. The Proposed Project would not conflict with the City of Desert Hot Spring General Plan’s Open Space and Community Resources Goal OS-4 and Policies OS-4.1 through OS-4.9, which are intended to increase energy efficiency and conservation (City of Desert Hot Springs 2020). Furthermore, Senate Bill 100 (SB 100) requires the supply of 100 percent carbon-free clean energy by 2045 from energy providers. The Project would be powered by the existing electrical grid and eventually be powered by renewable energy mandated by SB 100. The Proposed Project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency and impacts would be less than significant.

7. GEOLOGY AND SOILS

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*
- i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less Than Significant. According to the City of Desert Hot Springs General Plan, the nearest faults to the project site are the North Branch San Andreas Fault (Coachella strand) and the South Branch San Andreas Fault (Banning strand) (City of Desert Hot Springs 2020). Based on analysis of the San Andreas Fault’s earthquake potential, a major seismic event within the City of Desert Hot Springs planning area would lie within intensity zones IX through XI on the Modified Mercalli Intensity Scale (MMIS). The MMIS measures the damage potential of an earthquake based on people’s reaction to a quake, and observed damage to



structures and other physical effects. The MMIS is measured within twelve levels of intensity, ranging from I (tremor not felt) to XII (damage is nearly total). During an earthquake, the City of Desert Hot Springs would be exposed to ground shaking and ground rupture.

There are no known active faults that traverse the project site or its immediate vicinity. The nearest faults to the project site are the North Branch San Andreas Fault (Coachella strand) and the South Branch San Andreas Fault (Banning strand) (City of Desert Hot Springs 2020). The North Branch San Andreas Fault (Coachella strand) is located approximately 1.75 miles northeast of the project site and the South Branch San Andreas Fault (Banning strand) is located approximately 2.0 miles southeast of the project site (City of Desert Hot Springs 2020).

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. The potential for damage due to ground rupture is unlikely due to the location of the project site from known fault lines within the Coachella Valley. The Proposed Project would have less than significant impacts due to ground rupture of a known earthquake fault and no mitigation measures are required.

ii. Strong seismic ground shaking?

Less Than Significant. According to the City of Desert Hot Springs General Plan, ground shaking is the primary seismic hazard that can be expected for the project site, due to its location from a fault. The intensity of this ground shaking can be affected by the distance from such fault.

Design and construction of the proposed facilities would comply with the current California Building Standards Code (California Code of Regulations, Title 24) which would reduce the risk of loss, injury, or death resulting from strong ground-shaking. A less than significant impact would occur, and no mitigation measures are required.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant. Liquefaction is a phenomenon where water-saturated granular soil loses shear strength during strong ground shaking produced by earthquakes. The loss of soil strength occurs as a consequence of cyclic pore water pressure increases below groundwater surface. Potential hazards due to liquefaction include loss of bearing strength beneath structures, possibly causing foundation failure and significant settlements and differential settlements. Liquefaction generally occurs in areas where the ground water table is less than 50 feet below the surface.



According to the City of Desert Hot Springs General Plan, liquefaction is considered low in the Desert Hot Springs area, principally because of the approximate depth of 150 to 200 feet to ground water. The Proposed Project is located within the Mission Creek Sub basin. Average depth to groundwater in the Mission Creek Sub basin is 300 feet below surface (City of Desert Hot Springs 2000). Less than significant impacts related to seismic ground failure as a result of liquefaction are expected for the Proposed Project and no mitigation measures are required.

iv. Landslides?

No Impact. Landslides can generally occur in areas that have steep slopes and can be caused by seismic activity and/or extended periods of rain resulting in high water saturation of soils. The term “landslide” encompasses a variety of processes resulting in the downward and outward movement of slope-forming materials and can be differentiated by the type of movement, such as lateral spreads, flows, slides, etc. (USGS 2004). Topographically, the project site is relatively flat with a high elevation of 964 feet above mean sea level (msl). The project site is not located in an area susceptible to rock falls or landslides. No impacts related to landslides are anticipated for the Proposed Project and no mitigation measures are required.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant With Mitigation. Construction of the Proposed Project would include a 5,296 sf industrial facility, which would require ground disturbing activities which could result in soil erosion. The Proposed Project would implement Best Management Practices (BMPs) designed to reduce substantial erosion. BMPs would include the use of sandbags and fiber rolls during ground disturbing activities. During project operation hardscapes and landscaping would minimize soil erosion. The project site is located in Federal Emergency Management Agency (FEMA) Flood Zone AO, which is defined as a special flood hazard area subject to inundation by the 100-year flood. Flood depths would be up to one foot, usually sheet flow on sloping terrain. FEMA has determined that the flood velocity in this flood zone would be five feet per second (City of Desert Hot Springs 2000a). During Proposed Project operation, all onsite 100-year peak discharges would be conveyed into an onsite drywell located at the northwestern corner of the project site (see grading plan in Appendix D). Area drains located along the northern and southern boundaries of the project site would collect and convey stormwater to the drywell. With the implementation of Mitigation Measure GEO-1 impacts due to soil erosion or the loss of topsoil would be less than significant.

GEO-1: The Applicant shall implement Best Management Practices (BMPs), including, but not limited to, the use of sandbags and fiber rolls during the grading phase of the project to minimize soil erosion or the loss of



topsoil. BMPs shall be required to minimize waterborne erosion and maintain the existing quality of stormwater runoff to the extent practicable. BMPs shall be reviewed and approved by the City Engineer prior to grading permit issuance.

- 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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less Than Significant. As discussed previously, impacts associated with liquefaction, and offsite landslides are expected to be less than significant.

Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer (City of Desert Hot Springs 2020b). As previously discussed in the response to question a) iii) of Section 7. Geology and Soils, the liquefaction risk is considered low in the Desert Hot Springs area, because of the approximate depth to ground water. As such, the risk of lateral spreading is considered low. Impacts would be less than significant.

Ground subsidence is defined as the gradual settling or sinking of the ground with little or no horizontal movement (City of Desert Hot Springs 2000a). Subsidence is usually associated with the extraction of oil, gas, or groundwater from below the ground surface, but it may also occur as a result of an earthquake. Devers Hill, located approximately two miles southwest of the project site, is a prime example of uplift that has occurred in the Desert Hot Springs area. This uplift is seen in the four-meter-high cut on the west side of Devers Hill.

The City of Desert Hot Springs is mostly comprised of alluvial sediments which are prone to collapse. As discussed above, design and construction of the proposed facilities would comply with current building codes and standards which would reduce the risk of impacts resulting from geologic instability. Compliance would ensure that the potential for impacts related to unstable soils that could potentially result in, or offsite landslide, lateral spreading, subsidence, liquefaction or collapse would be less than significant and no mitigation measures are required.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks of life or property?*

No Impact. The City of Desert Hot Springs planning area is underlain by alluvial and aeolian sediments. According to the City of Desert Hot Springs General Plan, these sediments are prone to collapse and design and construction methods should be considered to prevent saturation of soils (City of Desert Hot Springs 2000a).

Expansive soils are defined as soils with a significant amount of clay particles with



the ability to give up (shrink) or take on (swell) water. Within the City of Desert Hot Springs Planning area, expansive soils are not considered a significant hazard as there are minimal amounts of clay in the soils. The site consists of Casitas fine sand, 0 to 5 percent slopes, which is not an expansive soil (NRCS 2020). Therefore, no impact would occur and no mitigation measures are required.

- 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?*

No Impact. The Proposed Project would construct an onsite septic system. The soils on the project site would be capable of adequately supporting septic tanks or alternative wastewater disposal systems. No mitigation measures are required.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant With Mitigation. According to the City of Desert Hot Springs General Plan, the majority of the City is designated as having a low potential for finding paleontological resources (City of Desert Hot Springs 2020a). A records search of paleontology collection records was completed for the Proposed Project (Natural History Museum of Los Angeles County 2020). The records search indicated that surface deposits on the project site consist of younger Quaternary alluvial fan deposits derived from the San Bernardino Mountains to the northwest. These types of deposits are unlikely to contain significant fossils in the uppermost layers. Shallow excavations in these deposits would be unlikely to disturb significant fossils. However, older Quaternary deposits may occur subsurface on the project site and may contain significant fossil vertebrate remains. The closest fossil vertebrate locality in these older Quaternary deposits is LACM 1269, southeast of the project area north of Flat Top Mountain on the southern side of Seven Palms Valley. LACM 1269 contained specimens of fossil horse (*Equus*). Deep excavations that extend into older Quaternary deposits may encounter significant fossil remains. With the implementation of Mitigation Measure GEO-2 impacts to paleontological resources would be less than significant.

GEO-2: During ground-disturbing activities, a paleontological monitor shall be retained by the Applicant to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. All work must halt within a 100-foot radius of the discovery. A meeting regarding the find shall be held with the Applicant, paleontologist, and the City of Desert Hot Springs.



8. GREENHOUSE GAS EMISSIONS

- a, b) *Would the project generate greenhouse gas emissions either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than Significant. Greenhouse Gas (GHG) emissions are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. This release of gases, such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and chlorofluorocarbons, creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. CH₄ traps over 25 times more heat per molecule than CO₂, and N₂O absorbs 298 times more heat per molecule than CO₂. Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO₂e). Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted.

To provide guidance to local lead agencies on determining significance for GHG emissions in CEQA documents, SCAQMD staff convened a GHG CEQA Significance Threshold Working Group. Members of the working group included government agencies implementing CEQA and representatives from various stakeholder groups that provide input to SCAQMD staff on developing the significance thresholds. On October 8, 2008, the SCAQMD released the Draft AQMD Staff CEQA GHG Significance Thresholds. On September 28, 2010, SCAQMD Working Group Meeting #15 provided further guidance, including a numeric "bright-line" threshold of 3,000 metric tons of CO₂e annually and an efficiency-based threshold of 4.8 metric tons of CO₂e per service population (defined as the people that work, study, live, patronize and/or congregate on the project site) per year in 2020 and 3.0 metric tons of CO₂e per service population per year in 2035. The SCAQMD has not announced when staff is expecting to present a finalized version of these thresholds to the governing board. The SCAQMD has also adopted Rules 2700, 2701, and 2702 that address GHG reductions; however, these rules are currently applicable only to boilers and process heaters, forestry, and manure management projects.



For the purposes of this analysis, the Proposed Project will be compared to the SCAQMD interim screening level numeric bright-line threshold of 3,000 metric tons of CO₂e annually. This threshold was also used in the City's General Plan Environmental Impact Report (2020) to evaluate GHG impacts. If it is determined that the Proposed Project is estimated to exceed this screening threshold, it will then be compared to the SCAQMD-recommended efficiency-based threshold of 4.8 metric tons of CO₂e per service population per year in 2020, and 3.0 metric tons of CO₂e per service population per year in 2035.

The Proposed Project is also evaluated for consistency with the City of Desert Hot Springs Climate Action Plan (CAP). The City of Desert Hot Springs adopted the City CAP on May of 2013. The CAP was set in place to guide the City in decisions that lead to the largest and most cost-effective emissions reductions. This plan sets forth goals to reduce emissions to achieve statewide GHG reduction targets. The CAP identifies that the community will have to reach a 36.4 percent reduction from Year 2010 baseline emissions or a 43.2 percent reduction from Year 2020 business-as-usual emission by the year 2020 in order to obtain the AB 32 target emissions. The CAP targets are based on a predicted population growth rate of 83 percent between 2010 and 2020. However, according to the Census Bureau, the population of Desert Hot Springs was estimated to be 27,049 in April 2010 and 28,164 in July 2014; which shows a growth rate of 4.1 percent; therefore the City of Desert Hot Springs would have to increase its population by 78.9 percent by 2020 to validate the reduction target percentage.

Greenhouse Gas Emissions from Construction

A potent source of GHG emissions associated with the Proposed Project would be combustion of fossil fuels during construction activities. The construction phase of the Proposed Project is temporary but would result in GHG emissions from the use of heavy construction equipment and construction-related vehicle trips. The operational phase would also result in GHG emissions, predominately from vehicle trips to the project site.

Construction-related activities that would generate GHGs include worker commute trips, haul trucks carrying supplies and materials to and from the project site, and off-road construction equipment (e.g., dozers, loaders, excavators). Table 8-1 illustrates the specific construction-generated GHG emissions that would result from construction of the Proposed Project.

Table 8-1. Construction-Related Greenhouse Gas Emissions

Emissions Source	CO ₂ e (Metric Tons/ Year)
Project Construction	59

Source: CalEEMod version 2016.3.2. Refer to **Appendix C** for Model Data Outputs.



As shown in Table 8-1, construction of the Proposed Project would result in the generation of approximately 59 metric tons of CO₂e over the course of construction. Once construction is complete, the generation of these GHG emissions would cease. The amortized construction emissions are added to the annual average operational emissions.

Greenhouse Gas Emissions from Operations

Operation of the Proposed Project would result in GHG emissions predominantly associated with motor vehicle use. Long-term operational GHG emissions attributable to the Proposed Project are identified in Table 8-2 and compared to SCAQMD's numeric bright-line threshold of 3,000 metric tons of CO₂e annually.

Table 8-2. Operational-Related Greenhouse Gas Emissions

Emissions Source	CO₂e (Metric Tons/ Year)
Construction Emissions (amortized over the 30-year life of the Project)	2
Area Source Emissions	0
Energy Source Emissions	35
Mobile Source Emissions	63
Solid Waste Emissions	4
Water Emissions	14
Total Emissions	118
<i>SCAQMD Screening Threshold</i>	<i>3,000</i>
Exceed SCAQMD Threshold?	No

Source: CalEEMod version 2016.3.2. Refer to **Appendix C** for Model Data Outputs.

As shown in Table 8-2, operation of the Proposed Project would result in annual emissions of 118 metric tons of CO₂e per year, which does not exceed the significance threshold of 3,000 metric tons of CO₂e per year.

Climate Action Plan Consistency

As previously described, the City of Desert Hot Springs adopted a CAP in 2013. A CAP is a comprehensive strategy for a community to reduce emissions of GHGs,



which, according to scientific consensus, are primarily responsible for causing climate change. The City-wide reduction strategies contained in the CAP are based on the inventory of GHG emissions generated in the City prepared by the Coachella Valley Association of Governments (2011). Coupled with the Coachella Valley Association of Governments' (CVAG's) 2011 *Regional Greenhouse Gas Inventory*, the Desert Hot Springs CAP includes four key pieces:

1. An inventory of the annual GHG emissions attributable to Desert Hot Springs based on the types of activities occurring within the community and guidance from various protocols and agencies.
2. A forecast of what GHG emissions are likely to look like in 2020, based on expected population and economic growth adopted in the General Plan.
3. A reduction target, which identifies a goal for reducing GHG emissions by 2020 and 2050.
4. Action Items and Measures which describe the actions the community intends to take to achieve the reduction target. Each strategy identifies the amount of GHGs that will be reduced once the strategy is implemented.

The City of Desert Hot Springs CAP was set in place to guide the City in decisions that lead to the largest and most cost-effective GHG emissions reductions. This plan sets forth goals to reduce emissions to achieve statewide GHG reduction targets. In order to achieve these targets, the CAP presents a number of GHG emissions-reducing action items and measures that are to be implemented by the City. These emissions-reducing measures have been provided for different sectors of the community including transportation, residential buildings, commercial buildings, government incentives, renewable energy, cross-cutting initiatives, solid waste, and water. As specified in the CAP, these measures are to be implemented in a series of three phases over a course of eight years, which began in 2013. The reduction measures proposed in the CAP build on inventory results and key opportunities prioritized by City staff and members of the public. The CAP strategies consist of measures that identify the steps the City will take to support reductions in GHG emissions. The City will achieve these reductions in GHG emissions through a mix of voluntary programs and new strategic standards. All standards presented in the CAP respond to the needs of development, avoiding unnecessary regulation, streamlining new development, and achieving more efficient use of resources. The Proposed Project would be expected to comply with all applicable emissions-reducing measures identified within the CAP.

The Proposed Project is consistent with the GHG inventory and forecast prepared for the CAP (CVAG's *Regional Greenhouse Gas Inventory* [2011] is the source document for the City GHG inventory and forecast). Both the existing and the projected GHG inventories were derived based on the land use designations and associated densities defined in the City's General Plan, and the Proposed Project is consistent with the General Plan. Therefore, since the Proposed Project is consistent with the City's General Plan and does not propose an amendment to



modify the type, intensity, or density of use, it is also consistent with the GHG inventory and forecast employed in the CAP.

In addition, Proposed Project consistency with applicable measures in the CAP has been assessed.

Table 8-3. City of Desert Hot Springs CAP Applicable Measures Project Comparison

Sector	CAP Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
Sphere - "Where We Live"		
Solid Waste	Solid Waste Diversion: Increase solid waste diversion rate by 5% to 68.1% by 2015 potentially through use of tiered rate structure.	Consistent. The Proposed Project would be required to comply with AB 341, Mandatory Commercial Recycling, which includes recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by the end of 2020).
Solid Waste	Solid Waste Diversion: Increase solid waste diversion rate by an additional 10% to 78.1% by the end of 2020 potentially through awareness programs, recognition, tiered rate structures, and other financial instruments.	Consistent. The Proposed Project would be required to comply with AB 341, which includes recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by 2020).
Sphere - "Where We Work"		
Commercial Buildings	Energy-Efficient, Commercial-Sector Lighting: Promote and leverage existing incentives for efficient lighting and educate and locally incent building owners to eliminate any remaining T-12 lamps in commercial/industrial buildings.	Consistent: The Proposed Project would comply with current 2019 Title 24 requirements for installation of energy-efficient lighting.
Commercial Buildings	Integrated Lighting Systems: Promote SCE's Energy Management Solutions' energy- efficient lighting linked to building controls and occupancy sensors in minimum of 1 million square feet of commercial/industrial space.	Consistent. This is a city-based measure. If the Proposed Project will be targeted by the City to be part of the 1 million square feet of commercial/industrial space that is to have energy-efficient lighting linked to building controls and occupancy sensors, then the Project will comply as needed. Additionally, as a City-implemented Condition of Approval, all cultivation projects in the City, including the Proposed Project, are required to employ the use of exterior lighting that is energy-efficient (Desert Hot Springs 2016).



Sector	CAP Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
Government Initiatives	Water Efficient Landscaping Ordinance: Build on and exceed current Water Efficient Landscaping Ordinance in the commercial/industrial sector by 15% community-wide by 2020.	Consistent. The Proposed Project is to be landscaped with drought-tolerant ground cover, trees, and shrubs as approved by the City of Desert Hot Springs. Plant irrigation would use drip or micro-spray applicators to avoid overwatering and promote water efficiency.
Sphere - " How We Build"		
Commercial Buildings	Sustainable Parking Lots: Program to reduce the heat island effect through the promotion of parking lot coverings and coatings and semi permeable surfaces for new construction to achieve 20% of existing parking lots, and 80% of new parking lots.	Consistent: The Proposed Project includes the planting of trees in the parking lot that would provide shade and reduce the heat island effect and semi-permeable paving will be used as required by the City.
Commercial Buildings	"Cool Roofs": Promote the installation of reflective roofing on commercial/industrial properties in the community with recognition for first ten early adopters.	Consistent: The Proposed Project would comply with current 2019 Title 24 prescriptive cool roof requirements to meet energy compliance.
Government Initiatives	Green Building Program: Promote the voluntary Green Building Program to prepare for enhanced Title 24 requirements and green building standards.	Consistent. The California Green Building Standards Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, that became mandatory in the 2010 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The Proposed Project would be subject to these mandatory standards. The 2014 Title 24 Code contained regulations that would 25% more efficient than the 2010 edition of the Code, and the 2016 Title 24 Code is 5% more efficient than the 2014 edition of the Code in terms of nonresidential buildings. The 2019 Title 24 Code builds on the 2016 Code.
Water	Stormwater Capture: Promote storm water capture and detention for exterior	Consistent. The Proposed Project includes a drywell to capture stormwater as required by the City.



Sector	CAP Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
	landscape use (cisterns, rain barrels) to demonstrate 10 new systems by 2020.	

Source: City of Desert Hot Springs 2013.

As shown in Table 8-3, the Proposed Project is consistent with the applicable measures and the Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. As such, a less than significant impact would occur.

9. HAZARDS AND HAZARDOUS MATERIALS

- 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. According to the Code of Federal Regulations (CFR Title 40, Part 261) and the California Department of Toxic Substances Control, hazardous materials are defined as having four of the following characteristics: ignitability, reactivity, corrosivity, and/or toxicity.

Construction of the Proposed Project would involve the temporary use of potentially hazardous substances, such as diesel fuel and hydraulic fluid associated with construction equipment. However, equipment maintenance and fueling activities would not occur on the site and use of equipment would be consistent with the manufacturer's instructions and industry standards.

The Proposed Project's cultivation operations would use fertilizers such as Athena Bloom A (nitrates and inorganic minerals in aqueous solution) and Athena Bloom B, CaMg (hydroponic plant nutrient). These fertilizers are not classified as hazardous materials (Athena 2020). Operations would also use pest control solutions including Athena Cleanse (hypochlorous acid in solution) used for liquid scale control and Athena IPM (insecticide, miticide, fungicide) for the control of mites, insects, and mildew. These solutions are not classified as hazardous materials (Athena 2020). Cannabis plant waste would be picked up by certified waste management company (GAIACA or Specialized Waste Solutions) for disposal. No extraction is proposed, as such, no volatile waste or materials would be required or generated. The Proposed Project's cultivation operations are not expected to involve the routine transport, use or disposal of hazardous materials that would pose a hazard to public health and safety or the environment. All cultivation operations would occur in enclosed facilities. A less than significant impact would 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. The potential risk associated with accidental discharge during use and storage of equipment-related hazardous materials during construction is considered low because the handling of any such materials consistent with the manufacturer's instructions and industry standards.

The facility would involve the use of cleaning compounds, sanitizing agents, solvents, and potentially flammable materials during the operation. As a result, the operator would be subject to manufacturer specifications and local, state, and federal regulations for the handling of such substances. These guidelines would protect against incidental release, injury, and/or contamination. Additionally, the project proponent would be required to provide onsite storage facilities and containers designed to contain and isolate these substances. Employees would also be required to receive training including safety rules to prevent personal and public risk. Solid waste produced by the Proposed Project would be disposed of in designated containers per local, state, and federal regulations.

Cultivation operations would also generate a nominal amount of cultivation runoff. Cultivation runoff would be captured, cleaned through an on-site reverse osmosis filter, and recirculated.

In accordance with Ordinance Number 552 pertaining to the regulation of cannabis cultivation facilities, onsite 24-hour camera surveillance would be provided for the Proposed Project. Furthermore, the project site would be enclosed with a controlled-access perimeter fence. The Proposed Project would have less than significant impacts related to the release of hazardous materials into the environment and no mitigation measures are required.

- 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 a one-quarter mile radius of the project site. Two Bunch Palms Elementary School is located approximately 0.9 mile east of the project site. No impacts related to hazardous emissions or the handling of hazardous emissions or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school are expected.

- 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. Three record searches were completed for the project site within multiple database platforms pursuant to Government Code Section 65962.5 and its subsections. The databases consulted included *Geotracker*, *EnviroStor*, and the EPA *Enforcement and Compliance History Online* (ECHO). Geotracker is maintained by the State of California Water Resources Control Board. EnviroStor is maintained by the State of California Department of Toxic Substances Control (DTSC). The ECHO database focuses on inspection, violation, and enforcement data for the Clean Air Act (CAA), Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA) and also includes Safe Drinking Water Act (SDWA) and Toxics Release Inventory (TRI) data.

The search results did not identify any records or sites in connection with the property. No Leaking Underground Storage Tank Cleanup Sites, Land Disposal Sites, Military Sites, DTSC Hazardous Waste Permits, DTSC Cleanup Sites, or Permitted Underground Storage Tanks are known to occur on or around the property (DTSC 2020; EPA 2020; SWRCB 2020a). The Proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would 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 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 Proposed Project is not located near an existing public or private airport or airport land use plan. The nearest airport facility to the project site is the Palm Springs International Airport, located approximately seven miles south of the project site. No impacts related to a safety hazard or noise for people working in the project site are expected because there are no airports within two miles of the project site and no mitigation measures are required.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. The City of Desert Hot Springs General Plan has a Safety and Noise Element that identifies critical facilities necessary in the event of an emergency, to assess the availability of emergency response services, and to discuss the potential impacts of significant man-made and natural hazards within the community. This element was drafted with the goal of establishing policies and programs to assure effective response to environmental and man-made hazards that the community faces (City of Desert Hot Springs 2020a).

The Riverside County Fire Department, under contract with the City of Desert Hot Springs, provides 24-hour fire protection and emergency medical services to the Project area. The City of Desert Hot Springs has two fire stations, Battalion 10,



Station 36 located at 11535 Karen Avenue is approximately 2.6 miles northwest from the project site and Battalion 10, Station 37 located at 65958 Pierson Boulevard, approximately 1.6 miles northeast from the project site. The Proposed Project is not anticipated to hinder goals and or policies set forth in the Resiliency and Emergency Preparedness section of the Safety and Noise Element of the City of Desert Hot Springs General Plan (City of Desert Hot Springs 2020a). According to the General Plan, Little Morongo Road to the west of the project area provides a connection south to Dillon Road, a designated evacuation route (City of Desert Hot Springs 2020a).

The site design would be reviewed by the Riverside County Fire Department for compliance with project-specific emergency access, water pressure and similar requirements as a routine aspect of the City's design review process. The Proposed Project would not interfere with an emergency response plan or emergency evacuation plan and no mitigation measures are required.

- 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. Large areas of southern California are susceptible to wildfires year-round due to the region's weather, topography, and vegetation conditions. The Coachella Valley's hot dry summer and autumn weather is ideal to generate the dry vegetation that fuels most wildfires. The California Board of Forestry ranks fire hazard of wildland areas of the State using four main criteria: fuels, weather, assets at risk, and level of service.

Although the project site is undeveloped with vegetation and its surroundings contain vacant land and light industrial uses, these conditions have not been recognized to meet the criteria of high or very high fire hazard zones. The Western Coachella Valley Area Plan of the Riverside County General Plan designates the project site as a Low Wildfire Zone (County of Riverside 2003). The project site is also located in a Non-Very High Fire Hazard Severity Zone on the Cal Fire Map Local Responsibility Area (LRA) Map for Western Riverside County (CAL FIRE 2009). The project site is not located near or adjacent to any wildfire areas. As previously discussed, the Proposed Project would include the necessary fire protection facilities necessary to satisfy the Riverside County Fire Department requirements. No impact would occur.

10. HYDROLOGY AND WATER QUALITY

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*



Less Than Significant With Mitigation. The project site is located within the Whitewater River Watershed in the Colorado River Region (Region 7) (SWRCB 2019b). There are nine California Regional Water Quality Control Boards that regulate water quality pursuant to the National Pollutant Discharge Elimination System, an amendment to the federal Clean Water Act of 1972, from non-point sources. To reduce potential adverse effects to surface water quality during construction, BMPs would be implemented, as part of Mitigation Measure GEO-1, to prevent stormwater runoff pollution. BMPs would include the use of sandbags and fiber rolls during ground disturbing activities to minimize soil erosion and sediments being transported offsite. With the implementation of Mitigation Measure GEO-1 impacts would be less than significant.

Cultivation operations would also generate a nominal amount of cultivation runoff. Cultivation runoff would be captured, cleaned through an on-site reverse osmosis filter, and recirculated. Operational impacts would be less than significant.

GEO-1: The Applicant shall implement Best Management Practices (BMPs), including, but not limited to, the use of sandbags and fiber rolls during the grading phase of the project to minimize soil erosion or the loss of topsoil. BMPs shall be required to minimize waterborne erosion and maintain the existing quality of stormwater runoff to the extent practicable. BMPs shall be reviewed and approved by the City Engineer prior to grading permit issuance.

- 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. The City of Desert Hot Springs primarily relies on groundwater for its domestic water through extraction of groundwater from the Mission Creek sub basin, which forms a part of the larger Coachella Valley Groundwater Basin (SWRCB 2020b). Within the project area, the Coachella Valley Water District (CVWD), Desert Water Agency (DWA), and the Mission Springs Water District (MSWD) manage the Mission Creek and Garnet Hill Sub Basins Water Management Plan. This plan identifies long-term goals to direct operations of current and future water demands. The project site is located within the jurisdiction of the MSWD.

MSWD is responsible for distributing domestic water to the City of Desert Hot Springs. According to the MSWD 2015 Urban Water Management Plan, the Mission Springs sub basin is currently in overdraft condition. Through agreements with the CVWD and DWA, the City of Desert Hot Springs is currently in cooperation with the MSWD and other agencies and jurisdictions to implement a groundwater



replenishment program to ensure the function and sustainability of the Mission Creek sub basin (MSWD 2016).

The Proposed Project is estimated to require approximately 300 to 400 gallons of water per day for operations. Water demand identified in MSWD 2015 Urban Water Management Plan considers planned land uses identified in local plans, including the City of Desert Hot Springs General Plan. The Proposed Project is consistent with the City's General Plan land use designation of the project site and is, therefore, consistent with the Urban Water Management Plan. The MSWD 2015 Urban Water Management Plan projected that there is adequate water supply to meet demand through 2040 for a normal year scenario, single-dry year scenario, and multiple dry years scenario (MSWD 2016). As such, the Proposed Project is not anticipated to interfere with groundwater supply. Furthermore, the Proposed Project would implement water conservation measures to reduce impacts to public water supplies, including low-flow plumbing fixtures, drought-tolerant landscaping, and water-efficient irrigation systems in the growing area. Cultivation runoff would be collected, filtered, and recirculated. Stormwater runoff would be collected and conveyed to a drywell located at the northwest corner of the project site. The drywell would allow the stormwater to percolate and infiltrate the groundwater on the project site, contributing to groundwater recharge. A less than significant impact would occur.

- 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, in a manner which would:*

i) result in substantial erosion or siltation on- or off-site?

Less Than Significant With Mitigation. The project site is currently flat and undisturbed land. Construction of the Proposed Project would include grading of an undeveloped approximately 0.3-acre site. BMPs including sandbags and fiber rolls would be in place to control runoff and erosion. With the implementation of GEO-1 impacts would be less than significant.

GEO-1: The Applicant shall implement Best Management Practices (BMPs), including, but not limited to, the use of sandbags and fiber rolls during the grading phase of the project to minimize soil erosion or the loss of topsoil. BMPs shall be required to minimize waterborne erosion and maintain the existing quality of stormwater runoff to the extent practicable. BMPs shall be reviewed and approved by the City Engineer prior to grading permit issuance.

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?



Less Than Significant. Site grading and preparation would drain the site to a drywell located at the northwestern corner of the project site (see grading plan in Appendix D). This change in drainage would not result in substantial flooding on- or off-site. A less than significant impact would occur.

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant. The Proposed Project's runoff would be directed to a drywell located at the northwestern corner of the project site (see grading plan in Appendix D). The Proposed Project would not contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. A less than significant impact would occur.

- d) *Would the project, in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Less Than Significant. The project site is located in Zone AO of the federal Flood Insurance Rate Map (FEMA 2008), which is designated as an area that would flood to an average depth of one foot during the 100-year flood. Stormwater runoff would be directed into a drywell located at the northwestern corner of the project site (see grading plan in Appendix D). The project area is not near an existing levee or dam and flood hazards from these structures do not exist on the project site (FEMA 2008). Therefore, people or structures would not be exposed to a significant risk of loss, injury, or death involving flooding. A less than significant impact would occur. The project site is not in an area subject to seiche, tsunami, or mudflow. A less than significant impact would occur.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Less Than Significant. Within the project area, the CVWD, DWA, and MSWD manage the Mission Creek and Garnet Hill Sub basins Water Management Plan. This plan identifies long-term goals to direct operations of current and future water demands. The project site is located within the jurisdiction of the MSWD.

MSWD is responsible for distributing domestic water to the City of Desert Hot Springs. According to the MSWD 2015 Urban Water Management Plan, the Mission Springs sub basin is currently in overdraft condition. Through agreements with the CVWD and DWA, the City of Desert Hot Springs is currently in cooperation with the MSWD and other agencies and jurisdictions to implement a groundwater replenishment program to ensure the function and sustainability of the Mission Creek sub basin (MSWD 2016).



Water demand identified in MSWD 2015 Urban Water Management Plan considers planned land uses identified in local plans, including the City of Desert Hot Springs General Plan. The Proposed Project is consistent with the City's General Plan land use designation of the project site and is, therefore, consistent with the Urban Water Management Plan. The MSWD 2015 Urban Water Management Plan projected that there is adequate water supply to meet demand through 2040 for a normal year scenario, single-dry year scenario, and multiple dry years scenario (MSWD 2016). As such, the Proposed Project is not anticipated to interfere with groundwater supply. Furthermore, stormwater runoff would be collected and conveyed to a drywell located at the northwest corner of the project site. The drywell would allow the stormwater to percolate and infiltrate the groundwater on the project site, contributing to groundwater recharge. The Proposed Project would also implement water conservation measures to reduce impacts to public water supplies, including low-flow plumbing fixtures, drought-tolerant landscaping, and water-efficient irrigation systems in the growing area. Impacts to water quality control plans and groundwater management plans would be less than significant.

11. LAND USE AND PLANNING

a) *Would the project physically divide an established community?*

No Impact. The project site is currently vacant and is zoned as Light Industrial (I-L) District and designated as such by the City of Desert Hot Springs General Plan. The I-L District is designated to support land uses for light industrial uses functioning within enclosed buildings and the development of business parks. As described previously in Section 2.1 Project Vicinity, the surrounding land uses immediately adjacent to the project site include undeveloped vacant land with conditions similar to those found on the project site and light industrial facilities. To reduce and avoid land use incompatibility, the I-L District is predominantly separated from residential and commercial uses. There are no established communities that would be divided through implementation of the Proposed Project. The nearest residential community is located approximately 0.5 miles northwest of the project area at the northwest corner of Little Morongo Road and 14th Avenue. No impact would occur.

b) *Would the project cause a significant environmental impact due to a conflict with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

No Impact. As part of the Proposed Project the Applicant is seeking approval of a Conditional Use Permit (CUP) (Municipal Code 17.180.090) and Regulatory Permit (Municipal Code Chapter 5.50) to construct an industrial facility for cannabis cultivation. Through this CUP, an evaluation of the design and operation of the



Proposed Project would render the Project in full compliance with City regulations. In addition, all cannabis cultivation operations and any related activities, such as transportation, manufacturing, and testing, are required to comply with all relevant State laws and any future law that may be enacted.

As previously described in Response 11a, the Proposed Project is considered an activity that qualifies as light industrial use, which is consistent with the City's General Plan land use and zoning designations. Acquiring a CUP as part of the Proposed Project would ensure that design and operation would not conflict with the City's land use, zoning, or other regulatory policies identified above. The Proposed Project would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project. No impact would occur.

12. MINERAL RESOURCES

- 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. The Surface Mining and Reclamation Act of 1975 (SMARA) requires all cities and counties to incorporate the mapped mineral resource designations approved by the State Mining and Geology Board, in their General Plans. These designations categorize land into four Mineral Resource Zones.

According to the City of Desert Hot Springs General Plan, Open Space and Natural Resources Element, the project site is located within Mineral Resource Zone 3 (MRZ-3) (City of Desert Hot Springs 2020a). MRZ-3 is defined as areas containing mineral deposits, the significance of which cannot be evaluated with available data. The project site is currently not being used for mining.

The Proposed Project does not involve the physical disturbance of any natural features such as drainages where sand or gravel deposits may occur. The Proposed Project does not involve the extraction or loss of known mineral resources. Aggregate resources used as part of the construction of the Proposed Project would be obtained from existing local or regional facilities. The Proposed Project would not 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 would 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.



According to the City of Desert Hot Springs General Plan's Open Space and Natural Resources Element, the project site is not recognized as a delineated mineral resource recovery site (City of Desert Hot Springs 2020a). In addition, the Proposed Project does not involve the physical disturbance of any drainages that may contain unknown deposits of aggregate materials. No impact would occur.

13. NOISE

- 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. Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dBA, and changes in levels (dBA) correspond closely to human perception of relative loudness.

The project site is located on vacant land surrounded by vacant land in all directions. Existing land uses in the vicinity of the Project area include vacant land surrounding the project site and light industrial uses approximately 350 feet southeast of the project site. The nearest noise sensitive receptor is the United Pentecostal religious facility located approximately 800 feet north of the project site along San Jacinto Lane.

According to the City of Desert Hot Springs General Plan, Safety and Noise Element, land uses have different sets of noise standards based on the susceptibility of sensitive receptors, such as people. The project site falls into the category of "Industrial" based on its land use designation. For this land use, the normally acceptable noise exposure ranges from 50 to 70 dB Community Noise Equivalent Level (CNEL) and exposures between 70 to 80 dB CNEL are conditionally acceptable (City of Desert Hot Springs 2020a).

The project site currently consists of vacant land and does not emit a distinct source of noise; however, the site is exposed to traffic noise via Cabot Road, located east of the project site, and Little Morongo Road to the west. Construction activities are expected to generate noise including transport from workers and equipment to and from the site and on-site operation of construction equipment. The City of Desert Hot Springs enforces noise standard goals and policies



established by the City's General Plan, as well as requiring projects to abide by the City's Noise Ordinance found in the Municipal Code regulations which stipulate construction hours. According to the City's Municipal Code, construction activities are only permitted between 7:00 a.m. and 5:00 p.m. Monday through Saturday. During daylight savings time, construction is permitted between 6:00 a.m. and 6:00 p.m. Monday through Saturday. Construction is not permitted on Sundays.

The Proposed Project operation noise would primarily be confined to the interior structure enclosures. As part of the provisions of the Municipal Code, all cultivation operations must remain inside the proposed buildings. The Proposed Project is expected to increase traffic noise during construction and operation within the vicinity of the Project area; however, it is consistent with the City's zoning and land use designations and therefore, operation of the facilities is not expected to exceed noise standard thresholds and surpass the community noise and land use compatibility standards. The Proposed Project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. A less than significant impact would occur.

- b) *Would the project result in of excessive groundborne vibration or groundborne noise levels?*

Less Than Significant. Groundborne vibration is an unusual environmental problem that can have the same detrimental psychological impacts as airborne disturbances. Groundborne vibration, also referred to as earthborne vibration, can be described as perceptible rumbling, movement, shaking or rattling of structures and items within a structure. Groundborne vibration can generate a heightened disturbance in residential areas. These vibrations can disturb residential structures and household items while creating difficulty for residential activities such as reading or other tasks. Although groundborne vibration is sometimes perceptible in an outdoor environment, it is not a problem as it is when this form of disturbance is experienced inside a building. Groundborne vibration can be measured in terms of amplitude and frequency or vibration decibels (VdB). Trains, buses, large trucks and construction activities that include pile driving, blasting, earth moving, and heavy vehicle operation commonly cause these vibrations. Other factors that influence the disturbance of groundborne vibration include distance to source, foundation materials, soil, and surface types.

The Proposed Project is located in a partially developed industrial district and adjacent to vacant land. Current traffic along Little Morongo Road represent an existing source of groundborne vibration due to circulation of larger vehicles and trucks.

Construction of the Proposed Project is expected to involve the temporary use of vehicles and equipment that would result in short-term groundborne vibration



increases within the permitted construction hours established by the City. During the life of the Proposed Project, all routine Project operations would occur within the proposed structures and during the permitted hours of operation, as mandated by the local ordinance and conditioned by the City. The routine operation of vehicles accessing the project site would cause an incremental increase in groundborne vibration, but not in levels that would be deemed inconsistent with the existing industrial setting or excessive in nature, such that would impact local sensitive receptors (i.e. religious facility). A less than significant impact would occur.

- 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 Proposed Project is not located near an existing airport or airport land use plan. The nearest airport facility is the Palm Springs International Airport, located approximately seven miles south of the project site. The Proposed Project would not expose people residing or working in the project area to excessive noise levels. No impact would occur.

14. POPULATION AND HOUSING

- a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less Than Significant. With the approval of the CUP, the Proposed Project would be consistent with operations and uses supported in the City of Desert Hot Springs Light Industrial (I-L) zoning and Industrial General Plan land use designation. The Proposed Project would be constructed over a period of approximately six months. Operation of the facility would require approximately 3 to 4 employees. The number of employees required for operation would not induce population growth due to the nature and size of the proposed facilities.

The Proposed Project does not include construction of residential housing. Any improvements to roads and other infrastructure would be related to access to the cultivation facility and would not induce substantial population growth to the area. The Proposed Project would not induce substantial population growth in an area, either directly or indirectly. A less than significant impact would occur.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*



No Impact. The existing project site consists of vacant land zoned for Light Industrial (L-I) use. The Proposed Project would not displace any existing housing necessitating the construction of replacement housing elsewhere. The nearest existing housing is scattered rural residences located on the northwest corner of Little Morongo Road and 14th Avenue, approximately 0.3 miles from the project site. The Proposed Project would not significantly displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. Additionally, no people would be displaced through implementation of the Proposed Project. No impact would occur.

15. PUBLIC SERVICES

- 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 government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:*

- i. *Fire protection?*

Less Than Significant. According to the City of Desert Hot Springs General Plan, Safety and Noise Element, the City of Desert Hot Springs contracts with Riverside County Fire Department/Cal Fire (RCFD) to provide fire protection services 24 hours a day 7 days a week (City of Desert Hot Springs 2020a).

There are two RCFD fire stations located within the City of Desert Hot Springs: Battalion 10, Station 36 located at 11535 Karen Avenue, approximately 2.8 miles northwest of the project site and Battalion 10, Station 37 located at 65958 Pierson Boulevard, approximately 1.5 miles northeast of the project site.

Construction of the Proposed Project would increase demands for fire protection; however, due to the project site's proximity to the existing fire stations (less than five miles away) and the size of the proposed facilities, the Proposed Project would not likely require a substantial increase to fire service demand. Therefore, the Proposed Project could be served by the existing fire stations without construction of additional fire facilities.

Furthermore, the Proposed Project would be required to comply with all applicable and current California Fire Code Standards during construction and operation including the installation of fire hydrants and sprinkler systems inside the buildings. In addition, prior to project implementation, City and Fire officials would review Project plans to ensure sufficient fire service and safety would be attainable. The



Proposed Project would be required to comply with the City's Development Impact Fees, a program designed to supplement the cost of funding public facilities and services, such as fire protection. The Proposed Project would not result in substantial adverse physical impacts associated with maintaining fire protection. Impacts would be less than significant.

ii. Police protection?

Less Than Significant. According to the City of Desert Hot Springs General Plan, Safety and Noise Element, the Proposed Project would be served by the Desert Hot Springs Police Department which operates from a single location approximately 1.6 miles northeast of the project site at 65950 Pierson Boulevard (City of Desert Hot Springs 2020).

The Proposed Project would be required to comply with the City's Municipal Code, which requires cannabis cultivation facilities to have adequate security fencing, lighting, cameras, alarm systems, and security guard personnel. The increase in demand for police services would be minor and is not expected to interfere with the functionality of the City's current police services due to the size of the facility (5,296 sf) and the number of employees (3 to 4). Furthermore, as described previously regarding fire protection services, the Proposed Project would be required to comply with the City's Development Impact Fees to help with the cost of funding public facilities and services. The Proposed Project would not result in substantial adverse physical impacts associated with maintaining police services. A less than significant impact would occur.

iii. Schools?

No Impact. The Proposed Project is located within the Palm Springs Unified School District jurisdiction. The nature of the Proposed Project would not create a demand for school service. As described in Section 13: Population and Housing of this Initial Study, the Proposed Project is not anticipated to create a substantial increase in new residents to work at the facility. However, as required, the Project applicant would be subject to development fees to compensate for potential impacts to existing school facilities. No impact would occur.

iv. Parks?

No Impact. The Proposed Project would not create a substantial increase in new residents that would increase park use to the extent that modifications to existing parks or construction of new park facilities are required. There are no existing parks within the Proposed Project area and no mitigation measures are required.

v. Other public facilities?



No Impact. As described above, the Proposed Project would not create a substantial increase in new residents and therefore, no increase in the demand for government services and other public facilities is anticipated. The Proposed Project would not impact existing public facilities and no mitigation measures are required.

16. RECREATION

- 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 Proposed Project would not create a substantial increase in new residents that would increase park use to the extent that substantial physical deterioration of the facility would occur. The Proposed Project would not impact existing park facilities and no mitigation measures are required.

- b) *Does 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. The Project does not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

17. TRANSPORTATION

- 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. The Proposed Project would construct a single-story 5,296 sf industrial building on approximately 0.3 acre. Access to the project site would be provided from Binnie Road, which does not currently exist. Binnie Road is currently a dirt road and would be graded and graveled as a part of the Proposed Project. The proposed building would be enclosed within a perimeter security fence with controlled vehicular access on and off the project site.

The cultivation facility would operate in accordance with the Municipal Code Chapter 5.50 Medical Marijuana facilities; operating between the hours 8:00 a.m. and 10:00 p.m., up to seven days a week. Six (6) parking spaces (5 standard spaces and 1 handicap space) would be provided for employees and would be consistent with City parking standards.



The Proposed Project would increase traffic during construction and operation of the proposed facility. To evaluate the increase in traffic conditions, the Proposed Project is assessed based on the Average Daily Trips (ADT) and level of service (LOS) standards identified in the City of Desert Hot Springs General Plan. ADT is defined as the total number of vehicles that travel a defined segment of roadway over a twenty-four-hour period. LOS is a qualitative analysis of contributing factors such as speed, travel time, traffic volume, geometric features, traffic interruptions, delays, and freedom to maneuver, driver comfort and convenience, and vehicle operation costs. LOS is comprised of a ranking system defined as LOS "A" through LOS "F", where LOS "A" represents the most beneficial free flow condition and LOS "F" the least beneficial forced flow driving condition (City of Desert Hot Springs 2000). For planning and design purposes, the City of Desert Hot Springs defines LOS "D" as the minimum level of satisfactory intersection service level during peak hours. LOS D is defined as managing the maximum traffic volume capacity of the roadway system while still maintaining an adequate level of driver satisfaction (City of Desert Hot Springs 2000).

According to the City of Desert Hot Springs General Plan, Circulation Element, the Little Morongo Road segment south of Pierson Boulevard identified an ADT of 1,900 and operated at a LOS A in 1999. A review of the City's General Plan EIR did not identify at what LOS the Little Morongo Road Segment south of Pierson Boulevard would function at the City's projected buildout. However, segments to the north and south of this segment were projected to operate at a LOS D at the City's projected buildout.

According to Caltrans Divisions of Traffic Operations Traffic Census Report, ADT for Little Morongo Road has increased since 1999; however, this roadway segment has been designed to adequately accommodate the increase in traffic conditions. In order to receive approval of the CUP and implementation of the Proposed Project, the Project applicant must comply with off-site street design standards and site circulation. Additionally, the Proposed Project would pay into the Coachella Valley Associate of Governments (CVAG) Transportation Uniform Mitigation Fee (TUMF) program, a sales tax established by Riverside County voters in 1989 to assist with off-setting the cost of residential, industrial, and commercial development. Operation of the Proposed Project would include vehicle trips from employees and deliveries; the facility would not be open to the public. It is estimated that operation of the Proposed Project would generate approximately 9 trips per day. Traffic resulting from operation vehicle trips is expected be typical of Industrial land uses and would not substantially increase capacity of the adjacent roadway segments within the Project vicinity.

The Proposed Project would temporarily generate vehicle trips during construction over a period of six months beginning March 2021; the majority of trips generated during the grading phase of site construction. These trips would be minimal and temporary and would not conflict with the performance of the street system.



Compliance with the City's circulation design standards and contribution to the TUMF program would ensure that the Proposed Project would adversely affect the existing roadway system. A less than significant impact is expected and no mitigation measures are required.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?*

Less Than Significant. CEQA Guidelines section 15064.3, subdivision (b) details the use of vehicle miles traveled (VMT) to assess the significance of transportation impacts. Local agencies are required to adopt VMT as a criterion in determining transportation impacts under CEQA. This adoption was required by Senate Bill (SB) 743 and the recent changes to Section 15064.3 of the CEQA Guidelines. VMT calculations provide a disclosure of regional impacts related to greenhouse gas production by motor vehicles. July 1, 2020, was the official State deadline for required compliance by local agencies.

The methodology applied to this analysis is based on current published CEQA guidelines and the California Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, of December 2018 (OPR 2018). The Technical Advisory was created to guide CEQA transportation analysis efforts.

There are four screening standards for land use projects that are defined by the OPR Technical Advisory. These were applied to the project characteristics and location to determine if the project is expected to cause a less-than-significant impact:

1. Screening Threshold for Small Projects
2. Map-Based Screening for Residential and Office Projects
3. Presumption of Less than Significant Impact Near Transit Stations
4. Presumption of Less Than Significant Impact for Affordable Residential Development

Criterion #1 states that a project can be determined to have a less than significant impact due to project location, size, or land use type. The screening threshold is defined as follows:

Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.



Criterion #1 can be analyzed based on the trip generation of the project. Trip generation rates were estimated using the ITE Trip Generation, 10th Edition (ITE Code 150 – Warehouse). The Proposed Project was estimated to generate 9 daily trips. The Proposed Project would therefore generate a daily trips total that is below the 110-trip threshold and be exempt from further VMT analysis per Criterion #1. As such, the Proposed Project would result in a less than significant impact.

- 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. Access to the project site would be provided via one driveway located on Binnie Road, a road that would be graded and graveled along the western side of the site as part of the Proposed Project. Binnie Road would terminate on the south at a new intersection with Palomar Lane. The Proposed Project design, including improvement of Binnie Road and the intersection of Binnie Road with Palomar Lane would be reviewed by the City of Desert Hot Springs Public Works Department and Riverside County Fire Department to ensure compliance with local development standards and to verify that implementation of the Proposed Project would not result in traffic safety impacts. The Proposed Project does not include incompatible uses or design features that would substantially increase hazards. Impacts would be less than significant.

- d) *Would the project result in inadequate emergency access?*

Less Than Significant. The Proposed Project is required to comply with the City of Desert Hot Springs and the County of Riverside Fire Department site plan design review requirements and standards by providing sufficient access for emergency response vehicles.

The Proposed Project would provide appropriate signage including a legible site name, address numbers, and site access points. In accordance with Chapter 15.24 of the Desert Hot Springs Municipal Code, security gates, controlled access key boxes, operational fire hydrants, and extinguishers are required to be installed on-site. As previously described, an ingress/egress access driveway would be provided along Binnie Road. The Proposed Project would not result in inadequate emergency access and no mitigation measures are required. Impacts would be less than significant.

18. TRIBAL CULTURAL RESOURCES

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to those California Native American tribes that requested notice of



projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include Tribal Cultural Resources (TCRs), the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1. Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. 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.

Because criteria a and b also meet the definition of a historical resource under CEQA, a TCR may also require additional consideration as a historical resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

Consultation Summary



On July 22, 2020 AB 52 notification letters were sent to 21 Native American tribal governments or designated tribal representatives via certified mail. Of the 21 tribes or tribal representatives (in some cases multiple letters were sent to representatives of the same tribe), five responses were received.

Responses and consultation requests were received from the following tribes:

- Agua Caliente Band of Cahuilla Indians (ACBCI) (August 13, 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 ACBCI 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 Pattie Garcia-Plotkin to discuss the Proposed 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, 2020, a copy of the proposed standard environmental/tribal mitigation conditions from 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 Tribal Historic Preservation Office (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 THPO at ACBCI-THPO@aguacaliente.net to arrange cultural monitoring.
- Cabazon Band of Mission Indians (August 5, 2020): The tribe responded within the 30-day timeframe under AB 52 and declined consultation.
- San Manuel Band of Mission Indians (August 13, 2020): The tribe responded within the 30-day timeframe under AB 52 and declined consultation.
- Quechan Tribe of the Fort Yuma Reservation (August 21, 2020): The tribe responded within the 30-day timeframe under AB 52 and declined consultation. It was stated by the THPO, Jill McCormick, that they "defer to the more local Tribes and support their decisions on the project." There has been no response from the additional recipient from the tribe that was also sent notification.



- Soboba Band of Luiseño Indians (September 24, 2020): An email was received from Ms. Jessica Valdez from the Tribe to request full consultation. It was agreed that the consultation call will include a discussion of the other projects that the Tribe received notification for in the earlier months. On September 28, 2020, Mr. Ontiveros received a date and time of availability. A conference call was scheduled with Joseph Ontiveros to discuss the Proposed 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 ACBCI for comment on October 16, 2020. Receiving no comments from the ACBCI, 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 Proposed Project. Five of the 21 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.

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

- a) 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).*

No Impact. No resources that are listed or eligible for listing on the CRHR or a local register as defined in Public Resources Code Section 5020.1(k) are present on the project site (ECORP 2020b). No impact would occur.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*



Less Than Significant With Mitigation. No TCRs were identified within the project area during AB 52 consultation. The Proposed Project would not result in significant impacts to known TCRs. However, as a result of the AB 52 consultation the project area was identified as being sensitive and has the potential to contain unknown TCRs. Significant impacts may occur from the disturbance of unknown TCRs during ground disturbing construction activities associated with the Proposed Project. Impacts to unknown TCRs would be less than significant with the implementation of Mitigation Measures TCR-1 through TCR-8.

TCR-1: The applicant/developer shall adhere to all mitigation measures and monitoring program requirements mandated by the City of Desert Hot Springs.

TCR-2: 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.

TCR-3: 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.

TCR-4: 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 the State Historic Preservation Officer and each of the consulting Tribal Preservation Office's.

TCR-5: 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 the state 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)).

- TCR-6:** 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.



TCR-7: 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.

TCR-8: 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.

19. UTILITIES AND SERVICE SYSTEMS



- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less Than Significant. Southern California Edison currently provides electricity to the citizens, businesses, and industries within the City of Desert Hot Springs. The Southern California Gas Company provides natural gas services to the area; however, no natural gas connection would be provided to the project site as part of the Proposed Project. The Proposed Project would use imported propane stored within an onsite. The Proposed Project would connect to existing overhead electrical lines along Palomar Lane. SCE would extend service to the project site at the time contractual arrangements are made in accordance with policies and extension rules on file with the California Public Utilities Commission. The Proposed Project would be required to comply with Title 24 building energy efficiency standards, which establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage. A less than significant impact to natural gas and electric utilities would occur.

The Proposed Project would introduce impervious surfaces including buildings, paving, and other hardscape. The Proposed Project's drainage would be directed to a drywell located at the northwestern corner of the project site (see grading plan in Appendix D). The Proposed Project would not require new or expanded storm water facilities.

The project site is currently not served by existing utility lines. The Proposed Project would truck water in temporarily until future infrastructure improvements are made. MSWD would provide domestic water services to the Proposed Project once infrastructure improvements are made. Wastewater service to the Proposed Project would be serve via a septic tank. The Proposed Project would not result in significant additional demand on water supplies as future development has been previously accounted for and analyzed in the General Plan EIR and will not result in the need for new or expanded water supplies. Wastewater generated from the Proposed Project is expected to be minor and would be treated onsite in a septic system that would be constructed by the Proposed Project. As such, no wastewater would be transported to MSWD for treatment. Therefore, no new or expanded water or wastewater treatment facilities would be required to accommodate the Proposed Project.

Overall, a less than significant impact to utilities would occur.



- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, or multiple dry years?*

Less Than Significant. The project site would be served by the MSWD, which currently receives 100 percent of its water supply from groundwater produced from sub basins within the Coachella Valley Groundwater Basin underlying the District's water service area. However, CVWD and DWA are remediating the overdraft condition of the groundwater basin in the Upper Coachella Valley by artificial replenishment with Colorado River and SWP Exchange water purchased from Metropolitan Water District.

According to MSWD's 2015 Urban Water Management Plan, the minimum water supplies available at the end of an average water year, a single dry year, and multiple dry years would be sufficient for water demand for the service area. Metropolitan has projected supply surpluses for normal, dry-year and multiple-dry year demand scenarios through the year 2040: from 3 percent to 102 percent of projected demands not including supplies under development; and from 8 percent to 121 percent of projected demands including supplies under development. As such, sufficient imported water is deemed to be available to recharge the Upper Whitewater and Mission Creek Sub basins as necessary to reduce annual and cumulative overdraft and allow for groundwater to meet District demands projected for normal, dry-year, and multiple-dry-year demand scenarios through 2040.

The Proposed Project is estimated to require approximately 300 to 400 gallons of water per day for operations. Water demand identified in MSWD 2015 Urban Water Management Plan considers planned land uses identified in local plans, including the City of Desert Hot Springs General Plan. The Proposed Project is consistent with the City's General Plan land use designation of the project site and is, therefore, consistent with the Urban Water Management Plan.

Because the Proposed Project is consistent with MSWD's water supply projections that indicate there are sufficient water supplies to serve the Proposed Project and region, and because the development/connection fees required for project implementation would help mitigate future new or expanded entitlements that potentially may be needed with future regional growth.

Furthermore, the Proposed Project would implement water conservation measures to reduce impacts to public water supplies, including low-flow plumbing fixtures, drought-tolerant landscaping, and water-efficient irrigation systems in the growing area. Cultivation runoff would be collected, filtered, and recirculated. Stormwater runoff would be collected and conveyed to a drywell located at the northwest corner of the project site. The drywell would allow the stormwater to percolate and infiltrate the groundwater on the project site, contributing to groundwater recharge. A less than significant impact would occur.



- c) *Would the project result in 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?*

No Impact. Wastewater generated from the Proposed Project is expected to be minor and would be treated on-site in a septic system that would be constructed by the Proposed Project. As such, no wastewater would be transported to MSWD for treatment. Therefore, no new or expanded water or wastewater treatment facilities would be required to accommodate the Proposed Project. No impact would occur.

- 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. Desert Valley Disposal (DVD) provides solid waste disposal and recycling services for the City of Desert Hot Springs (City of Desert Hot Springs 2020a). The Edom Hill Transfer Station collects commercial waste and recycling which is then transferred to a permitted landfill or recycling facility outside the Coachella Valley. Permitted landfills may include the Badlands Disposal Site, El Sobrante Sanitary Landfill, and Lambs Canyon Disposal Site. The Proposed Project would be required to comply with AB 341, Mandatory Commercial Recycling, which includes recycling programs that reduces waste to landfills by a minimum of 75 percent by 2020. Compliance with AB 341 would greatly reduce the amount of solid waste generated by the Proposed Project. Furthermore, solid cannabis plant waste typically generated by cultivation facilities would be picked up by a certified waste management company (GAIACA or Specialized Waste Solutions) for disposal. The Proposed Project would have a less than significant impact on solid waste disposal services.

- e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

No Impact. As described above, the DVD provides solid waste disposal needs of the City of Desert Hot Springs, which includes the project site. The Proposed Project would be required to comply with AB 341 in addition to all applicable solid waste federal, state, and local statutes and regulations. No impact would occur.



20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones,

- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

No Impact. Large areas of southern California are susceptible to wildfires year-round due to the region's weather, topography, and vegetation conditions. The Coachella Valley's hot dry summer and autumn weather is ideal to generate the dry vegetation that fuels most wildfires. The California Board of Forestry ranks fire hazard of wildland areas of the State using four main criteria: fuels, weather, assets at risk, and level of service.

Although the project site is undeveloped with vegetation and its surroundings contain vacant land and light industrial uses, these conditions have not been recognized to meet the criteria of high or very high fire hazard zones. The Western Coachella Valley Area Plan of the Riverside County General Plan designates the Project area as a Low Wildfire Zone (County of Riverside 2003). The Project area is also located in a Non-Very High Fire Hazard Severity Zone on the Cal Fire Map Local Responsibility Area (LRA) Map for Western Riverside County (CAL FIRE 2009). The project site is not located near or adjacent to any wildfire areas. As previously discussed, the Proposed Project would include the necessary fire protection facilities necessary to satisfy the RCFD requirements.

The City of Desert Hot Springs General Plan has an Safety and Noise Element that identifies critical facilities necessary in the event of an emergency, to assess the availability of emergency response services, and to discuss the potential impacts of significant man-made and natural hazards within the community. This element was drafted with the goal of establishing policies and programs to assure effective response to environmental and man-made hazards that the community faces (City of Desert Hot Springs 2020a).

RCFD, under contract with the City of Desert Hot Springs, provides 24-hour fire protection and emergency medical services to the Project area. The City of Desert Hot Springs has two fire stations, Battalion 10, Station 36 located at 11535 Karen Avenue is approximately 2.6 miles northwest from the project site and Battalion 10, Station 37 located at 65958 Pierson Boulevard, approximately 1.6 miles northeast from the project site. The Proposed Project is not anticipated to hinder goals and or policies set forth in the Emergency preparedness element of the City of Desert Hot Springs General Plan.

The site design would be reviewed by RCFD for compliance with Project-specific emergency access, water pressure and similar requirements as a routine aspect



of the City's design review process. The Proposed Project would not interfere with an emergency response plan or emergency evacuation plan and no mitigation measures are required. No impact would occur.

- b) *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 wildfire?*

No Impact. As described above, the Proposed Project is not located in or near state responsibility areas or land classified as Very High Fire Hazard Severity Zone (VHFHSZ). The Proposed Project would not alter slope, prevailing wind patterns, or other factors and therefore would not expose Project occupants to pollutant concentrations from wildfire. No impact would occur.

- c) *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 Proposed Project is located within a partially industrialized area and would require utility connections to serve the proposed industrial use. The Proposed Project includes the improvement of a new road (Binnie Road) of the west side of the project site extending from the northern boundary of the project site south to Palomar Lane. Binnie Road would be graded, and gravel road base would be placed. However, the Proposed Project is not located in or near local responsibility areas or land classified as VHFHSZ. Therefore, the Proposed Project would not exacerbate fire risk resulting in temporary or ongoing impacts to the environment. No impact would occur.

- d) *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. As described above, the Proposed Project is not located in or near state responsibility areas or land classified as VHFHSZ. Additionally, the project site is located on relatively flat terrain and would not be subject to landslide. No wildfire impact associated with downslope or downstream flooding or landslides would occur.



21. MANDATORY FINDINGS OF SIGNIFICANCE

- a) *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?*

Less Than Significant With Mitigation.

The Proposed Project would not degrade the quality of the environment as it would develop an industrial project in an area that is zoned for such uses and would be consistent with the existing development in the project area.

As discussed in the biological resources section of the initial study checklist, the project site does not support riparian habitat, sensitive natural communities, wetlands, or jurisdictional features. The project site may support sensitive biological species including rare plants, burrowing owls, desert tortoise, desert kit fox, and nesting birds. Construction of the Proposed Project may directly and indirectly affect these biological resources. With implementation of Mitigation Measures BIO-1 through BIO-6 impacts would be less than significant. These mitigation measures call for the payment of CVMSHCP fees, which supports regional conservation of natural resources, and completion of various pre-construction surveys intended to identify sensitive plant and wildlife species that may occur on the site prior to project implementation.

As discussed in the cultural resources section of the initial study checklist, no cultural have previously been recorded on the project site and none were recorded during the field survey completed for the Proposed Project. In general, the archaeological sensitivity of the project site is considered to be moderate to low. However, unknown buried cultural resources may be present below the ground surface. With the implementation of Mitigation Measure CR-1 impacts would be less than significant. This mitigation measure requires ground disturbing activities to be monitored by a qualified archaeologist to help identify and avoid impacts to cultural resources that may be encountered during construction.

The project site is located in an area designated as having a low potential for finding paleontological resources (City of Desert Hot Springs 2020a). However, there remains the possibility of encountering unknown paleontological resources during ground disturbing activities associated with construction. With the implementation of GEO-2 impacts would be less than significant. This mitigation measure requires that a paleontologist be retained to assess finds of paleontological resources that may be encountered during ground disturbing construction activities.



- 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)?*

Less Than Significant With Mitigation. Cumulative impacts are defined as two or more individual (and potentially less than significant) project effects that, when considered together or in concert with other projects combine to result in a significant impact within an identified geographic area. In order for a project to contribute to cumulative impacts, it must result in some level of impact on a project specific level.

The Proposed Project is located in an area with an Industrial Cannabis Overlay, which creates a district that allows for cannabis-related uses within an industrial setting (City of Desert Hot Springs 2020a). It is reasonably foreseeable that this district will continue to experience development of similar type of projects as the Proposed Project.

As discussed throughout this Initial Study, potentially significant impacts were identified for biological, cultural, and paleontological resources and water quality (erosion). With Mitigation Measures BIO-1 through BIO-6, CR-1, and GEO-1 and GEO-2, the Proposed Project's contribution to cumulative impacts would not be considerable. Furthermore, other foreseeable projects would be subject to CEQA and would undergo the same level of review as the Proposed Project and include mitigation measures to minimize potentially significant impacts.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant. The Proposed Project would not have substantial adverse direct or indirect impacts to human beings. No mitigation is required.



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City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 107

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Appendices

Appendix A – Air Quality Model Output

Appendix B – Fuel Consumption

Appendix C – Greenhouse Gas Emissions Model Output

Appendix D – Project Plans



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Page 111

Appendix A – Air Quality Model Output



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Appendix B – Fuel Consumption



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Appendix C – Greenhouse Gas Emissions Model Output



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021

Appendix D – Project Plans



City of Desert Hot Springs

Date: January 2021

Project Title: Conditional Use Permit 20-10

Project Name: Industrial Project on APN 665-040-021