

**CEQA FINDINGS**  
**and**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**OF THE PLANNING COMMISSION**  
**FOR THE CITY OF PALM SPRINGS**  
**for the**  
**PALM SPRINGS FULFILLMENT CENTER PROJECT**  
**CASE 3.4361 MAJ FOR MAJOR DEVELOPMENT PERMIT**

**FINDINGS REQUIRED UNDER  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resource Code Section 21000 *et seq.*)**

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## Final EIR SCH No. 2023080091

### I. INTRODUCTION

The City of Palm Springs (“City”) prepared an Environmental Impact Report (“EIR”) for the proposed Palm Springs Fulfillment Center Project (“project”) in compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*). The City is the CEQA Lead Agency for the project. The EIR identifies potentially significant environmental effects to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

Where an EIR has been certified which identifies significant effects on the environment that would occur if the project is approved or carried out, Public Resources Code Section 21081 and State CEQA Guidelines Section 15091 require the CEQA Lead Agency to make one or more of the following written findings with respect to each significant effect:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate, avoid or substantially lessen the significant effects on the environment.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Pursuant to Public Resources Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), and for the reasons detailed in Section IV below, the City finds that the project will result in potentially significant and unavoidable impacts to Greenhouse Gas Emissions (increases in emissions of greenhouse gases would exceed SCAQMD’s threshold), and Transportation (proposed project’s baseline and cumulative vehicle miles traveled (VMT) per Service Population (SP) are greater than the City’s impact threshold) even after all feasible mitigation measures recommended in the Draft/Final EIR are implemented.

As detailed in Section V below, the City further finds that for each of the potentially significant effects identified in the EIR, other than Greenhouse Gas emissions, and one Transportation impact identified above, changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen each of the significant environmental effects and that such effects will therefore not result in significant effects on the environment.

While not required by CEQA and the State CEQA Guidelines, the City further finds that the project will not result in significant impacts with respect to the Aesthetics, Air Quality, Biological, Cultural, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water

Quality, Noise, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems effects detailed in Section VI below.

As detailed in Section VII below, the City further finds that the environmentally superior alternatives identified in the EIR (Alternative 1/ No Project Alternative and Alternative 2/Reduced Intensity Alternative) are infeasible because neither environmentally superior alternative would meet the majority of the project objectives to the same degree as the proposed project, and is otherwise infeasible and undesirable for the reasons stated herein. Specifically, the City finds that Alternative 3/Industrial Business Park Alternative, is infeasible because it incrementally increases the impacts of Air Quality, Energy, Greenhouse Gas Emissions, and Transportation, due to the increased employees required for the Alternative.

For purposes of the Findings set forth herein, the record of proceedings consists of the following:

- The City's General Plan, as amended, and all environmental documents relating thereto;
- The Draft EIR for the project, including all Appendices thereto and all supporting materials referenced therein;
- The Recirculated Draft EIR for the project, including all Appendices thereto and all supporting materials referenced therein;
- The Final EIR for the project, including all comments on the Draft and Recirculated Draft EIR, all responses thereto, and all supporting materials referenced therein;
- All reports of the City relating to the project, including reports submitted to the City by expert consultants, and all supporting materials referenced therein;
- These Findings made by the City and the Mitigation Monitoring and Reporting Program ("MMRP") adopted by the City for the project;
- All final City Staff reports relating to the Draft EIR, the Recirculated Draft EIR, the Final EIR and/or the project;
- All other public reports, documents, studies, memoranda, maps, or other planning documents relating to the project, the Draft EIR, the Recirculated Draft EIR or the Final EIR, prepared by the City, consultants to the City, or responsible or trustee agencies; and
- All matters of common knowledge to the City, including but not limited to the City's policies, guidelines and regulations.

The official custodian of the documents and other materials that constitute the record of proceedings is:

City of Palm Springs  
Planning Department  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262  
Phone: 760-323-8245

Hours: Monday – Thursday 8:00 a.m. to 6:00 p.m.

Copies of all these documents, which constitute the record of proceedings upon which the City’s decision is based, are, and at all relevant times have been, available upon request at the offices of the City, the custodian for such documents.

## **II. PROJECT DESCRIPTION**

The project area encompasses approximately 38 acres at the northwest corner of Indian Canyon Drive and 19th Avenue. The project applicant proposes a Major Development Permit application leading to the development of a high cube warehouse with fulfillment capabilities. The ultimate build-out of the approximately 38-acre area includes a two-story, 739,360-square-foot warehouse and fulfillment center with offices, and associated infrastructure (paved driveways and parking, landscaping, three gated access points, retention area, and perimeter fencing). The project also includes supporting drainage, water, wastewater and dry utility infrastructure on the project property as well as outside the project property that is described in greater detail in Section 3.7 of Chapter 3.0, Project Description, of the Draft EIR. A detailed project description is provided on pages 3-1 through 3-18 of the Draft EIR.

## **III. PROJECT ENTITLEMENTS**

The applicant is requesting approval of a Major Development Permit, which, if approved, would allow for and govern the development of the project site. The purpose of a Major Development Permit is to ensure that the proposed development is consistent with the General Plan, Zoning Code, and other adopted plans, regulations, and policies of the City; that the location, height, massing, and placement of the proposed development is consistent with applicable standards; and that the necessary infrastructure is in place to serve the proposed development.

## **IV. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

This section identifies the significant unavoidable impacts that require a Statement of Overriding Considerations to be issued by the City upon approval of the project. Based on the analysis contained in the Final EIR, the following impacts to greenhouse gas emissions and transportation have been determined to be significant and unavoidable, after all feasible mitigation measures have been considered and adopted. These unavoidable impacts are overridden by the project benefits set forth in the Statement of Overriding Considerations in Section VIII, below.

Pursuant to Section 21081(a)(3) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines, the City of La Quinta finds that, for each of the following significant effects, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid these significant effects on the environment to the maximum extent feasible. Nevertheless, the City of Palm Springs further finds that for each of the significant effects, specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR, which, as more fully described in Section VIII below, are hereby incorporated by this reference. These findings are explained below and are supported by substantial evidence in the record of proceedings.

**A. GREENHOUSE GAS EMISSIONS**

**i. Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment**

Project implementation would result in construction-phase and operational GHG emissions. For construction phase project emissions, GHGs were quantified and amortized over the life of the project. The annual and amortized construction emissions are presented in Table 4.7-1 (*see* DEIR p. 4.7-13). The annual GHG emissions associated with project operation are summarized in Table 4.7-2, which indicates that construction and operation of the project would generate a net total of approximately 9,438.47 MTCO<sub>2</sub>e/yr. Therefore, the proposed project would exceed the County’s screening threshold of 3,000 MTCO<sub>2</sub>e/yr. Thus, the project would have the potential to result in a cumulatively considerable impact with respect to GHG emissions. Since the project exceeds the 3,000 MTCO<sub>2</sub>e/yr threshold, the project’s impacts would be significant unless mitigated.

**a) Mitigation Measures**

To mitigate potential impacts concerning GHG emissions, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

GHG-1: The project shall implement Screening Table Measures providing for a minimum 100 points per the County Screening Tables. The City shall verify incorporation of the identified Screening Table Measures within the project building plans and site designs prior to the issuance of building permit(s). The City shall verify implementation of the identified Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.

**b) Finding Related to Potentially Significant and Unavoidable Increase in Greenhouse Gas Emissions**

The Planning Commission of the City of Palm Springs finds that impacts associated with GHG emissions generated by the project are considered significant. The City’s currently approved CAP does not provide criteria to evaluate proposed private development. Therefore, the City of Palm Springs has used the standards and requirements of the County of Riverside CAP Update and associated methodology in the evaluation of this project. Based on this methodology and as described in Mitigation Measure GHG-1, the project is required to demonstrate compliance with the County’s Climate Action Plan (CAP) Screening Tables and achieve a minimum of 100 points as identified in the CAP. Operational mobile sources totaling approximately 8,056.38 MTCO<sub>2</sub>e per year represent approximately 85 percent of the project’s total annual GHG emissions, which are not directly reduced by the building efficiency measures under the CAP Update Screening Table (*see* DEIR p. 4.7-14 to 4.7-16). Although Mitigation Measure GHG-1 reduces impacts to the greatest extent feasible, the City considers the project’s GHG emissions to be significant and unavoidable.

The City of Palm Springs further finds that greenhouse gas emission impacts will remain significant and unavoidable and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives, if any, identified in the Final EIR.

### **Facts in Support of Finding:**

As stated above, construction and operation of the project would generate a net total of approximately 9,438.47 MTCO<sub>2</sub>e/yr. (Table 4.7-2 of the DEIR), which exceeds the County's screening threshold of 3,000 MTCO<sub>2</sub>e/yr. As described in Mitigation Measure GHG-1, the project is required to demonstrate compliance with the County's CAP Screening Tables and achieve a minimum of 100 points as identified in the CAP.

A preliminary analysis of the project's consistency with the County CAP is provided in Table 4.7-3 of the DEIR and demonstrates that feasible measures are available to reduce the project's impacts pertaining to building envelope, indoor space efficiencies, building efficiency, clean energy, water efficiency, and clean energy measures. Per Table 4.7-3, the total points earned by the project is 274. The proposed project's ability to achieve a total of 274 points would be equivalent to a reduction of approximately 8.8228 MTCO<sub>2</sub>e per 1,000 square feet of building area, which is approximately 2.74 times greater than the target reduction of 3.22 MTCO<sub>2</sub>e per 1,000 square feet of building area required by the CAP. Based on the project's 739.36 1,000-square-foot units, the project would achieve a total reduction of approximately 6,523.22 MTCO<sub>2</sub>e if it reached 274 points, which exceeds the minimum requirement (2,380.74 MTCO<sub>2</sub>e) for the project's size and demonstrates that the project can feasibly mitigate its GHG impacts.

The Screening Table Measures would achieve a minimum of 100 Screening Table Points and would thereby ensure that the project would achieve GHG emissions levels and GHG emissions reduction targets consistent with those identified in the County's CAP.

As a result, the City considers the project's GHG emissions to be significant and unavoidable.

Chapter 2.0 (Response to Comments) in the FEIR, includes a summary of the written comments received during the public comment period, responses to those comments, and changes or errata to the Draft EIR.

Advocates for the Environment submitted comments pertaining to GHG impacts in which they requested for the project to be net-zero, claimed that the project's GHG mitigation was insufficient, requested clarification on the project's provided mitigation, claimed a lack of substantial evidence to support the findings, and requested for the project's impacts to be fully mitigated. However, as described on pages 4.7-13 through 4.7-17 of the DEIR, a comprehensive analysis of the GHG reduction measures that can be implemented for the proposed project under the County's CAP Update reduction strategy based on the project's land use was provided. This analysis demonstrates consistency with statewide GHG reduction goals (such as SB 32 and the CARB Scoping Plan) is appropriate for this project, as it reflects the regional analysis undertaken by Riverside County in developing the CAP Update screening methodology and associated standards. The project's measures under GHG-1 include enhanced wall insulation, enhanced window insulation, enhanced duct insulation, improved efficiency HVAC, high-efficiency water heaters, efficient lighting, water-efficient toilets, urinals, faucets, and irrigation systems, in addition to compliance with the California Title 24 energy efficiency standards. Based on the CAP methodology, the proposed project's ability to achieve a total of 274 points would comply with the screening table point value criteria and would be roughly equivalent to a reduction of approximately 8.8228 MTCO<sub>2</sub>e per

1,000 square feet of building area, which is approximately 2.74 times greater than the target reduction of 3.22 MTCO<sub>2</sub>e per 1,000 square feet of building area required by the CAP Update.

Neither the City, County, or SCAQMD have adopted a net-zero policy or threshold for land development projects. Thus, the GHG analysis provided in the DEIR countered the claims by Advocates for the Environment pertaining to net-zero attainment, sufficiency of the GHG mitigation, support of the GHG findings, and ability to mitigate the impacts. Even with the provided analysis, the GHG analysis conservatively considers that the project's impacts would be significant and unavoidable while still providing the adequate information consisting of the applicable point attainment, associated efficiency, and GHG reductions.

The Committee to Stop Giant Warehouse Blight submitted comments pertaining to GHG impacts in which they questioned the truck trip assumptions and calculations, the adequacy of the mitigation to support the GHG emission assumptions, and the adequacy of the description of adverse environmental effects. However, these comments were generally found to not be supported by substantial evidence.

The DEIR provided an adequate trip analysis based on the project-specific traffic impact analysis, prepared by the traffic experts at Urban Crossroads, Inc. The traffic analysis correctly analyzed high cube warehouse operations and calculated trip generation based on professionally established coefficients from the WSP study (January 29, 2019) which represent current Inland Empire trip generation for high cube warehouses used in EIRs for warehouse projects throughout the region. The Traffic Analysis (TA) used trip generation rates of 2.89 trips per 1000 square feet of gross floor area. The methodology in the 2019 study provides a more conservative analysis consistent with actual conditions in the region. Therefore, the truck rate used in the GHG analysis was correctly undertaken as it relates to truck trips.

Moreover, pages 4.7-11 through 4.7-14 of the DEIR provided an adequate description of the construction and operational emission quantities, sources and factors to support the findings. Table 4.7-2 (Project GHG Emissions) on page 4.7-13 of the DEIR summarized the total GHG emission levels attributed to construction and operation of the proposed project. Table 4.7-3 (CAP Consistency - Commercial/Industrial Land Use) on page 4.7-15 of the DEIR provided the points attained in relation to the Riverside County CAP Update, and mitigation measure GHG-1 requires compliance with the County CAP's point system. Therefore, the EIR has required implementation of all feasible mitigation measures, but still correctly concludes that impacts will be significant and unavoidable.

## **B. TRANSPORTATION**

### **i. Consistency with CEQA Guidelines section 15064.3, subdivision (b) (VMT)**

In order to determine project related VMT impacts, the proposed project's Baseline VMT per service population (SP) was compared to the City's adopted threshold. Project-generated VMT per SP resulted in a project generated VMT of 59.77 for baseline and 52.24 for cumulative conditions. The proposed project's baseline and cumulative VMT per Service Population are greater than the City's impact threshold of 34.52 VMT per SP, therefore representing a significant impact.

### **a) Mitigation Measures**

To mitigate potential impacts concerning VMTs, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

- TRA-1: VMT Reduction Program: The Applicant will implement a VMT Reduction Program during operations which includes the following measures:
- Implement a ridesharing program and provide preferential parking for rideshares.
  - Provide opportunities for telecommuting/ alternative work hour programs.
  - Construct on-site bicycle racks, lockers and shower rooms.

### **b) Finding Related to Potentially Significant and Unavoidable VMT Impacts**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA guidelines, the City Planning Commission finds that, for the significant effects of the project related to VMT and consistency with CEQA Guidelines 15054.3, described above and discussed further in the Final EIR, Mitigation TRA-1 has been incorporated into the project which lessens such significant environmental effects as described in the Final EIR to the maximum extent feasible. Mitigation as described above and implemented in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval, will reduce VMT to the Maximum extent feasible.

The City of Palm Springs further finds that despite implementation of the Mitigation Measure identified in the Final EIR, VMT and consistency with CEQA Guidelines 15064.3 will remain a significant effect. Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives, if any, identified in the Final EIR. In fact, the EIR did not identify any mitigation measures or project alternative that would further reduce the project's unavoidable impacts except the no project/no development alternative which is deemed unacceptable by the Planning Commission as explained in more detail below. Furthermore, the City finds that specific overriding economic, legal, social, technological or other benefits of the project, including but not limited to generating sales tax revenue to enhance the City's economic base and ensure its long-term financial stability, outweigh the significant effects to the environment, as more fully described below which is hereby incorporated by this reference. These findings are further explained below and are supported by substantial evidence in the record of proceedings.

### **Facts in Support of Findings:**

The Palm Springs Guidelines identify the Riverside County Transportation Analysis Model (RIVTAM) as the appropriate tool for conducting VMT analysis for land use projects. RIVTAM considers interaction between different land uses based on socio-economic data such as population, households and employment. Project VMT was calculated using the most current version of RIVTAM. Adjustments in socioeconomic data (SED) (i.e., employment) were made to the specific

Traffic Analysis Zone (TAZ) within the RIVTAM model to reflect the project's proposed population and employment uses.

The project will result in 718 jobs. Project-generated VMT per SP resulted in a project generated VMT of 59.77 for baseline and 52.24 for cumulative conditions. The proposed project's baseline and cumulative VMT per Service Population are greater than the City's impact threshold of 34.52 VMT per SP.

Palm Springs General Plan Circulation Element Policy CR1.11 encourages large employers (employers with 100 or more persons) to adopt incentive programs that include ridesharing, fleet vehicles and vanpools, preferential parking for rideshares, subsidized shuttle bus services, telecommuting, alternative work hour programs, bicycle racks, lockers and shower rooms, and information on transit services to reduce overall traffic volumes in the City.

Comments received by Golden State Environmental Justice Alliance included a question (Comment 5h) regarding the truck/trailer and delivery van activity used in the VMT Analysis. However the best available source for high-cube fulfillment center use would be the trip-generation statistics published in the High-Cube Warehouse Trip Generation Study (WSP, January 29, 2019) which was commissioned by the Western Riverside Council of Governments (WRCOG). The WSP trip generation rates were published in January 2019 and are based on data collected at 11 local high-cube fulfillment center sites located throughout Southern California (specifically Riverside County and San Bernardino County). The truck percentages were further broken down by axle type per the WSP recommended truck mix: 2-4-Axle = 44.1%; 5+-Axle = 55.9%.

The Applicant will implement a VMT Reduction Program (as shown in Mitigation Measure TRA-1), that includes the following reduction measures:

- Implement a ridesharing program,
- Provide preferential parking for rideshares,
- Provide opportunities for telecommuting,
- Implement alternative work hour programs and
- Construct on-site bicycle racks and associated facilities.

The proposed measures would result in the following range of reductions:

- Implement a ridesharing program and provide preferential parking for rideshares: 0-8%
- Provide opportunities for telecommuting/ alternative work hour programs: Not Quantified
- Construct on-site bicycle racks, lockers, and shower rooms: 0-4.4%

## **V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT IMPACTS WHICH ARE AVOIDED OR MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

Pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the City finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the identified potentially significant effects on the environment, and further finds

that all such effects will be mitigated to less than significant levels. The potentially significant effects and mitigation measures are stated fully in the Final EIR and each of the mitigation measures have been imposed on the project and are enforceable pursuant to the MMRP, and project conditions of approval. These findings are explained below and are supported by substantial evidence in the record of proceedings.

## **A. BIOLOGICAL RESOURCES**

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

The proposed project site will result in potentially significant impacts related to species identified as a candidate, sensitive, or special status species and sensitive natural communities. These species are identified on pages 4.3-9 – 4.3-13 of the DEIR/RDEIR and include Glandular ditaxis, ribbed cryptantha, flat-seeded surge, Coachella Valley milk vetch, white bracketed spineflower, slender cottonheads, Little San Bernardino Mountains, Coachella giant sand treader cricket, Coachella Valley Jerusalem cricket, Casey’s June beetle, Coachella Valley fringe-toed lizard, desert tortoise, flat-tailed horned lizard, LeConte’s thrasher, loggerhead shrike, burrowing owl, and Palm Spring ground squirrel.

#### **a) Mitigation Measures**

To avoid or substantially reduce potential impacts to candidate, sensitive, or special status species, the following mitigation measure are hereby adopted and will be implemented consistent with the MMRP:

**BIO-1:** Per the 2012, California Department of Fish and Wildlife (CDFW) *Staff Report on Burrowing Owl Mitigation*, a burrowing owl clearance survey shall be performed by a qualified biologist 14 to 30 days prior to any site disturbance (grubbing, grading, and construction). The pre-construction survey is required to use accepted protocol (CDFW Staff Report). A final clearance survey must be conducted 24 hours prior to ground disturbance. If owls are found to be present during the breeding season (February 15 through September 15), a qualified biologist will prepare a plan and submit it to CDFW for review and approval prior to establishing a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated, if approved under the plan. If the presence of any burrowing owl is confirmed in preconstruction surveys, regardless of season, a qualified biologist shall prepare a plan for avoidance or relocation and submit it to the City for review and approval. No construction activity shall be permitted until the measures contained in the approved plan have been completed.

**BIO-3:** The project applicant will pay the Local Development Mitigation Fee (LDMF). The payment of this fee will mitigate impact to species on the

project site that are covered under the CVMSHCP to a less than significant level.

**b) Finding Related to Substantial Effect, Either Directly or Through Habitat Modifications, on any Species Identified as a Candidate, Sensitive or Special Status Species in Local or Regional Plans, Policies, or Regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the City finds that project-related impacts to candidate, sensitive, or special status species are mitigated to less than significant levels through implementation of Mitigation Measures BIO-1 through BIO-3, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

A burrowing owl was observed five times during the field surveys and one active burrow with one owl was found within the site boundaries. The entire site is considered suitable burrowing owl habitat with friable soil and rodent burrows that could be expanded in size by the owls. Expanded rodent burrows are used as shelter and for nesting by the owls. No active nests were found during the survey days. Due to the presence of burrowing owls on the project site, there would be a potentially significant impact if not addressed (*see* DEIR/RDEIR p. 4.3-12). This impact is addressed in Mitigation Measure BIO-1. Mitigation Measure BIO-1 requires clearance surveys for the burrowing owl not less than 14 days prior to site disturbance and then again 24 hours prior to site disturbance. If the presence of any burrowing owl is confirmed in preconstruction surveys, regardless of season, a qualified biologist shall prepare a plan for avoidance or relocation and submit it to the CDFW for review and approval. No construction activity shall be permitted until the measures contained in the approved plan have been completed.

The Palm Springs ground squirrel is considered a state Species of Special Concern. In the past, it was considered a candidate species for listing by the United States Fish & Wildlife Service. Although the species was not detected on the project site, burrows were detected within the site boundaries and therefore the species could likely occur on or near the site. The species is covered under the CVMSHCP. The Coachella Valley milk vetch is also a covered species under the CVMSHCP. Mitigation for impacts to the species is accomplished through payment of a Local Development Mitigation Fee (LDMF) to CVAG. Mitigation Measure BIO-3 requires the project applicant to pay the LDMF, which will mitigate impacts to the Palm Springs Ground Squirrel and Coachella Valley milk vetch to less than significant levels.

Overall, impacts to candidate, sensitive, or special status species are mitigated to less than significant levels through implementation of Mitigation Measures BIO-1 and BIO-3.

ii. **Substantial Adverse Effects on 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 Site**

The project's vacant and undeveloped condition may provide suitable habitat for wildlife species due to the existing bushes and trees on and adjacent to the site, which have the potential to harbor migratory birds. If construction was to occur while nesting birds were present on or adjacent to the site, it would violate the MBTA and CDFW Section 3503. Therefore, potential impacts on nesting birds are considered a significant adverse effect, and mitigation is required to reduce the impact to nesting birds to less than significant levels.

**a) Mitigation Measure**

To avoid or substantially reduce potential impacts to nesting birds, the following mitigation measure are hereby adopted and will be implemented consistent with the MMRP:

BIO-2: For any grading or other site disturbance or tree or vegetation removal occurring during the nesting season between February 1st and August 31st, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the consulting biologist, 24 hours prior to initiation of project-related ground disturbing activities. If nesting birds are present, no work shall be permitted near the nest until the young birds have fledged. While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 500 feet for birds-of-prey, and 100 – 300 feet for songbirds.

**b) Finding Related to Impacts to Movement of Wildlife Species or with Wildlife Corridors**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects to the movement of fish or wildlife species described above and further discussed in the Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure BIO-2, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

As stated on page 4.3-13 of the DEIR/RDEIR, the project's vacant and undeveloped condition may provide suitable habitat for wildlife species. However, the project's adjacency to the Indian Canyon Drive roadway and existing industrial and commercial businesses does not present ideal conditions for wildlife corridors or native wildlife nursery sites. There are bushes and trees on and adjacent to the site that have the potential to harbor migratory birds. Construction of the project could adversely affect nesting birds if construction was to occur while they are present or adjacent to the project site. If construction was to occur while nesting birds were present on or adjacent to

the site, it would violate the MBTA and CDFW Section 3503. Implementation of Mitigation Measure BIO-2 would require pre-construction nesting bird survey, which would identify whether nesting birds exist onsite.

**iii. Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other Approved, Local, Regional, or State Habitat Conservation Plan**

The project lies within the boundary of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) which outlines policies for conservation habitats and natural communities and is implemented for this property by the City of Palm Springs. Therefore, development of the project could conflict with the provisions of the CVMSHCP if mitigation is not implemented.

**a) Mitigation Measures**

To avoid or substantially reduce potential impacts to the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved, local, regional, or state habitat conservation plan, the following mitigation measure are hereby adopted and will be implemented consistent with the MMRP:

BIO-3: The project applicant will pay the Local Development Mitigation Fee (LDMF). The payment of this fee will mitigate impact to species on the project site that are covered under the CVMSHCP to a less than significant level.

**b) Finding Related to Consistency with Local Policies or Applicable Habitat Conservation Plans**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, the consistency with local policies or applicable habitat conservation plans described above and further discussed in the Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure BIO-3, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

The project lies within the boundary of the CVMSHCP; however, the site lies outside the Plan's designated conservation areas (*see* DEIR/RDEIR p. 4.3-14). The CVMSHCP requires the project to pay the CVMSHCP mitigation fee to mitigate the loss of habitat for covered species in the Coachella Valley (as required by Mitigation Measure BIO-3). Mitigation Measure BIO-3 requires the applicant's payment of a LDMF to CVAG. The payment of the fee will contribute to the preservation of species by purchasing conservation land elsewhere in the Coachella Valley which will be preserved in perpetuity to protect the species.

With the incorporation of Mitigation Measure BIO-3, project-specific and cumulative effects on biological resources will be less than significant.

## **B. CULTURAL RESOURCES**

### **i. Adverse Change in the Significance of an Archaeological Resource**

Implementation of the proposed project will result in potentially significant impacts to archaeological resources, because prehistoric ceramic sherds and isolated prehistoric artifacts are located near the project site. Construction of the project will involve ground-disturbing activities with the potential to unearth or adversely impact previously unidentified archaeological resources.

#### **a) Mitigation Measures**

To avoid or substantially reduce potential impacts to archaeological resources, the following mitigation measure is hereby adopted and will be implemented consistent with the MMRP:

CUL-1: Prior to ground disturbance (including clearing, grubbing, etc.) the applicant/developer will retain a qualified archaeological monitor and an Agua Caliente Band of Cahuilla Indian (ACBCI) Tribal monitor to be present during all ground disturbing activities. If cultural materials are discovered during grading or excavation, the construction contractor shall cease all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. An archaeological monitoring plan will be developed and implemented to ensure that any unanticipated discoveries made during project-related ground-disturbing activities are properly treated. The archaeologist, in consultation with ACBCI, shall be consulted to reduce or terminate monitoring when it is indicated by field conditions and as appropriate.

#### **b) Finding Related Adverse Changes in the Significance of an Archaeological Resource**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for the significant effects on archaeological resources described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure CUL-1, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval.

#### **Facts in Support of Finding:**

Implementation of the proposed project has the potential to impact the identified archeological resources described in the DEIR/RDEIR (*see* DEIR/RDEIR p. 4.4-11), and the potential exists for impacts to unknown cultural resources during project grading. These potentially significant

impacts to archaeological resources will be mitigated to below a level of significance through implementation of Mitigation Measure CUL-1. CUL-1 requires that archaeological monitoring be implemented to ensure that any unanticipated discoveries made during project-related ground disturbance activities are properly treated. Monitoring prior to ground disturbance (including clearing, grubbing, etc.), as required in CUL-1, would determine whether archaeological resources are located onsite. Protocols if cultural materials are discovered include stopping all earthmoving activity (within and around the immediate discovery area) until a qualified archaeologist can assess the find to determine whether it is significant. Moreover, the development of an archaeological monitoring plan will ensure that any unanticipated discoveries made during project-related ground-disturbing activities are properly treated. The implementation of the monitoring and archaeological monitoring plan will ensure that archaeological resources are not impacts. Impacts are reduced to less than significant levels with CUL-1.

Therefore, with implementation of mitigation measure CUL-1, project-specific and cumulative effects on cultural resources will be less than significant (see DEIR/RDEIR, at pp. 4.4-11 – 4.4-12).

### **C. GEOLOGY AND SOILS**

#### **i. Directly or Indirectly Cause Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Strong Seismic Ground Shaking**

The project site is located approximately 0.3 miles south of the San Andreas Fault, Banning Branch. The Geotechnical Investigation found that due to the nature of the soils on the project site and to the multiple active faults in the project's vicinity, the site has been subjected to past ground shaking, and seismic shaking is expected during the design life of the proposed project. Implementation of the proposed project has the potential for significant adverse effects associated with strong seismic ground shaking.

##### **a) Mitigation Measures**

To avoid or substantially reduce potential adverse effects associated with seismic-related ground shaking, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

- |       |   |
|-------|---|
| GEO-1 | The project shall comply with all the grading and excavation codes of the County of Riverside and shall be in compliance with all applicable provisions of the 2022 California Building Code (2022 CBC). The project shall also be in accordance with the project-specific Geotechnical Investigation for the submittal of grading and building plans.  |
| GEO-2 | Clearing operations shall include the removal of any trash, debris, vegetation, and similar deleterious materials including the root balls of any trees. Voids created by the removal shall be backfilled as well as the removal and replacement of surficial artificial and compressible soil materials with engineered fill. Any buried deleterious materials encountered within the site due to past site usage may need to be removed by hand (e.g., root pickers) during grading operations. |

- GEO-3 Any existing undocumented fill and near surface native soils are considered unsuitable for support of proposed structures and shall be removed to underlying competent alluvial materials as approved by the project geotechnical consultant. The estimated depth of removal is recommended to be approximately 6 feet below the existing ground surface in proposed building areas. Consideration shall be given to locally deepening the excavation at the location of tree roots or proposed subterranean features (if any) in order to provide a uniform depth of compacted fill in all areas. Soil removals could be locally deeper depending upon the actual exposed conditions encountered during grading. At a minimum, the over-excavation shall extend a distance beyond the perimeter of the structure equal to the depth of the over-excavation. The actual depths and horizontal limits of removals and over-excavations shall be evaluated upon availability of the site grading plan and during grading on the basis of observations and testing performed by the project geotechnical consultant. Excavated soils, if free of deleterious materials, are considered acceptable for use as compacted fill.
- GEO-4 Prior to placing engineered fill, the exposed bottom surfaces in the removal areas shall be approved by a representative of project geotechnical consultant. The exposed bottom(s) shall be scarified to a minimum depth of 12 inches, moisture-conditioned or air-dried to achieve approximately two percent above optimum moisture content and then compacted with a heavy construction equipment prior to placement of fill. Minimum compaction of the upper 12 inches of the removal bottom shall meet or exceed 90 percent relative compaction. The laboratory maximum dry density, the standard for determining relative compaction, and optimum moisture content for each change in soil type shall be determined in accordance with Test Method ASTM D 1557.
- GEO-5 If remedial grading is necessary immediately adjacent to the property boundaries, a geotechnical consultant must prepare a plan addressing issues including: temporary backcut slopes shall generally be restricted to a slope ratio of 1:1 (h:v) or flatter to protect adjacent offsite improvements (including pavement, sidewalks, walls, buried utilities, etc.). Depending on the actual horizontal extent of necessary remedial grading, a wedge of unsuitable soil may remain in place along the site perimeter that will extend into the site. Any new perimeter site improvements that are anticipated to be within this zone may need to be designed and constructed with deepened and/or strengthened foundation systems designed to withstand relative movement that is likely to result from settlement of these likely compressible surficial soils. Alternately, the remedial grading adjacent to the site boundaries may be accomplished by the slot-cutting method. More specific recommendations may be appropriate once the rough grading plan is available for review.

- GEO-6 All fill materials shall be placed in approximately 6- to 8-inch-thick loose lifts, watered or air-dried as necessary to achieve a minimum moisture content at least 2 percent above the optimum moisture condition, and then compacted in-place to a minimum relative compaction of 90 percent. The laboratory maximum dry density and optimum moisture content for each change in soil type shall be determined in accordance with ASTM D 1557.
- GEO-7 Prior to the start of earthwork, a meeting shall be held at the site with the owner's representative, contractor, and geotechnical consultant to discuss the work schedule and geotechnical aspects of the grading. Earthwork, which in this instance will generally entail removal and re-compaction of the near surface soils, shall be accomplished under full-time observation and testing by the geotechnical consultant. A representative of the project geotechnical consultant shall be present onsite during all earthwork operations to document placement and compaction of fills, as well as to document compliance with the other recommendations presented herein. Additionally, the project geotechnical consultant shall provide observation and testing services based on scheduling determined during the pre-earthwork meeting during final clearing and grubbing operations to document compliance with the above recommendations. In addition, shall unusual or adverse soil conditions or buried structures be encountered during grading that are not described herein, these conditions shall be brought to the immediate attention of the project geotechnical consultant for corrective recommendations.
- GEO-8 Footings:
- a) Exterior continuous footings supporting one- and two-story light-weight construction shall be founded at a minimum depth of 15 inches below the lowest adjacent final grade. For concrete tilt up structures, continuous footings shall be founded at a minimum depth of 24 inches. Interior continuous footings may be founded at a minimum depth of 12 inches below the top of the adjacent finish floor slabs.
  - b) In accordance with Table 1809.7 of 2022 CBC, all continuous footings shall have minimum widths of 12 inches for one- and two-story construction. Petra recommends all continuous footings shall be reinforced with a minimum of two No. 4 bars, one top and one bottom.
  - c) A minimum 12-inch-wide grade beam founded at the same depth as adjacent footings shall be provided across openings such as large doors or bay windows. The grade beam shall be reinforced in a similar manner as provided above.
  - d) Interior isolated pad footings, if required, shall be a minimum of 24 inches square and founded at a minimum depth of 12 inches below the bottoms of the adjacent floor slabs. Pad footings shall be reinforced with

No. 4 bars spaced a maximum of 18 inches on centers, both ways, placed near the bottoms of the footings.

- e) Exterior isolated pad footings intended for support of roof overhangs such as patio covers and similar construction shall be a minimum of 24 inches square, and founded at a minimum depth of 18 inches below the lowest adjacent final grade. The pad footings shall be reinforced with No. 4 bars spaced a maximum of 18 inches on centers, both ways, placed near the bottoms of the footings. Exterior isolated pad footings may need to be connected to adjacent pad and/or continuous footings via tie beams at the discretion of the project structural engineer.
- f) The minimum footing dimensions and reinforcement recommended herein may be modified (increased or decreased subject to the constraints of Chapter 18 of the 2022 CBC) by the structural engineer responsible for foundation design based on calculations, engineering experience, and judgment.

GEO-9

Building Floor Slabs:

- a) For office areas, and areas with light floor loading, concrete floor slabs shall be a minimum 4 inches thick and reinforced with a minimum No. 3 bars spaced a maximum of 18 inches on centers, both ways. For warehouse floors the slabs shall be a minimum of 5 inches thick and reinforced with a minimum No. 4 bars spaced a maximum of 18 inches on centers, both ways. All slab reinforcement shall be supported on concrete chairs or brick to ensure the desired placement near mid-depth.
- b) Slab dimension, reinforcement type, size and spacing need to account for internal concrete forces (e.g., thermal, shrinkage and expansion) as well as external forces (e.g., applied loads), as deemed necessary.
- c) Moisture sensitive concrete floor slabs and areas to receive moisture sensitive floor covering shall be underlain with a moisture vapor retarder consisting of a minimum 10-mil-thick polyethylene or polyolefin membrane that meets the minimum requirements of ASTM E96 and ASTM E1745 for vapor retarders (such as Husky Yellow Guard®, Stego® Wrap, or equivalent). All laps within the membrane shall be sealed, and at least 2 inches of clean sand shall be placed over the membrane to promote uniform curing of the concrete. To reduce the potential for punctures, the membrane shall be placed on a pad surface that has been graded smooth without any sharp protrusions. If a smooth surface cannot be achieved by grading, consideration shall be given to lowering the pad finished grade an additional inch and then placing a 1-

inch-thick leveling course of sand across the pad surface prior to the placement of the membrane.

- d) Prior to placing concrete, the subgrade soils below building and auxiliary area floor slabs shall be moisture conditioned to achieve a moisture content that is at least 1.2 times the optimum moisture content. This moisture shall penetrate to a depth of approximately 12 inches into the subgrade.
- e) The modulus of subgrade reaction for design of load bearing elements depends on the size of the element and soil-structure interaction. As a first level of approximation, a modulus of subgrade reaction of 125 pounds per cubic inch may be assumed for floor slab design.
- f) The minimum dimensions and reinforcement recommended herein for building floor slabs may be modified (increased or decreased) by the structural engineer responsible for foundation design based on calculations, engineering experience, and judgment.

**b) Finding Related Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Strong Seismic Ground Shaking**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to seismic-related ground shaking, described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measures GEO-1 through GEO-9, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

The geotechnical investigation completed by Petra Geosciences, Inc. and included in the DEIR/RDEIR appendices (Appendix G) concluded that with implementation of Mitigation Measures GEO-1 through GEO-9, impacts associated with strong seismic ground shaking would be less than significant (*see* DEIR/RDEIR p. 4.6-12 – 4.6-13). Mitigation Measure GEO-1 requires that the project comply with all the grading and excavation codes and be in compliance with all applicable provisions of the 2022 CBC. Compliance with the 2022 CBC would ensure exterior and interior components of the building, like high-stacking shelving, would be secure during an earthquake. The proposed development would be constructed in a manner that reduces the risk of seismic hazards consistent with Title 24, California Code of Regulations. Site work would be conducted in accordance with the project-specific geotechnical and soils analyses required with the submittal of grading and building plans. Foundation and structural design of the proposed project would reduce exposure of people or structures to adverse effects to the greatest extent

possible with implementation of the recommendations from the project's Geotechnical Investigation.

Mitigation Measure GEO-2 requires clearing operations to include the removal of any trash, debris, vegetation, and similar deleterious materials including the root balls of any trees. Voids created by these removals shall be backfilled. The removal and replacement of surficial artificial and compressible soil materials with engineered fill is also required. Any buried deleterious materials encountered within the site due to past site usage may need to be removed by hand (i.e., root pickers) during grading operations. Removing deleterious materials and replacing soils with engineered fill will create an evenly compacted and level surface for construction ensuring that the soil and foundational integrity of the site provides secure and stable soil conditions, should strong seismic shaking occur.

Mitigation Measure GEO-3 requires the removal of existing undocumented fill and near surface native soils that are considered unsuitable for support of proposed structures. Unsuitable soils shall be removed to underlying competent alluvial materials. The estimated depth of removal is recommended to be approximately 6 feet below the existing ground surface in proposed building areas. The actual depths and horizontal limits of removals and over-excavations would be determined with review of the final site grading plan and during grading on the basis of observations and testing performed by the project geotechnical consultant. Excavated soils, if free of deleterious materials, are considered acceptable for use as compacted fill to ensure secure and stable soil conditions. Mitigation Measure GEO-3 improves soil composition by creating even and uniform conditions for construction.

Furthermore, prior to placing engineered fill, the project geotechnical consultant shall approve the exposed bottom surfaces in the removal areas to ensure they are scarified to a minimum depth of 12 inches, moisture-conditioned or air-dried to achieve approximately 2 percent above optimum moisture content, as required by Mitigation Measure GEO-4 (page 4.6-13 of DEIR/RDEIR). The approval of the exposed bottom surfaces will ensure that the foundation for the fill material is secure. The geotechnical consultant will also ensure slopes and fill materials are designed and constructed with deepened and/or strengthened foundation systems designed to withstand relative movement that is likely to result from settlement of these likely compressible surficial soils, as required in GEO-5 (pages 4.6-13 of DEIR/RDEIR). All fill materials shall be placed in incremental layers, each measuring approximately 6- to 8-inches in thickness. Before placement, similar to the scarified surfaces discussed above, the fill materials must be watered or air-dried as necessary to achieve a minimum moisture content of at least 2 percent above the optimum moisture condition, and then compacted in-place to a minimum relative compaction of 90 percent, are required by Mitigation Measure GEO-6. These procedures are required to ensure the structural integrity of the site, rendering it capable of accommodating the proposed construction in a secure and stable manner, thus reducing impacts to less than significant levels.

A geotechnical consultant shall be present onsite during all earthwork operations to document placement and compaction of fills, as well as provide observation and testing services based on scheduling determined during the pre-earthwork meeting during final clearing and grubbing operations, as stated in Mitigation Measure GEO-7. The presence of the geotechnical consultant onsite will ensure optimal soil conditions (as listed in GEO-4 through GEO-6 above) are present onsite, as well as provide corrective recommendations if adverse soil conditions or buried

structures are encountered during grading. GEO-7 mitigates the potential of adverse soil conditions onsite.

Mitigation Measure GEO-8 requires standards for footings throughout the project to ensure that the weight of the project is equally distributed across the entire structure, ensuring the project does not sink or become unstable due to the quality of the soil on the project site. Mitigation Measure GEO-9 requires standards for floor slabs throughout the project to ensure that the building is properly stabilized and can properly support the load of the walls, beams, and foundations.

Overall, with the implementation of Mitigation Measures GEO-1 to GEO-9, impacts of strong seismic ground shaking will be reduced to less than significant levels.

## **ii. Result in Soil Erosion or Loss of Top Soil**

The project site is subject to potential windborne, waterborne, and human-caused erosion. Project development has the potential to cause significant adverse erosion effects, including the generation of fugitive dust.

### **a) Mitigation Measures**

To avoid or substantially reduce potential adverse effects associated with erosion, the following mitigation measure is hereby adopted and will be implemented consistent with the MMRP:

GEO-10 Positive surface drainage systems consisting of a combination of sloped concrete flatwork/asphalt pavement, sheet flow gradients, swales, and surface area drains (where needed) shall be provided around the building and within any planter areas to collect and direct all surface waters to an appropriate drainage facility as determined by the project civil engineer. The ground surfaces of planter and landscape areas that are located within 10 feet of building foundations shall be sloped at a minimum gradient of 5 percent away from the foundations and towards the nearest area drains. The ground surface of planter and landscape areas that are located more than 10 feet away from building foundations may be sloped at a minimum gradient of 2 percent away from the foundations and towards the nearest area drains.

Concrete flatwork surfaces that are located within 10 feet of building foundations shall be inclined at a minimum gradient of one percent away from the building foundations and towards the nearest area drains. Concrete flatwork surfaces that are located more than 10 feet away from building foundations may be sloped at a minimum gradient of 1 percent towards the nearest area drains. Surface waters shall not be allowed to collect or pond against building foundations and within the level areas of the site. All drainage devices shall be properly maintained throughout the lifetime of the development. Future changes to site improvements, or planting and watering practices, shall not be allowed to cause over-saturation of site soils adjacent to the structures.

## **b) Finding Related to Soil Erosion or Loss of Topsoil**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to erosion described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of mitigation measure GEO-10, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval.

### **Facts in Support of Finding:**

As stated on page 4.6-14 of the DEIR/RDEIR, construction of the project would involve ground disturbing activities, such as the clearing and grubbing of existing vegetation, and grading of the site, increasing the potential of soil erosion at the time of development. In order to reduce the effect of windborne erosion at the project site and at the offsite construction location, the project will be required to implement the Coachella Valley PM10 State Implementation Plan (PM10 Plan) requirement for a Fugitive Dust Control Plan. A Fugitive Dust Control Plan is required under Palm Springs Municipal Code Section 8.50.022. The Fugitive Dust Control Plan requires the implementation of best available control measures (BACM) such as the use of perimeter fencing, applying adhesive dust suppressant, or watering the project site. The project property will be required to implement the BACMs for on- and off-site improvements within the project-specific Fugitive Dust Control Plan during construction of the project site.

In addition to the Fugitive Dust Control Plan, the project will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce the potential of waterborne erosion during construction (as required by Construction General Permit No. 99-08-DWQ). The SWPPP includes a list of the best management practices (BMPs) that would be implemented to prevent soil erosion that could contaminate nearby water resources. The implementation of a SWPPP for the project site would reduce soil erosion or the loss of topsoil during construction resulting from stormwater (see DEIR/RDEIR p. 4.6-14).

Operation of the project would introduce impervious, paved areas throughout the property. The impervious surfaces would reduce the potential for erosion during operation by stabilizing the ground surface and minimizing the amount of exposed soil. These features would establish stabilized surfaces and onsite maintenance at the project site, thereby decreasing the likelihood of onsite windborne and waterborne erosion during project operation. Mitigation Measure GEO-10 requires positive surface drainage systems consisting of a combination of sloped concrete flatwork/asphalt pavement, sheet flow gradients, swales, and surface area drains (where needed) around the building and within any planter areas to collect and direct all surface waters to an appropriate drainage facility as determined by the project civil engineer. Impacts are reduced to less than significant levels because GEO-10 ensures waterborne erosion does not occur onsite.

**iii. Located on an Unstable Geologic Unit Resulting in Potential for On-Site or Off-site Lateral Spreading, Subsidence, Liquefaction or Collapse**

The native materials on the project site consist primarily of topsoil, colluvium, and alluvium. The overall density of the alluvial soils encountered in borings on the project site (medium dense to dense) is at a reduced risk of subsidence because they are dense and consolidated, and as a result less subject to subsidence. The project site is underlain with undocumented, artificial fill and compressible soils. Such materials consist of surficial topsoil/colluvium/alluvium and are not considered suitable for support of fill or structural loads in their current state. Thus, resulting in a potentially significant impact if not removed.

**a) Mitigation Measures**

To avoid or substantially reduce potential adverse effects associated with development on an unstable geologic unit or expansive soil, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

- GEO-2 Clearing operations shall include the removal of any trash, debris, vegetation, and similar deleterious materials including the root balls of any trees. Voids created by the removal shall be backfilled as well as the removal and replacement of surficial artificial and compressible soil materials with engineered fill. Any buried deleterious materials encountered within the site due to past site usage may need to be removed by hand (e.g., root pickers) during grading operations.
- GEO-3 Any existing undocumented fill and near surface native soils are considered unsuitable for support of proposed structures and shall be removed to underlying competent alluvial materials as approved by the project geotechnical consultant. The estimated depth of removal is recommended to be approximately 6 feet below the existing ground surface in proposed building areas. Consideration shall be given to locally deepening the excavation at the location of tree roots or proposed subterranean features (if any) in order to provide a uniform depth of compacted fill in all areas. Soil removals could be locally deeper depending upon the actual exposed conditions encountered during grading. At a minimum, the over-excavation shall extend a distance beyond the perimeter of the structure equal to the depth of the over-excavation. The actual depths and horizontal limits of removals and over-excavations shall be evaluated upon availability of the site grading plan and during grading on the basis of observations and testing performed by the project geotechnical consultant. Excavated soils, if free of deleterious materials, are considered acceptable for use as compacted fill.
- GEO-4 Prior to placing engineered fill, the exposed bottom surfaces in the removal areas shall be approved by a representative of project geotechnical consultant. The exposed bottom(s) shall be scarified to a minimum depth of 12 inches, moisture-conditioned or air-dried to achieve approximately two

percent above optimum moisture content and then compacted with a heavy construction equipment prior to placement of fill. Minimum compaction of the upper 12 inches of the removal bottom shall meet or exceed 90 percent relative compaction. The laboratory maximum dry density, the standard for determining relative compaction, and optimum moisture content for each change in soil type shall be determined in accordance with Test Method ASTM D 1557.

- GEO-5 If remedial grading is necessary immediately adjacent to the property boundaries, a geotechnical consultant must prepare a plan addressing issues including: temporary backcut slopes shall generally be restricted to a slope ratio of 1:1 (h:v) or flatter to protect adjacent offsite improvements (including pavement, sidewalks, walls, buried utilities, etc.). Depending on the actual horizontal extent of necessary remedial grading, a wedge of unsuitable soil may remain in place along the site perimeter that will extend into the site. Any new perimeter site improvements that are anticipated to be within this zone may need to be designed and constructed with deepened and/or strengthened foundation systems designed to withstand relative movement that is likely to result from settlement of these likely compressible surficial soils. Alternately, the remedial grading adjacent to the site boundaries may be accomplished by the slot-cutting method. More specific recommendations may be appropriate once the rough grading plan is available for review.
- GEO-6 All fill materials shall be placed in approximately 6- to 8-inch-thick loose lifts, watered or air-dried as necessary to achieve a minimum moisture content at least 2 percent above the optimum moisture condition, and then compacted in-place to a minimum relative compaction of 90 percent. The laboratory maximum dry density and optimum moisture content for each change in soil type shall be determined in accordance with ASTM D 1557.
- GEO-7 Prior to the start of earthwork, a meeting shall be held at the site with the owner's representative, contractor, and geotechnical consultant to discuss the work schedule and geotechnical aspects of the grading. Earthwork, which in this instance will generally entail removal and re-compaction of the near surface soils, shall be accomplished under full-time observation and testing by the geotechnical consultant. A representative of the project geotechnical consultant shall be present onsite during all earthwork operations to document placement and compaction of fills, as well as to document compliance with the other recommendations presented herein. Additionally, the project geotechnical consultant shall provide observation and testing services based on scheduling determined during the pre-earthwork meeting during final clearing and grubbing operations to document compliance with the above recommendations. In addition, shall unusual or adverse soil conditions or buried structures be encountered during grading that are not described herein, these conditions shall be

brought to the immediate attention of the project geotechnical consultant for corrective recommendations.

GEO-8

Footings:

- g) Exterior continuous footings supporting one- and two-story light-weight construction shall be founded at a minimum depth of 15 inches below the lowest adjacent final grade. For concrete tilt up structures, continuous footings shall be founded at a minimum depth of 24 inches. Interior continuous footings may be founded at a minimum depth of 12 inches below the top of the adjacent finish floor slabs.
- h) In accordance with Table 1809.7 of 2022 CBC, all continuous footings shall have minimum widths of 12 inches for one- and two-story construction. Petra recommends all continuous footings shall be reinforced with a minimum of two No. 4 bars, one top and one bottom.
- i) A minimum 12-inch-wide grade beam founded at the same depth as adjacent footings shall be provided across openings such as large doors or bay windows. The grade beam shall be reinforced in a similar manner as provided above.
- j) Interior isolated pad footings, if required, shall be a minimum of 24 inches square and founded at a minimum depth of 12 inches below the bottoms of the adjacent floor slabs. Pad footings shall be reinforced with No. 4 bars spaced a maximum of 18 inches on centers, both ways, placed near the bottoms of the footings.
- k) Exterior isolated pad footings intended for support of roof overhangs such as patio covers and similar construction shall be a minimum of 24 inches square, and founded at a minimum depth of 18 inches below the lowest adjacent final grade. The pad footings shall be reinforced with No. 4 bars spaced a maximum of 18 inches on centers, both ways, placed near the bottoms of the footings. Exterior isolated pad footings may need to be connected to adjacent pad and/or continuous footings via tie beams at the discretion of the project structural engineer.
- l) The minimum footing dimensions and reinforcement recommended herein may be modified (increased or decreased subject to the constraints of Chapter 18 of the 2022 CBC) by the structural engineer responsible for foundation design based on calculations, engineering experience, and judgment.

GEO-9

Building Floor Slabs:

- g) For office areas, and areas with light floor loading, concrete floor slabs shall be a minimum 4 inches thick and reinforced with a minimum No. 3

bars spaced a maximum of 18 inches on centers, both ways. For warehouse floors the slabs shall be a minimum of 5 inches thick and reinforced with a minimum No. 4 bars spaced a maximum of 18 inches on centers, both ways. All slab reinforcement shall be supported on concrete chairs or brick to ensure the desired placement near mid-depth.

- h) Slab dimension, reinforcement type, size and spacing need to account for internal concrete forces (e.g., thermal, shrinkage and expansion) as well as external forces (e.g., applied loads), as deemed necessary.
- i) Moisture sensitive concrete floor slabs and areas to receive moisture sensitive floor covering shall be underlain with a moisture vapor retarder consisting of a minimum 10-mil-thick polyethylene or polyolefin membrane that meets the minimum requirements of ASTM E96 and ASTM E1745 for vapor retarders (such as Husky Yellow Guard®, Stego® Wrap, or equivalent). All laps within the membrane shall be sealed, and at least 2 inches of clean sand shall be placed over the membrane to promote uniform curing of the concrete. To reduce the potential for punctures, the membrane shall be placed on a pad surface that has been graded smooth without any sharp protrusions. If a smooth surface cannot be achieved by grading, consideration shall be given to lowering the pad finished grade an additional inch and then placing a 1-inch-thick leveling course of sand across the pad surface prior to the placement of the membrane.
- j) Prior to placing concrete, the subgrade soils below building and auxiliary area floor slabs shall be moisture conditioned to achieve a moisture content that is at least 1.2 times the optimum moisture content. This moisture shall penetrate to a depth of approximately 12 inches into the subgrade.
- k) The modulus of subgrade reaction for design of load bearing elements depends on the size of the element and soil-structure interaction. As a first level of approximation, a modulus of subgrade reaction of 125 pounds per cubic inch may be assumed for floor slab design.
- l) The minimum dimensions and reinforcement recommended herein for building floor slabs may be modified (increased or decreased) by the structural engineer responsible for foundation design based on calculations, engineering experience, and judgment.

**b) Finding Regarding On-Site or Off-site Lateral Spreading, Subsidence, Liquefaction or Collapse**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to unstable soil conditions described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measures GEO-2 through GEO-9, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

**Liquefaction:** As stated on page 4.6-16 of the DEIR/RDEIR, no groundwater was encountered to a maximum depth of 66 feet below ground surface during the subsurface exploration of the site conducted during the Geotechnical Investigation. Additionally, the medium dense to dense nature of the unconsolidated young alluvial fan materials encountered at depth during field exploration do not provide conditions for liquefaction and subsequent effects, such as lateral spread, to occur, since shallow groundwater and loose unconsolidated soils are required for liquefaction and subsequent effects to occur.

**Landslides and Rockfalls:** As stated on page 4.6-17 of the DEIR/RDEIR, the project site and surrounding area is defined by relatively flat land, and the project is not located near the local mountain ranges. The closest slope to the project is Garnet Hill (approximately 0.7 miles southeast of the project). Therefore, landslides and rockfalls are not anticipated to occur at the site.

**Ground Subsidence:** Excessive groundwater withdrawal typically results in subsidence. Per the Geotechnical Investigation, there are no signs (i.e., discernable features, ground fissures, linearity of depressions, radial directed drainages, etc.) of subsidence or hydro-consolidation at or near the site. Additionally, due to the absence of a clay layer in the groundwater basin hydrogeology, land subsidence is less likely to occur and the potential is considered low (page 4.6-17 of the DEIR/RDEIR). Overdraft (excessive withdrawal) from the basin that underlie the project site is monitored by the United States Geological Survey (USGS) and CVWD. CVWD, DWA and MSWD implement conversion projects (including reclamation facilities, and recycled water programs) to recharge the basins. MSWD also requires conservation measures to reduce potential overdraft of the basin (page 4.6-17 and 4.6-18 of DEIR/RDEIR). With the existing geological conditions of the site and surrounding, and the involvement of water agencies, subsidence is not expected to occur at the project site.

**Collapse:** Soil collapse occurs in recently deposited sediments that accumulate in an arid or semi-arid environment. According to the Geotechnical Investigation, the project site is underlain with undocumented, artificial fill and compressible soils. Such materials consist of surficial topsoil/colluvium/alluvium and are not considered suitable for support of fill or structural loads in their current state because they can lead to collapse (page 4.6-18 of DEIR/RDEIR). These soils, along with debris, vegetation, undocumented fill soil, and loose soil in the existing soil shall be

removed from the site, and the project shall implement Mitigation Measures GEO-2 through GEO-9.

Mitigation Measure GEO-2 requires clearing operations to include the removal of any trash, debris, vegetation, and similar deleterious materials including the root balls of any trees. Voids created by these removals shall be backfilled. The removal and replacement of surficial artificial and compressible soil materials with engineered fill is also required. Any buried deleterious materials encountered within the site due to past site usage may need to be removed by hand (i.e., root pickers) during grading operations. Removing deleterious materials and replacing soils with engineered fill will create an evenly compacted and level surface for construction ensuring that the soil and foundational integrity of the site provides secure and stable soil conditions, should strong seismic shaking occur.

Mitigation Measure GEO-3 requires the removal of existing undocumented fill and near surface native soils that are considered unsuitable for support of proposed structures. Unsuitable soils shall be removed to underlying competent alluvial materials. The estimated depth of removal is recommended to be approximately 6 feet below the existing ground surface in proposed building areas. The actual depths and horizontal limits of removals and over-excavations would be determined with review of the final site grading plan and during grading on the basis of observations and testing performed by the project geotechnical consultant. Excavated soils, if free of deleterious materials, are considered acceptable for use as compacted fill to ensure secure and stable soil conditions. Mitigation Measure GEO-3 improves soil composition by creating even and uniform conditions for construction.

Furthermore, prior to placing engineered fill, the project geotechnical consultant shall approve the exposed bottom surfaces in the removal areas to ensure they are scarified to a minimum depth of 12 inches, moisture-conditioned or air-dried to achieve approximately 2 percent above optimum moisture content, as required by Mitigation Measure GEO-4 (page 4.6-13 of DEIR/RDEIR). The approval of the exposed bottom surfaces will ensure that the foundation for the fill material is secure. The geotechnical consultant will also ensure slopes and fill materials are designed and constructed with deepened and/or strengthened foundation systems designed to withstand relative movement that is likely to result from settlement of these likely compressible surficial soils, as required in GEO-5 (pages 4.6-13 of DEIR/RDEIR). All fill materials shall be placed in incremental layers, each measuring approximately 6- to 8-inches in thickness. Before placement, similar to the scarified surfaces discussed above, the fill materials must be watered or air-dried as necessary to achieve a minimum moisture content of at least 2 percent above the optimum moisture condition, and then compacted in-place to a minimum relative compaction of 90 percent, as required by Mitigation Measure GEO-6. These procedures are required to ensure the structural integrity of the site, rendering it capable of accommodating the proposed construction in a secure and stable manner, thus reducing impacts to less than significant levels.

A geotechnical consultant must be present onsite during all earthwork operations to document placement and compaction of fills, as well as provide observation and testing services based on scheduling determined during the pre-earthwork meeting during final clearing and grubbing operations, as stated in Mitigation Measure GEO-7. The presence of the geotechnical consultant onsite will ensure optimal soil conditions (as listed in GEO-4 through GEO-6 above) are present onsite, as well as provide corrective recommendations if adverse soil conditions or buried

structures are encountered during grading. GEO-7 mitigates the potential of adverse soil conditions onsite.

Mitigation Measure GEO-8 requires standards for footings throughout the project to ensure that the weight of the project is equally distributed across the entire structure, ensuring the project does not sink or become unstable due to the quality of the soil on the project site. Mitigation Measure GEO-9 requires standards for floor slabs throughout the project to ensure that the building is properly stabilized and can properly support the load of the walls, beams, and foundations.

Overall, with the implementation of Mitigation Measures GEO-2 to GEO-9, impacts of strong seismic ground shaking will be reduced to less than significant levels.

#### **iv. Located on Expansive Soil**

Based on available data referred to in the Geotechnical Investigation, including the non-plastic, granular nature of the soils encountered in the subsurface exploration, near surface soils are considered very low in expansion potential (Expansion Index less than 20) (*see* DEIR p. 4.6-19).

##### **a) Mitigation Measures**

To avoid or substantially reduce potential adverse effects associated with development on an unstable geologic unit or expansive soil, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

- GEO-11      If imported soils are required to complete the planned grading, these soils shall consist of clean materials devoid of rock exceeding a maximum dimension of 4 inches, organics, trash, and other deleterious materials. To avoid making revisions to the foundation design, imported soils shall also be granular and exhibit a very low expansion potential (Expansion Index 0-20). Prospective import soils shall be observed at the source, tested and approved by the geotechnical consultant prior to importing the soils to the site. It is recommended that the project environmental consultant shall also be notified so that they can confirm the suitability of the proposed import material from an environmental standpoint. Additional sampling and testing shall be performed during site grading for determining actual expansion potential of the supporting building pad soils.

##### **b) Finding Regarding Expansive Soils**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to development on expansive soil described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure GEO-11, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP and project conditions of approval.

### **Facts in Support of Finding:**

Based on available data referred to in the Geotechnical Investigation, including the non-plastic, granular nature of the soils encountered in the subsurface exploration, near surface soils are considered very low in expansion potential (Expansion Index less than 20). Therefore, imported soils shall be observed at the source, tested, and approved by a geotechnical consultant prior to importing the soils to the site. Additional sampling and testing shall be performed during site grading for determining actual expansion potential of the supporting building pad soils. This is required in Mitigation Measure GEO-11. If imported fill is required, the material shall be of a non-expansive nature and shall meet the criteria outlined within the Geotechnical Investigation. Testing the expansion potential of the soil will ensure that the onsite soils do not have high expansion potential. The project and offsite construction for the project shall comply with the recommendations established within the project-specific Geotechnical Investigation to ensure the foundational safety of the project site. With the implementation of Mitigation Measure GEO-11, expansive soils would not occur onsite (as ensured by sampling and testing), and the impact would be less than significant.

#### **v. Impacts to a Unique Paleontological Resource, Site or Unique Geologic Feature**

The Riverside County General Plan EIR designates the City as a low sensitivity area for paleontological resources. The project site primarily consists of alluvial sands, which are recent deposits and not conducive to the preservation of paleontological resources. However, deeper Pleistocene-age sediments and formations have a higher potential for the presence of fossils. If grading plans require that project related excavations go deeper than ten feet, Pleistocene- age soils could occur, and paleontological resources could be uncovered. This would represent a potentially significant impact.

##### **a) Mitigation Measures**

To avoid or substantially reduce potential adverse effects on a unique paleontological resource, site or geologic feature, the following mitigation measure is hereby adopted and will be implemented consistent with the MMRP:

GEO-12      If grading plans show that project related excavations go deeper than ten (10) feet, a qualified paleontological monitor shall be retained by the site developer(s) to check for fossils. Should construction/development activities uncover paleontological resources, work will be halted in that area and moved to other parts of the project site and the monitor shall determine the significance of these resources. The paleontologist shall have authority to divert grading away from exposed fossils temporarily in order to recover the fossil specimens. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented as recommended by the monitor.

GEO-13      All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other approved curation

facility based upon the specific resource recovered and recommendations from the paleontological consultant.

**b) Finding Regarding Unique Paleontological Resource, Site or Unique Geologic Feature**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for the significant effects relating to paleontological resources described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of mitigation measures GEO-12 and GEO-13, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

Although the project site is designated as a low sensitivity area for paleontological resources, fossils may occur onsite at greater depths. Therefore, the presence of a qualified paleontological monitor during excavations of 10 feet or deeper is required by Mitigation Measure GEO-12. The qualified paleontological monitor will check for fossils during these excavations. If discovered, construction in the area shall stop so that the paleontological monitor can recover the fossil specimen and assess the significance of the resource. Mitigation Measure GEO-12 ensures that paleontological resources are not impacted by excavation activities onsite that occur at depths greater than 10 feet (where fossils may occur). If fossils are recovered during these activities, they shall be reposted in a public museum or other approved curation facility, as required by Mitigation Measure GEO-13. The preservation of the discovered resource (as directed by the paleontological consultant) will ensure that the project's impact to paleontological resources is less than significant.

**D. GREENHOUSE GAS EMISSIONS**

**i. Conflict with an Applicable Plan, Policy or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases**

Applicable plans, policies and regulations include the 2022 Scoping Plan, County of Riverside Climate Action Plan (CAP), and Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS). Conflicts with these plans would have a potentially significant impact.

**a) Mitigation Measures**

To mitigate potential impacts concerning applicable plans, policies, or regulations adopted to reduce GHG emissions, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

GHG-1: The project shall implement Screening Table Measures providing for a minimum 100 points per the County Screening Tables. The City shall verify incorporation of the identified Screening Table Measures within the project building plans and site designs prior to the issuance of building permit(s). The City shall verify implementation of the identified Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.

**b) Finding Related to Conflicts with Applicable Plan, Policy or Regulation Adopted to Reduce Greenhouse Gas Emissions**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project would not conflict with applicable plans, policies, and regulations adopted to reduce greenhouse gas emissions described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measures GHG-1, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP and project conditions of approval.

**Facts in Support of Finding:**

The project would not impede the State’s progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. Some of the current transportation sector policies the project will comply with (through vehicle manufacturer compliance) include: Advanced Clean Cars II, Advanced Clean Trucks, Advanced Clean Fleets, Zero Emission Forklifts, the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation, carbon pricing through the Cap-and-Trade Program, and the Low Carbon Fuel Standard. As such, the project would be consistent with the 2022 Scoping Plan (*see* DEIR p. 4.7-16).

The City’s currently approved CAP does not provide criteria to evaluate proposed private development. Therefore, the City of Palm Springs has used the County of Riverside CAP Update and associated methodology in the evaluation of this project. Because the County of Riverside CAP Update addresses GHG emissions reductions and is consistent with the requirements of AB 32, SB 32, and international efforts to reduce GHG emissions, compliance with the CAP Update fulfills the description of mitigation found in the State CEQA Guidelines. Pursuant to Mitigation Measure GHG-1, the project will implement Screening Table Measures providing for a minimum 100 points per the County Screening Tables. Since Mitigation Measure GHG-1 requires a minimum of 100 points, with incorporation of Mitigation Measure GHG-1, the project would be consistent with the CAP Update.

SCAG is responsible for developing long-range transportation plans and sustainable strategies for the region in accordance with federal and state law and planning requirements. The Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) would meet the applicable

2035 greenhouse gas (GHG) emissions reduction target for automobiles and light trucks of a 19 percent per capita reduction by 2035 relative to 2005 levels.

The project applicant proposes to develop a two-story industrial building of approximately 739,360-square-feet within the City of Palm Springs's Industrial land use designation. The project would not involve new residential development introducing a direct population growth. The Population and Housing Section found that the project could generate approximately 718 jobs, but it is reasonable to assume that the new jobs could be filled by existing residents of the City and Coachella Valley region. Therefore, there would not be a substantial growth in population and the project would be consistent with the City and regional population growth projections (*see* DEIR p. 4.7-16 and 4.7-17).

## **E. TRANSPORTATION**

### **i. Substantially Increase Hazards Due to Geometric Design Features or Incompatible Uses**

The two major streets accessing the site will be Indian Canyon Drive along the project's eastern boundary and 19th Avenue along the project's southern boundary. Development of the proposed project could potentially result in temporary traffic flow impacts along the surrounding rights-of-way, resulting in significant impacts if not mitigated.

#### **a) Mitigation Measures**

To mitigate potential effects relating to traffic hazards, the following mitigation measure is hereby adopted and will be implemented consistent with the MMRP:

TRA-2: Traffic Control Plan: Prior to construction of any project related improvements, including offsite utilities and/ or issuance of a grading permit, the applicant shall prepare and submit to the City of Palm Springs for review and approval detailed construction traffic management plans, including street closure information, detour plans, haul routes, and staging plans as necessary for any off-site work that would encroach on public right-of-way. The construction traffic management plans shall include the following elements, as appropriate:

- Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag person);
- Construction-related vehicles shall not park on surrounding public streets;
- Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Schedule construction-related deliveries to reduce travel during peak travel periods;
- Obtain the required permits for truck haul routes from the City of Desert Hot Springs prior to the issuance of any permit for the project; and

- Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities.
- Outline adequate measures to ensure emergency vehicle access during all aspects of the project's construction, including, but not limited to, the use of flagmen during partial closures to streets surrounding the project site to facilitate the traffic flow until construction is complete.
- Include the implementation of security measures during construction in areas that are accessible to the general public to help reduce any increased demand on law enforcement services, including fencing construction areas, providing security lighting, and providing security personnel to patrol construction sites.

**b) Finding Regarding Hazards Due to Geometric Design Features or Incompatible Uses**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to traffic and transportation hazards described above and further discussed in the Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure TRA-2, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP, and project conditions of approval.

**Facts in Support of Finding:**

Temporary impacts may occur during the construction of infrastructure improvements serving the project, including connection to a MSWD sewer line in 19th Avenue, approximately 600 feet east of the subject property. The project proposes to connect to the existing 16-inch water main located in 19th Avenue adjacent to the southern boundary. Construction of the project's on- and off-site infrastructure improvements could cause short-term impacts related to traffic flows as a result of temporary lane closures. To minimize potential temporary traffic flow impacts during construction, a detailed construction traffic management plan(s) must be prepared and submitted to the City of Palm Springs (TRA-2). Plans shall include street closure information, detour plans, haul routes, and staging plans as necessary for any off-site work that would encroach on public right-of-way Mitigation Measure TRA-2 would substantially reduce the temporary short-term construction related traffic impacts to a less than significant level.

**ii. Result in Inadequate Emergency Access**

The project site is currently undeveloped. Construction and operation of the project may result in the need for emergency responders and employees to access the facility. Inadequate emergency access to the project would be a significant impact.

### **a) Mitigation Measures**

To mitigate potential impacts concerning inadequate emergency access, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

TRA-2: Traffic Control Plan: Prior to construction of any project related improvements, including offsite utilities and/ or issuance of a grading permit, the applicant shall prepare and submit the City of Palm Springs for review and approval detailed construction traffic management plans, including street closure information, detour plans, haul routes, and staging plans as necessary for any off-site work that would encroach on public right-of-way. The construction traffic management plans shall include the following elements, as appropriate:

- Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag person);
- Construction-related vehicles shall not park on surrounding public streets;
- Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Schedule construction-related deliveries to reduce travel during peak travel periods;
- Obtain the required permits for truck haul routes from the County of Riverside and the City of Desert Hot Springs prior to the issuance of any permit for the project; and
- Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities.
- Outline adequate measures to ensure emergency vehicle access during all aspects of the project's construction, including, but not limited to, the use of flagmen during partial closures to streets surrounding the project site to facilitate the traffic flow until construction is complete.
- Include the implementation of security measures during construction in areas that are accessible to the general public to help reduce any increased demand on law enforcement services, including fencing construction areas, providing security lighting, and providing security personnel to patrol construction sites.

### **b) Finding Related to Inadequate Emergency Access**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to inadequate emergency access described above and further discussed in the Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially

lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure TRA-2, as recommended in the Final EIR, which has been adopted by the City and is enforceable through the MMRP, and project conditions of approval.

### **Facts in Support of Findings:**

Project construction will ensure adequate access at all times and that complete and adequate public facilities and services are in place and available for the emergency responders and employees to the facility. This includes fire department approved emergency roadway design and facilities including fire hydrants. Per the General Plan Safety Element, the project is not located on any of the four main points of roadway access (lifelines) to the City. Mitigation Measure TRA-2 Traffic Control Plan will ensure that streets remain accessible for emergency purposes because the Traffic Control Plan requires detailed construction management plans, including street closure information, detour plans, haul routes, and staging plans as necessary for any off-site work that would encroach on the public right-of-way. The Traffic Control Plan will provide the City and emergency services with the necessary project-related traffic information. TRA-2 also requires the project to obtain the permits required for truck haul routes, and the use of Caltrans facilities. With implementation of the mitigation measure and standard conditions, including roadway design review and approval, impacts associated with the emergency access would be less than significant.

## **F. TRIBAL CULTURAL RESOURCES**

### **i. Impacts to Significant Tribal Cultural Resources**

The proposed project could have a potentially significant impact on Tribal Cultural Resources within or near the project site. Although the Sacred Lands File search by the NAHC produced negative results for Native American cultural resources in the general vicinity, the ACBCI has indicated that the project area may be sensitive for buried archaeological resources. These are considered significant adverse impacts.

#### **a) Mitigation Measures**

To mitigate potential project specific and cumulative effects relating to Tribal Cultural Resources, the following mitigation measures are hereby adopted and will be implemented consistent with the MMRP:

- CUL-1: Prior to ground disturbance (including clearing, grubbing, etc.) the applicant/developer will retain a qualified archaeological monitor and an ACBCI Tribal monitor to be present during all ground disturbing activities. If cultural materials are discovered during grading or excavation, the construction contractor shall cease all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. An archaeological monitoring plan will be developed and implemented to ensure that any unanticipated discoveries made during project-related ground-disturbing activities are properly treated. The archaeologist, in consultation with ACBCI, shall be

consulted to reduce or terminate monitoring when it is indicated by field conditions and as appropriate.

**b) Finding Regarding Impacts to Tribal Cultural Resources**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the significant effects relating to Tribal Cultural Resources described above and further discussed in the Draft/Final EIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen such significant environmental effects as identified in the Final EIR, and further finds that all such effects will be mitigated to less than significant levels through implementation of Mitigation Measure CUL-1, as recommended in the Final EIR, which have been adopted by the City and are enforceable through the MMRP, and project conditions of approval.

**Facts in Support of Finding:**

The City of Palm Springs completed Tribal consultation as required under AB 52. The ACBCI requested that a cultural resource monitor from the Tribe and an archaeologist that meets the Secretary of Interior’s standards be present during ground-disturbing activities related to the project in order to assure that buried resources are not damaged if they are unearthed by grading activities. Mitigation Measure CUL-1 requires that archaeological monitoring be implemented to ensure that any unanticipated discoveries made during project-related ground disturbance activities are properly treated. This measure is acceptable to the ACBCI and would reduce their concerns regarding the project’s impacts to Tribal resources to less than significant levels. With implementation of Mitigation Measure CUL-1 the ACBCI concluded the AB52 consultation efforts in their written letter dated December 1, 2023 (*see* DEIR p 4.14-5 and 4.14-6). Significant adverse effects to this resource are avoided through mitigation measure CUL-1 and impacts to Tribal cultural resources would be less than significant.

Additionally, as stated on page 4.14-6 of the DEIR/RDEIR, the project will connect to existing 12-inch sewer lines approximately 650 feet east of the project, along 19th Avenue. Mitigation Measure CUL-1 will apply to these improvements as will the project site, to assure that impacts to tribal resources remain less than significant.

**VI. FINDINGS REGARDING IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

The Final EIR also determined, based upon substantial evidence in the record, the following impacts associated with the project are less than significant and no mitigation is required. The City hereby adopts the findings, analysis, and conclusions regarding these potential impacts set forth in the Final EIR and incorporates the same herein by this reference.

**A. AESTHETICS**

**i. Effects on a Scenic Vista**

The mountains surrounding the City of Palm Springs include the San Jacinto Mountains on the west, the Santa Rosa Mountains to the south, and more distantly, the Little San Bernardino

Mountains to the north. The surrounding mountains contribute to the scenic vista observed in Palm Springs and near the project site. The project is located on vacant and undeveloped land. The vacant condition of the site does not obstruct views of scenic vistas.

From the project property, the San Jacinto Mountains to the southwest are largely visible, without major interruptions. From viewpoint locations along Indian Canyon Drive, the toe of slope to the peak of the Mountain is visible. From the project site, the Santa Rosa Mountains to the south are interrupted by existing buildings, landscaping, infrastructure and topography. However, depending on viewpoint location (i.e., northern part of the property versus southern part of the property), the mid-range and peak views can be observed from the project. The San Gorgonio Mountains to the northwest, and the Little San Bernardino Mountains to the north are also distant and visible from the project property. Similar to the views of the San Jacinto and Santa Rosa Mountains, base views of the San Gorgonio Mountains and Little San Bernardino Mountains, are obstructed by existing infrastructure. However, mid-range and peak views of these mountains are visible from the project site. See Exhibits 4.1-1 through 4.1-10 in the DEIR and Exhibits 4.1-1 through 4.1-5 and 4.1-8 through 4.1-12 in the RDEIR for the existing conditions from public viewsheds (i.e., public rights-of-way). The impacts are less than significant because the project's building height and proposed setbacks do not result in the obstruction of scenic views from public rights-of-way north and east of the project, or from private properties surrounding the project.

#### **a) Finding Regarding Scenic Vistas**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, the project fits with the industrial character of this portion of the City, and through compliance with the Palm Springs Municipal Code and applicable City requirements (as a standard condition), the project's effects relating to the scenic vistas will be less than significant. No mitigation measures are necessary.

#### **Facts in Support of Finding:**

The findings of the analysis determined that the project would not result in significant impacts to the scenic vistas due to the proposed building setbacks and building height restrictions. The proposed building will be 50-feet in height, and set back approximately 152 to 156 feet from the proposed sidewalk along Indian Canyon Drive. The project will block midrange and baseline views of the San Jacinto and Santa Rosa Mountains from pedestrians and motorists traveling southbound on Indian Canyon Drive. Similarly, the project will block midrange and baseline views of the San Bernardino and San Gorgonio Mountains from pedestrians and motorists traveling northbound on Indian Canyon Drive. The proposed 50-foot high building will block these views for a distance of approximately 800 feet (i.e., the building length along Indian Canyon Drive). These obstructed views would be similar to those observed along Indian Canyon Drive, south of 19th Avenue, where existing commercial and industrial buildings are located adjacent to the right-of-way. The setback will reduce the scale of the building by placing it further away from the right-of-way, therefore, reducing the building mass viewed by the motorists. The setbacks will also allow the peaks of the mountains to be visible along the right-of-way. It should also be noted that it will take approximately 16 seconds for motorists traveling along Indian Canyon Drive to pass the project site (using distance / speed (55 mph) = time). Finally, unobstructed views of the Little San Bernardino Mountains to the north, and Santa Rosa Mountains to the south will remain visible,

due to the orientation of the project along Indian Canyon Drive. Therefore, impacts from Indian Canyon Drive will be less than significant.

19<sup>th</sup> Avenue extends a distance of approximately 1,300 feet along the project's southern frontage. The proposed project building frontage extends approximately 1,000 feet along 19<sup>th</sup> Avenue. The building will be set back approximately 266-312 feet from the property boundary. From the segment of 19<sup>th</sup> Avenue adjacent to the project site, views of the Little San Bernardino Mountains to the north and northeast, and San Gorgonio Mountain to the northwest are largely unobstructed. The Santa Rosa Mountains to the south and San Jacinto Mountains to the southwest are obstructed by existing buildings and landscaping. However, depending on viewpoint location, mid-range and peak views of these mountains can be observed along 19<sup>th</sup> Avenue. Development of the project will not further obstruct views of the Santa Rosa and San Jacinto Mountains since the project is located north of 19<sup>th</sup> Avenue. Development of the proposed project will partially obstruct views of the San Gorgonio Mountains and Little San Bernardino Mountains when observed from 19<sup>th</sup> Avenue. However, the project proposes an approximately 266-foot and 312-foot setback from the proposed building to the proposed sidewalk along 19<sup>th</sup> Avenue which will reduce the scale of the building by placing it further away from the right-of-way, reducing the mass viewed by the motorists.

The project property does not currently obstruct views of the landforms oriented north of the project site, due to the site's vacant and undeveloped condition. Development of the proposed project would result in new obstructions to the midrange and baseline views of the San Gorgonio and Little San Bernardino Mountains northwest and north of the project (respectively) from pedestrians and motorists traveling along 19<sup>th</sup> Avenue. The proposed 50-foot high building will block these views for a distance of approximately 1,000 feet. The building will be set back approximately 266-312 feet from the southern property boundary. This setback will reduce the scale of the building by placing it further away from the right-of-way, reducing the building mass viewed by the motorists. The setbacks will also allow the peaks of the mountains to be visible along the right-of-way. The interruption of the views will be brief for passing vehicles traveling along 19<sup>th</sup> Avenue, and impacts will be less than significant.

Additionally, the project's impacts to surrounding properties will be less than significant because the setbacks from building frontage to the eastern and southern properties are increased compared to the setbacks from Indian Canyon Drive and 19<sup>th</sup> Avenue. As discussed on pages 4.1-23 to 4.1-25 of the RDEIR, the properties surrounding the project primarily consist of vacant land, and developed and developing industrial and commercial businesses. Building setbacks from the western and northern properties will also be compliant with the Palm Springs Municipal Code. These setbacks will reduce the scale of the building by placing it further away from the property line, therefore reducing impacts viewed by the surrounding properties. The setbacks will also allow the peaks of the mountains to be visible from the surrounding properties.

**ii. Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality**

The project is located within the City's Industrial land use designation and Manufacturing (M-2) zoning designation. The project is located within an urbanized area (per California Code of Regulations, Section 15387).

**a) Finding Regarding Scenic Resources within a State Scenic Highway**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not conflict with applicable zoning or other regulations governing scenic quality. The project is in compliance with the Palm Springs Municipal Code and applicable City requirements, the project's effects relating to the scenic quality will be less than significant.

**Facts in Support of Finding:**

The Palm Springs Municipal Code Section 92.14.1.00 through 92.17.1.05 establishes the standards and guidelines for properties within the City's Manufacturing (M-2) zoning designation. Per Section 92.17.1.03, Property Development Standards, building heights within M-2 zones shall not be greater than 30 feet. However, an exception applies to areas bounded by 18th Avenue on the north, Indian Canyon Drive on the east, and 19th Avenue to the south, where buildings over 40 feet in height are permitted (Section 92.17.1.03(C)(2)(d)). Section 92.17.1.03 (C)(2)(d) does not establish a maximum building height for this area. Thus, the project's building height of 50 feet complies with the development standards in the City's Municipal Code.

The Municipal Code establishes setback requirements for M-2 zones, and requires a minimum setback of 25 feet from a building to any property line. The project's setback from Indian Canyon Drive to the project's building varies from approximately 152 feet to approximately 156 feet (building to property line). The building setback from 19th Avenue varies from 266 feet to 312 feet (building to property line). The building setbacks from the northern property line and western property line are 196 to 258 feet, and 62 feet to 67 feet, respectively. The proposed building setbacks are compliant with the zoning code established in the Palm Springs Municipal Code. The project is also compliant with the City's standards for lot size (exceeding the minimum lot area of 40,000 square feet, minimum lot width and depth of 200 feet), and landscape design established in Section 8.60.060 of the Palm Springs Municipal Code. Additionally, as discussed on page 4.1-27 of the RDEIR, the project will be cohesive and complementary to the adjacent land uses by incorporating improvements such as landscaping and fencing along the perimeter of the project. The proposed project will include materials such as concrete in neutral beige, browns, and dark/olive green, metal painted white, anodized aluminum storefront windows, and stone accents. The natural colors of the proposed buildings will complement the existing landscape and the proposed landscaping (see Exhibits 4.1-13 and 4.1-14 in RDEIR). Therefore, the project will result in less than significant impacts to the scenic quality.

**iii. Create a New Source of Substantial Light or Glare**

The project site does not currently have existing sources of lighting. Presently, existing sources of fixed nighttime lighting in the project vicinity can be attributed to the existing industrial and

commercial businesses located south and east of the project. Additional lighting in industrial areas typically consists of overhead/downward-orienting lamp posts in parking areas, low-intensity, wall-mounted lighting fixtures at building entrances, illuminated signage, and lamp posts along pedestrian pathways. Development of the project will introduce additional light to the area.

**a) Finding Regarding Substantial Light or Glare**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not create a new source of substantial light or glare. Thus, the project's effects relating to the light and glare will be less than significant.

**Facts in Support of Finding:**

During the period of construction, the project is expected to utilize temporary light fixtures as a standard measure of nighttime construction site safety. These sources of light are generally downward-oriented, and some are only activated by motion. The temporary construction perimeter fencing (with wind fabric) is expected to visually screen the temporary light fixtures, therefore preventing temporary light spillage effects. The temporary nature of construction lighting will allow for adjustments to ensure that illumination is properly distributed without affecting adjoining areas.

During operation, the project will provide lighting for security purposes. The project will illuminate the parking areas, entrances, signs, and walkways, via downward-oriented post-mounted and wall-mounted fixtures located throughout the project. The downward-oriented fixtures are designed to not only provide light on the project site, but also to reduce the amount of light emitted towards adjacent properties. The light fixtures proposed at the project site will comply with the City of Palm Springs Municipal Code. Lighting is required to consist of full cutoff luminaries shielded or constructed so that all of the light rays emitted by the fixture are projected below the lowest point on the fixture in compliance with the lighting requirements in Section 93.21.00.

Per the project-specific photometric plan, the project light fixtures would emit less than 0.5 foot-candles onto the adjacent properties. Section 93.21.00(B)(1) of the Municipal Code establishes lighting standards for parking lots and area LED lighting. According to the project photometric plan, the average light varies from 0.04 Fc to 4.72 Fc (east lot). Additionally, the project complies with the 4:1 average-to-minimum uniformity ratio and 16:1 maximum to minimum uniformity ratio established by the City (see RDEIR page 4.1-31). The project will not result in excessive light spillage on surrounding properties, as the light fixtures will include shielding features. The project is compliant with the Municipal Code, and would have less than significant light impacts.

Building materials such as painted concrete, white metal trim, stone accents, and anodized aluminum storefront windows are proposed to be utilized for the project exterior. The concrete will be painted in neutral colors including beiges, light and dark browns, and dark/olive green accents. The building color will conform to a range of lighter tones to reduce heat gain and be compatible with the desert landscape, therefore, avoiding unnatural and bright building facades and preventing daytime glare. Glare from project structures would be less than significant. See DEIR p. 4.1-27 to 4.1-29, RDEIR p. 4.1-30 to 4.1-32, and Appendix B (photometric plan).

## **B. AIR QUALITY**

### **i. Conflict with or Obstruct Implementation of the Applicable Air Quality Plan**

Air quality plans applicable to the proposed project include SCAQMD's Air Quality Management Plan (AQMP) and the 2003 CV PM10 SIP, and SCAG's adopted the 2020-2045 RTP/SCS.

The construction and operational emissions from the project will not exceed the applicable SCAQMD CEQA Air Quality Significance Thresholds. The project also will not exceed the construction and operational threshold within the LST methodology and measures.

#### **a) Findings Regarding Air Quality Plans**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not conflict with or obstruct implementation of applicable air quality plans, and accordingly, result in less than significant. No mitigation measures are necessary. The Planning Commission further finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

#### **Facts in Support of Finding:**

The project site is located within the Salton Sea Air Basin (SSAB) and is subject to SCAQMD's 2022 AQMP and the 2003 CV PM10 SIP. These air quality plans are applicable to the project site.

During construction the project applicant will implement a fugitive dust control plan with the additional criteria for being located within the designated Coachella Valley Blowsand Zone. Therefore, construction of the project is not expected to conflict with the applicable regulations and mitigation measures set forth in the 2003 CV PM10 SIP or the AQMP. Additionally, the project emissions would not exceed or cause the exceedance of the applicable regional significance thresholds or LST thresholds (*see* Tables 4.2-3 and 4.2-5 in DEIR/RDEIR p. 4.2-25 and 4.2-27). Therefore, construction emission associated with the project will not conflict with either the AQMP or the CV PM10 SIP and a less than significant impact is expected.

Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the *1993 CEQA Handbook*.

Consistency Criterion 1 analyzes whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Regarding construction of the site, the project emissions would not exceed or cause the exceedance of the applicable regional significance thresholds or LST thresholds (*see* Tables 4.2-3 and 4.2-5) and will not conflict with either the AQMP or the CV PM<sub>10</sub> SIP and a less than significant impact is expected. Regarding operation, the project emissions would not exceed the applicable regional and localized significance thresholds for operational activity, would not have the potential to result in a significant impact with respect to this criterion and the project would be consistent with the AQMP (*see* Tables 4.2-3 and 4.2.7 on p. 4.2-25 and 4.2-27 of DEIR/RDEIR). Thus, the project is determined to be consistent with Criterion 1.

Consistency Criterion 2 assesses whether the project will exceed the assumptions in the AQMP based on the years of project build-out phase. During construction, development of the site to its maximum potential would likely occur, with disturbance of the entire site occurring during construction activities. The project construction emissions would not exceed the applicable regional significance thresholds or LST thresholds, therefore, a less than significant impact would result. The project site is designated for “Industrial” uses (per the City General Plan), and zoned for “Manufacturing (M-2).” The project is consistent with the site’s land use and zoning designation. Since the project’s proposed land use is consistent with the General Plan and as the project’s construction and operational-source air pollutant emissions would not exceed the regional or localized significance thresholds, the project is consistent with the second criterion.

The project emissions during operation would not exceed the applicable regional and localized significance thresholds for operational activity, would not have the potential to result in a significant impact with respect to this criterion and the project would be consistent with the AQMP (*see* Tables 4.2-3 and 4.2-7 in DEIR/RDEIR p. 4.2-25 and 4.2-27).

Moreover, the proposed project is consistent with the existing land use and zoning designations. Therefore, the project is consistent with the AQMP, because development consistent with the growth projections in City of Palm Springs General Plan is considered to be consistent with the AQMP (*see* DEIR/RDEIR p. 4.2-23).

The proposed project would be developed in accordance with all applicable rules and regulations contained in the applicable plans.

**ii. Result in Cumulatively Considerable Net Increase of Any Criteria Pollutant**

Construction activities associated with the project will result in emissions of VOCs, NOX, SOX, CO, PM10, and PM2.5 from various stages of construction activities, including site preparation, grading, building construction, paving, and architectural coating. Operational emissions assumed operations would occur 24 hours a day, 7 days a week.

**a) Findings Regarding Cumulatively Considerable Net Increases of Any Criteria Pollutant**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in cumulatively considerable net increase of any criteria pollutant, and accordingly, impacts will be less than significant.

**Facts in Support of Finding:**

Project-related construction emissions will not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant (*see* Table 4.2-3 in DEIR p. 4.2-25). Therefore, impacts associated with construction will be less than significant.

Project operational activities would not exceed the thresholds of significance established by the SCAQMD for emissions of any criteria pollutant (*see* Table 4.2-4 in DEIR p. 4.2-26). As such, operational impacts would be less than significant.

Moreover, the project does not generate operational or construction emissions that exceed SCAQMD's recommended daily thresholds for project-specific impacts, it would not cause a cumulatively considerable increase in emissions for those pollutants for which the air basin that the project is located in is in nonattainment, and, therefore, would not be considered to have a significant, adverse cumulative air quality impact.

### **iii. Expose Sensitive Receptors to Substantial Pollutant Concentrations**

Construction and operation of the proposed project would not result in the generation of substantial pollutant concentrations, or a cancer health risk. In order to analyze the impacts, the Air Quality Report measured emissions during construction (site preparation and grading) and operation and compared them to SCAQMD thresholds, and the Health Risk Assessment (HRA) measured air pollutants and associated health risks (such as cancer risks).

#### **a) Findings Regarding Substantial Pollutant Concentrations**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not expose sensitive receptors to substantial pollutant concentrations, and accordingly, impacts will be less than significant. No mitigation measures are necessary. The Planning Commission further finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the Draft EIR.

#### **Facts in Support of Finding:**

Table 4.2-5 in the DEIR shows that localized construction-source emissions associated with the project during site preparation and grading would not exceed SCAQMD's threshold (*see* DEIR p. 4.2-27).

Operational emissions generally include on-site sources (area, energy, mobile, and on-site cargo handling equipment). The emissions shown on Table 4.2-6 in the DEIR represent all on-site project-related stationary (area) sources and mobile sources. It shows that the project operations will not exceed the localized thresholds of significance established by the SCAQMD for the applicable criteria pollutants. A separate CalEEMod run for operational LSTs was prepared for the 0.35-mile on-site travel distance. As shown in Table 4.2-7, emissions resulting from the project operation will not exceed the localized thresholds of significance established by the SCAQMD for any criteria pollutant. Thus, a less than significant impact would occur for localized project-related operational-source emissions (*see* DEIR p. 4.2-27).

The land use with the greatest potential exposure to project construction-source DPM emissions is a residence at 17725 Covey Street, approximately 2,054 feet northeast of the project site with a private outdoor living area (backyard) facing the project site. This home would experience the highest concentrations of DPM during project construction due to meteorological conditions at the site. At this location, as shown in Table 4.2-8 of the DEIR, the maximum incremental cancer risk is estimated at 0.09 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. The Table also shows that non-cancer risks at this location were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. Because all other modeled receptors are at a greater distance, they would experience lower concentrations of DPM during

project construction, and would be exposed to lower emissions and less risk than the home on Covey Street. The project will have less than significant impacts related to human health or cancer risk.

The residential land use with the greatest potential exposure to project operational-source DPM emissions is a home approximately 3,028 feet northeast of the project site at 17364 N. Indian Canyon Drive. This location is distinguished from the land use with the greatest potential exposure to project construction-source DPM emissions because it does not include a private outdoor living area facing the project site. At this location, the maximum incremental cancer risk attributable to project operational-source DPM emissions is estimated at 0.08 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other residences are located at a greater distance, they would experience lower concentrations of DPM during project operation, and would be exposed to lower emissions and less risk than the home on Indian Canyon Drive. The project will not cause a significant human health or cancer risk to residents in the area as a result of project operational activity.

The worker receptor land use with the greatest potential exposure to project operational-source DPM emissions are workers at an existing business approximately 81 feet south of the project site. At this location, the maximum incremental cancer risk impact is 0.09 in one million which is less than the SCAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other workers in the area are located at a greater distance than this business, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the project would be exposed to lower emissions and therefore less risk. As such, the project will not cause a significant human health or cancer risk impact to workers in the area.

A one-quarter mile radius, or 1,320 feet, is commonly utilized for identifying sensitive receptors, such as schools, that may be impacted by a proposed project. There are no schools within ¼ mile of the project site. The nearest school is Vista Del Monte Elementary School, which is located approximately 3.75 miles (19,980 feet) southeast of the project site. Because there is no reasonable potential that TAC emissions would cause significant health impacts at distances of more than ¼ mile from the air pollution source, there would be no significant impacts that would occur to any schools in the vicinity of the project.

An existing residence at 17725 Covey Street, located approximately 2,054 feet northeast of the project site, serves as the land use with the greatest potential exposure to construction-source and operational-source DPM emissions from the proposed project. This residence includes a private outdoor living area (backyard) facing the project site. The maximum incremental cancer risk attributable to construction-source and operational-source DPM emissions from the proposed project to this location were estimated at 0.13 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to the nearest indicated residence. Since the exposure, and resultant impact of DPM decreases substantially with distance, all other potential residential receptors would experience lower concentrations of DPM during project construction and operation and therefore would incur a lower risk than what is identified for this location.

The proposed project involves construction and operational emission levels for all criteria pollutants occurring below SCAQMD's Air Quality Significance Thresholds and therefore are found to have a less than significant impact on regional ambient air quality. Since the SCAQMD thresholds and related efforts were established to meet the health-based NAAQS and CAAQS for criteria pollutants as part of the emission reduction strategy to attain regional healthy levels of air quality, the numeric SCAQMD Air Quality Significance Thresholds would result in less than significant impacts on health effects.

Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations as the result of project construction and operational activities, and impacts will be less than significant.

**iv. Result in Other Emissions (i.e., objectionable odors)**

Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed project's (long-term operational) uses.

**a) Findings Regarding Localized Air Quality Impacts and Odors**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in other emissions (such as those leading to odors adversely affecting a substantial number of people, and accordingly, impacts will be less than significant. No mitigation measures are necessary. The Planning Commission further finds that the project's odor related impacts will be less than significant. No mitigation measures are necessary. The Planning Commission further finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the Draft EIR.

**Facts in Support of Finding:**

The project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of refuse associated with the proposed project's (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of construction. The nearest sensitive receptors are residences located at 17725 Covey Street and 17364 N. Indian Canyon Drive, approximately 2,054 feet and 3,028 feet northeast of the project site, respectively. Impacts are thus considered less than significant.

The Municipal Code requires that project-generated refuse be stored in designated trash enclosures and removed at regular intervals in compliance with the City's solid waste regulations. The proposed project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed project construction and operations would be less than significant.

## **C. BIOLOGICAL RESOURCES**

### **i. Conflict with Local Policies or Ordinances Protecting Biological Resources**

The City has not adopted any ordinances regarding tree preservation. The project site mainly consists of Sonoran creosote bush scrub habitat. The Draft EIR addresses project consistency with local policies and ordinances protecting biological resources at page 4.3-14 of the Draft EIR.

#### **a) Findings Regarding Conflict with Local Policies or Ordinances Protecting Biological Resources**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not conflict with local policies or ordinances adopted to protect biological resources or any adopted habitat conservation plan, and therefore impacts are less than significant.

#### **Facts in Support of Finding**

As discussed at page 4.3-14 of the Draft EIR, no trees are located on the project site under existing conditions. The City has no other policies or ordinances protecting biological resources, outside of its participation in the CVMSHCP. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and no impact would occur.

## **D. CULTURAL RESOURCES**

### **i. Substantial Adverse Change in the Significance of a Historical Resource**

Historical period resources refer to the built environment, such as buildings and structures over 45 years in age that may be eligible to be included in the National Register of Historic Places, the California Register of Historical Resources, the California Historical Resources Inventory, or local inventories. There are no historical-period resources on the project site.

#### **a) Findings Regarding the Project's Impact to Historical Resources**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in a substantial adverse change in the significance of a historical resources. Therefore, impacts are less than significant.

#### **Facts in Support of Finding:**

As discussed on page 4.4-10 of the DEIR/RDEIR, during the field survey, two isolates were recorded within the combined 58-acre survey area. The first isolate (ISO 1) was discovered in the 38-acre project area, near the eastern boundary. ISO 1 is an amber-glass bottle base with an Owens-Illinois Glass Company manufacturer's mark from the 1970's. The second isolate (ISO-2) is archaeological in nature. The historic isolate is not eligible for listing in the California Register of Historical Resources (CRHR) because it fails to meet any of the four criteria to be eligible for listing in the CRHR: The artifacts lack associations with events that have made a significant

contribution to the broad patterns of California’s history and cultural heritage (Criterion 1); cannot be shown to be associated with lives and persons important to our past (Criterion 2); do not embody distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values (Criterion 3); and are unlikely to yield information important in prehistory or history (Criterion 4).

**ii. Disturb Any Human Remains**

No human remains were found or are known to occur on the project site or are anticipated to be discovered during project construction.

**a) Findings Regarding the Project’s Disturbance of Any Human Remains**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not disturb any human remains, and therefore impacts are less than significant.

**Facts in Support of Finding:**

It is possible that human remains could be uncovered during construction activities. Pursuant to the California Health and Safety Code Section 7050.5, in the event of discovery of any human remains on the project site, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlay adjacent remains, until the County Coroner has examined the remains. If the coroner determines the remains to be Native American or has reason to believe that they are those of Native American, the coroner shall contact the NAHC within 24-hours, and the NAHC will be responsible for identifying the Most Likely Descendant (MLD) and contacting them for ongoing consultation and resolution. The project will be subject to these requirements of law during all construction and excavation activities. Compliance with the California Health and Safety Code will ensure that should there be a discovery of any human remains during project construction activities, impacts would be less than significant.

**E. ENERGY**

**i. Result In Potentially Significant Environmental Impact Due To Wasteful, Inefficient Or Unnecessary Consumption Of Energy Resources, During Project Construction Or Operation**

The project involves construction activities and will consume energy resources, primarily in the form of petroleum and electricity. However, there are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable construction activities, or that would violate current emissions standards (DEIR, at p. 4.5-15 – 4.5-19).

The project would increase demand for energy in the project area during construction and operation of the project, including electricity and petroleum, and is located within the service area of Southern California Edison (SCE).

**a) Findings Regarding Wasteful, Inefficient or Unnecessary Consumption of Energy Resources**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that compliance with existing state, regional, and City regulations, plans, and programs, in the DEIR/DEIR, would ensure that the project does not result in the wasteful, inefficient, or unnecessary consumption of energy resources, and therefore, project impacts related to energy resources will be less than significant.

**Facts in Support of Finding:**

The project would consume a total of 453,310 kilowatt-hours (kWh) of electricity, 98,374 gallons of diesel fuel, and 64,768 gallons of gasoline during the construction of the project. The estimated construction electricity usage represents approximately 12.3 percent of the project's estimated annual operational demand, which would be within the supply and infrastructure service capabilities of SCE. Construction of the project would not result in the wasteful and unnecessary consumption of energy. Therefore, since construction activities will only consume approximately 12.3 percent of project operations electricity consumption, project construction electricity use will result in less than significant impacts (see operational discussion below). No natural gas would be consumed during construction of the project. Finally, the equipment used for project construction would conform to CARB regulations and California emissions standards, implementing idling restrictions and the use of newer engines and equipment, which would result in less fuel combustion and energy consumption. The construction of the project would therefore not result in inefficient wasteful, or unnecessary consumption of energy resources.

The proposed project will be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building, as described under Regulatory Setting above. Title 24 standards are widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation.

The project is expected to generate demand for approximately 3,673,072 kilo-Watt hours (kWh) of annual electricity use for the entire project at build-out. According to the CEC's Demand Analysis Office, SCE estimates that electricity consumption within SCE's planning area will be approximately 129,000 GWh (which is 129,000,000 MWh) annually by 2030. Based on the project's estimated annual electrical consumption of 3,673,072 kWh, the project would account for approximately 0.003 percent of SCE's total estimated demand in 2030. Based on SCE's review of the project, with the project's connection to SCE's infrastructure, it is anticipated that SCE's existing and planned electricity capacity and electricity supplies would be sufficient to support the project's demand and would not result in a significant increase in energy demand. While the project would result in a long-term increase in demand for electricity, the project would be required to comply with Title 24 and CALGreen requirements related to energy efficiency. Impacts will be less than significant.

The project's operational consumption of natural gas will include the use of exterior cargo handling equipment involving up to four (4) 200 horsepower (hp), natural gas-powered cargo handling equipment – port tractors conservatively operating at 4 hours a day for 365 days of the year. Project on-site equipment would consume an estimated 13,926 gallons of natural gas, which is equivalent to 1,273,560.6 kBTU and 1,236,466.6 cf of natural gas. The California Energy and Electric Utilities estimates natural gas consumption within SoCalGas's planning area will be approximately 2.31 million cf per day in 2030. On-site cargo handling equipment used during operation of the project would consume approximately 0.15 percent of the 2030 forecasted consumption in SoCalGas's planning area. Therefore, the project will result in less than significant impacts relating to the wasteful use of natural gas.

The project would result in a net total of 14,261,090 miles driven annually, and fuel consumption of 862,311 gallons. Average fuel economies of vehicles accessing the project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in response to fuel economy and emissions standards imposed on newer vehicles entering the circulation system. Enhanced fuel economies realized pursuant to federal and State regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per miles driven associated with the vehicle (via automobile, heavy truck, etc.). The location of the project within 0.3 miles of an Interstate 10 interchange also tends to reduce the miles driven by all vehicle classes accessing the site within the region, acting to reduce regional vehicle energy demands.

California's Senate Bill 350 was established in 2015 to reduce petroleum use by 50 percent by the year 2030, compared to 2015 consumption. This is achieved through advancement of technology, which includes the use of plug-in hybrid and zero emission vehicles in California. Operation of the project is therefore expected to use decreasing amounts of petroleum over time. Petroleum consumption associated with the project operation would not be considered excessive or wasteful, and impacts would be less than significant.

**ii. Conflict or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency**

The project is subject to CALGreen Building Codes and Title 24 codes and standards, as well as the City of Palm Springs's General Plan goals and policies for reducing energy consumption. As a result, the project is required to incorporate energy efficient design features that result in substantial reductions in energy consumption and GHG emissions, including the measures described below and in the Draft EIR. Additionally, the project will incorporate rooftop solar panels and will not preclude the use of renewable energy resources

**a) Findings Regarding Consistency with State or Local Plans for Renewable Energy or Energy Efficiency**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that compliance with existing state, regional, and City regulations, plans, and programs, in the Draft EIR, would ensure that the project is consistent with all applicable state and local plans for energy efficiency, and therefore, project impacts related to energy resources will be less than significant.

### **Facts in Support of Finding:**

The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (i.e., AB 1493 and CARB standards). The equipment used for project construction would conform to CARB regulations and California emissions standards as a common industry standard and project condition of approval. Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy.

The project will be required to meet the standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards also require the installation of bicycle parking, EV charging stations, and water conserving plumbing fixtures and fittings. The project will also install rooftop photovoltaic panels to produce 30 percent of project power.

The project is compliant with Policy RC8.3 of the Recreation, Open Space and Conservation Element of the Palm Springs General Plan, which supports the incorporation of energy efficiency and conservation practices in land use, transportation demand management, subdivision, and building design. The Community Design Element of the General Plan outlines policies and programs to reduce energy consumption in the City, including energy conservation in lighting and the compliance of Title 24 outdoor lighting zone standards (Policy CD11.7), the implementation of energy-efficient and green building practices that are appropriate to the desert climate (CD29.1), and the installation of drought-tolerant landscaping, seasonally and locationally appropriate tree plantings, and natural drainage systems to conserve water resources (CD29.4). As stated above, the project will comply with Title 24 codes and standards and proposes drought-tolerant landscaping and water conservation methods.

The proposed project will implement all State and local requirements, and be constructed to the most current Building Code standards. As demonstrated above, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

## **F. HAZARDS AND HAZARDOUS MATERIALS**

### **i. Create a Significant Hazard to the Public or Environment Due to Routine Transport, Use, or Disposal of Hazardous Materials, or 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**

The project proposes the development and operation of a fulfillment center. The project will use oils, fuels, and other potentially flammable substances and materials in connection with construction activities. Operation of the proposed project would involve the use of materials

common to commercial or industrial developments that are labeled hazardous (e.g., solvents and commercial cleaners, petroleum products, and pesticides, fertilizers, and other landscape maintenance materials).

**a) Finding Regarding Transport, Use, or Disposal of Hazardous Materials, Create Accident Conditions Involving the Release of Hazardous Materials**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that compliance with existing federal, state, regional, and City regulations will ensure impacts related to the transport, use, or disposal of hazardous materials, create accident conditions involving the release of hazardous materials, and the project's construction and operations, will be less than significant.

**Facts in Support of Finding:**

Construction activities are expected to involve the temporary management and use of oils, fuels and other potentially flammable substances that power and lubricate construction equipment. Construction contractors must adhere to federal, State, and local regulations when disposing of construction waste. Designated controlled areas on the site would be temporarily located in staging areas typically placed close to where development is occurring at that time. Best management practices (BMPs) are required during construction activities in the Stormwater Pollution Prevention Plan (SWPPP) for proper material delivery and storage; material use; and spill prevention and control. These temporary measures outline the required physical improvements and procedures to prevent impacts of pollutants and hazardous materials to workers and the environment during construction. The contractor would also be required to implement BMPs to ensure that impacts are minimized and that any minor spills are immediately and properly remediated (see Draft EIR, at pp. 4.8-12 to 4.8-13).

Operation of the project would involve the use of materials common to commercial or industrial developments that are labeled hazardous (e.g., solvents and commercial cleaners, petroleum products, and pesticides, fertilizers, and other landscape maintenance materials). State and local agencies regulate facilities that use, store, and transport hazardous materials. Should the project store 55 (or more) gallons of liquid, 500 (or more) pounds of a solid, or 200 (or more) cubic feet of compressed gas, the site shall prepare a Hazardous Materials Business Plan (HMBP), as required by Chapter 6.95 of the California HSC and enforced by the Riverside County Department of Environmental Health (DEH). The implementation of the HMBP and its compliance with federal, State, and regional regulatory standards would ensure impacts related to the storage and the risk of accidental releases of hazardous materials associated with the project are less than significant.

The California Accidental Release Prevention (CalARP) Program was designed to prevent accidental release of hazardous substances, minimize damage if releases occur, and satisfy community right-to-know laws. The CalARP programs and implementing regulations (Title 19, Division 2, Chapter 4.5 of the CCR) require businesses that handle more than a threshold quantity of regulated substances to develop a risk management plan (RMP). The tenant would be required to comply with the CalARP program to prevent the accidental release of hazardous substances during use (see Draft EIR, at pp. 4.8-13 to 4.8-17).

As discussed on page 4.8-16 of the DEIR/RDEIR, offsite improvements include the project's connection to existing sewer and water infrastructure. Sewer connections would occur on 19<sup>th</sup> Avenue from an existing 6-inch sewer line approximately 650 feet east of the project in 19<sup>th</sup> Avenue. The project would extend the sewer line to connect to the project. Connection to the sewer lines would occur underground within the existing rights-of-way. Domestic water would connect to an existing 12-inch water main on 19<sup>th</sup> Avenue located within the right-of-way. The operation of off-site sewer and water lines are not anticipated to result in the routine transport, use, or disposal of hazardous materials. The potential for release of hazardous materials into the environment associated with construction of these lines would be subject to the same construction regulations described for the project. Therefore, the use of hazardous materials associated with the off-site improvements would result in less than significant impacts.

**ii. Effect on an Emergency Response Plan**

Project implementation will not interfere with the critical facilities, emergency transportation and circulation, or emergency preparedness coordination as set forth in the Safety Element of the Palm Springs General Plan, the City's Emergency Operations Plan, or Local Hazard Mitigation Plan (DEIR/RDEIR, at pp. 4.8-17 – 4.8-18). Prior to construction, both the Fire Department and Police Department will review each sub-area plan as it is brought forward, to ensure safety measures are addressed, including emergency access, and project impacts will be less than significant (DEIR/RDEIR, at p. 4.8-18).

**a) Finding Regarding Effect on an Emergency Response Plan**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that compliance with existing federal, state, regional, and City regulations will ensure impacts related to potential effects on emergency response plans will be less than significant.

**Facts in Support of Finding:**

Project implementation will not interfere with the critical facilities, emergency transportation and circulation, or emergency preparedness coordination as set forth in the Safety Element of the Palm Springs General Plan, the City's Emergency Operations Plan, or Local Hazard Mitigation Plan (DEIR/RDEIR, at pp. 4.8-17 – 4.8-18). Prior to construction, both the Fire Department and Police Department will review plans, to ensure safety measures are addressed during project construction and operation, including emergency access, and project impacts will be less than significant (DEIR/RDEIR, at p. 4.8-18).

**G. HYDROLOGY AND WATER QUALITY**

**i. Compliance with Water Quality Standards or Waste Discharge Requirements**

Construction and operation of the proposed project could result in impacts to water quality or waste discharge compared to the existing vacant conditions of the project. The proposed grading and construction activities necessary to implement the project have the potential to result in temporary instances of localized erosion and sedimentation, if the construction conditions are not controlled. During the period of construction, compliance with waste discharge requirements will be achieved

through the permit registration and coverage process under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, known as the Construction General Permit (2022 CGP), applicable to any construction or demolition that results in a land disturbance equal to or greater than one acre, and South Coast Air Quality Management District's (SCAQMD) Rule 403 and 403.1 and the City's Fugitive Dust Control Ordinance. During the life of the project, proposed retention basins and drainage systems would comply with water quality standards and waste discharge requirements, which will be met through compliance with the NPDES permit program for post-construction conditions, (i.e., Water Quality Management Plan (WQMP) for both construction and long-term maintenance).

**a) Findings Regarding Compliance with Water Quality Standards or Waste Discharge Requirements**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including causing any violations of water quality standards or discharge requirements. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

During the construction phase, compliance with water quality and waste discharge requirements will be achieved through the permit registration and coverage process under the NPDES General Permit identified above. This will require development and implementation of a project-specific Stormwater Pollution Prevention Plan (SWPPP) that includes a strategy of BMPs such as the the implementation of storm drain inlet protection, perimeter and onsite runoff control (i.e., linear sediment barriers), and waste management and material storage protocols that prevent pollution from leaving the site (*see* DEIR/RDEIR, at p. 4.9-12).

The project will also be required to comply with South Coast Air Quality Management District's (SCAQMD) Rule 403 and 403.1 and the City's Fugitive Dust Control Ordinance during construction. Implementation of Fugitive Dust Control Plans require soil stabilization practices aimed at preventing sediment erosion and track-out. The concurrent implementation of the required SWPPP and Dust Control Plan will establish measures to prevent potential construction-related impacts to surface water quality, including instances of erosion and siltation, at the site and its surroundings.

During the life of the project, the water quality standards and waste discharge requirements will be met through compliance with the NPDES permit identified above, including developing and implementing a project-specific Water Quality Management Plan (WQMP) demonstrating site design and source controls that prevent pollutant runoff and meet 100 percent of the Low Impact Development (LID) Site Design requirements, including the use of retention basins on-site. The project WQMP addresses post construction stormwater runoff quantity and quality requirements by implementing proposed storm drain and infiltration facilities with a mandated operation and maintenance program to meet the LID Site Design criteria. Retention facilities will consist of surface basins and underground systems. The basin facilities will be stabilized with approved

landscaping. The overall maintenance of the private storm drain and retention systems will be covered by the Operation and Maintenance (O&M) section of the Final WQMP and subject to a site-specific Stormwater Management/BMP Facilities Agreement (WQMP Agreement) with the City of Palm Springs. The O&M section of the WQMP describes the implementation, inspection, maintenance and frequency guidelines for measures which could include education for property owners and operators; activity restrictions; common area landscape management and efficient landscape design; common area litter control; contractor/employee training; common area catch basin inspection; street sweeping of private streets and parking lots; storm drain system stenciling and signage; trash and waste storage areas to reduce pollutant introduction. The WQMP Agreement establishes the owner or operator's responsibility to maintain the said facilities in accordance with the approved WQMP, also allowing for City entry for inspection and enforcement as necessary. The WQMP Agreement is signed by the owner/operator and City representatives before recordation against the property.

Implementation of the SWPPP, Fugitive Dust Control Plan, and WQMP ensures the water quality is maintained, and waste is not discharged from the site. In summary, during construction and operation, the proposed development will be required to comply with CWA, NPDES, state, and local regulations to prevent violations or impacts to surface water quality standards and waste discharge requirements. Impacts are less than significant.

**ii. Effect on Groundwater Supplies or Interference with Groundwater Recharge**

Mission Springs Water District (MSWD) provides domestic water service to the project area. The project will rely on groundwater resources as a source of domestic and construction water supplies. The project site is underlain by the Garnet Hill Subarea of the Indio Subbasin, but water services by MSWD to the site are sourced from the Mission Creek Subbasin, which is described as an unconfined aquifer with a saturated thickness of 1,200 feet or more and an estimated total storage capacity of 2.6 million AF.

The project also has the potential to alter existing drainage and infiltration and groundwater quality.

A Water Supply Assessment and Water Supply Verification (WSA/WSV) for the project was prepared for and approved by MSWD on November 20, 2023. The project's total water demand is projected to be 118.37 AFY, per the WSA/WSV (see DEIR p. 4.9-15). As demonstrated in the WSA/WSV, the project will not significantly impact groundwater supplies, because the MSWD has sufficient supplies to serve the project, and is implementing groundwater recharge programs in conjunction with CVWD.

The project is not located near any designated groundwater recharge facility. The nearest facility is approximately 1.25 miles to the southwest (Whitewater River Groundwater Replenishment site).

**a) Findings Regarding Effect on Groundwater Supplies and Recharge**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including affecting groundwater recharge

or quality. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

The proposed project will implement project-specific water efficiency and conservation measures to assure the most efficient use of water resources and reduce impacts to groundwater supplies. The analysis and commitment to such measures is based in part on the WSA/WSV (Appendix M of the RDEIR), summarized as follows:

To the greatest extent practicable, native plant materials and other drought-tolerant plants shall be used in all non-turf areas of Project landscaping. Turf and other water-intensive landscaped areas shall be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion.

The landscaping and irrigation plans and irrigation system shall comply with all City ordinances and MSWD's Water Efficient Landscaping Guidelines relating to water efficiency, and irrigation shall be an automatic system with an irrigation timer and two drop or bubbler heads per tree to produce deep root irrigation.

In the event recycled water becomes available to the Project, the potential use of tertiary treated water will be reviewed to determine feasibility of its use for on-site landscaped areas to reduce the use of groundwater for irrigation.

The DEIR relies on the scope of the approved WSA/WSV, including the associated verification procedures to support the findings.

Moreover, operational source controls established in the project specific WQMP will protect existing natural groundwater from project-related urban runoff. Source control measures reduce the potential for urban runoff and pollutants from coming into contact with one another. Measures include activity schedules, restricting certain practices, pavement sweeping, facility maintenance, detection and elimination of illicit connections/illicit discharges, and other activities that will be applicable during the life of the project. As a part of the WQMP and engineering design, the proposed storm drain inlets connected to retention facilities will be equipped with filter systems designed to capture trash, debris, and hydrocarbons prior to entering the respective retention facilities. Additional required control measures include:

- 1) Storm drain inlet stenciling and signage at each storm drain inlet with a brief statement prohibiting dumping of improper non-stormwater materials into the storm drain system.
- 2) Landscape and irrigation system design involving water efficient fixtures and associated maintenance to prevent nuisance runoff.
- 3) Retention basin slope protection via routine inspection and maintenance of the facility groundcover.
- 4) Properly maintained trash enclosures and bins to prevent improper handling and disposal in common areas.

These will be applicable during the life of the project. Therefore, the project is not expected to violate or interfere with groundwater quality, and less than significant impacts are anticipated.

The project is not located near any designated groundwater recharge facility. The nearest facility is approximately 1.25 miles to the southwest (Whitewater River Groundwater Replenishment site). The project site does not have an existing surface drainage pattern connected to the replenishment facility.

Therefore, the project location would not occupy, encroach, or otherwise interfere with the function or capacity of the existing conveyance or infiltration pond infrastructure of the Whitewater River Groundwater Replenishment Facility.

The proposed project would convert the site from a pervious to a mostly impervious condition through the introduction of structures, hardscape, and asphalt cover. The proposed private storm drain system will capture, convey and infiltrate the entire project runoff volume resulting from the most conservative 100-year storm event, in accordance with the City's Engineering Standards. Infiltration is a form of on-site recharge that is favored over an urban runoff discharge condition. As a result, the project location and stormwater management will not interfere with the local or regional groundwater recharge trends. Less than significant impacts are anticipated pertaining to interference with groundwater recharge.

### **iii. Result in Erosion or Siltation On- or Off-Site**

The site is not in a FEMA-designated special flood hazard area. Within the project area, the proposed land use will result in an increase in impervious land cover through the introduction of structures, hardscape and streets conservatively making up about 90 percent of the site. However, as described above, the City's engineering standards require that the project incorporate on-site drainage infrastructure to intercept, convey, and retain stormwater runoff resulting from the 100-year storm event. These standard requirements assure that erosion and siltation on and off-site are controlled and do not significantly impact downstream properties.

#### **a) Findings Regarding Erosion or Siltation On- or Off-Site**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including erosion or siltation on- or off-site. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

#### **Facts Supporting Findings:**

Within the project area, the proposed land uses will result in an increase in impervious land cover through the introduction of structures, hardscape and streets conservatively making up about 90 percent of the site. However, the City's engineering standards require that the project incorporate on-site infrastructure to intercept, convey, and retain stormwater runoff resulting from the 100-year storm event. The retention basins will include energy dissipation, which provides effective erosion control, as required by the City's Engineering Standards. Each component of the storm drain system that comes into operation will be subject to maintenance measures during the life of

the project to ensure effectiveness. The on-site pervious areas of the project will be stabilized in accordance with approved landscaping plans which will limit erosion and siltation.

The approved WQMP will prevent the release of runoff on site and onto neighboring properties during a 100 year storm and will prevent off-site siltation and erosion impacts through energy dissipation, which slows and disperses runoff before it enters the retention facilities (consisting of surface basins and underground systems). Only runoff in excess of the controlling 100-year storm event will be allowed to overflow into the surrounding streets in a manner consistent with the existing drainage patterns. All on-site impervious and pervious land cover resulting from project implementation, including the storm drain system and retention facilities, will be subject to approved and monitored operation and maintenance during the life of the project, as mandated by a Final WQMP agreement that will be required of this project prior to issuance of a grading permit. Therefore, less than significant impacts are expected pertaining to substantial erosion or siltation, on- or off-site.

#### **iv. Result in On- or Off-site Flooding**

Based on FEMA FIRM Panel 06065C0895G, (August 28, 2008), the entire project site is located within Zone X, corresponding to areas subject to the 0.2 percent annual chance for flood hazard. The designation of Zone X is not considered a SFHA or floodway. Furthermore, this flood zone is considered to be a moderate-to-low risk area where flood insurance is available, but not mandatory. The Preliminary Hydrology Report has calculated that the stormwater runoff volume resulting from the worst-case 100-year storm event for the project would be approximately 297,329 cubic feet. That runoff will be carried to adequately sized on-site retention facilities, which will be privately maintained. The proposed retention facilities will contain the entirety of the controlling 100-year, 24-hour storm event, therefore adequately meeting or exceeding the City of Palm Springs stormwater retention ordinance. As a result, the project will not result in off-site discharges of urban runoff, within the design condition, capable of causing on- or off-site flooding.

#### **a) Findings Regarding On- or Off-Site Flooding**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including on- or off-site flooding. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/REIR.

#### **Facts Supporting Findings:**

The Preliminary Hydrology Report has calculated that the stormwater runoff volume resulting from the worst-case 100-year storm event for the project area in a developed condition would be approximately 297,329 cubic feet. As a result, the combined retention capacity provided by the project is sized at approximately 297,419 cubic feet. The retention capacity is distributed among a system of facilities, rather than a single location, in order to prevent concentrated flows and volumes, while facilitating the management effectiveness of these facilities after construction. The final volume and provided retention capacity will be subject to final review and approval by the City prior to project implementation. The retention of storm flows on-site results in a self-contained system, which protects surrounding streets from storm flows. Since there are no existing

storm water facilities in the area, the on-site retention is necessary, and no impact to City or regional storm water facilities will occur. As a standard requirement, the project is obligated to meet the City of Palm Spring's requirements by demonstrating that the incremental increase in runoff due to development can be adequately retained on-site. The project provides facilities to retain the entirety of the controlling 100-year, 24-hour storm event, therefore adequately meeting or exceeding the City of Palm Springs stormwater retention ordinance. As a result, the project will not result in on- or off-site flooding. Only runoff quantities resulting from a larger magnitude storm, such as a force majeure or natural disaster event beyond the City's engineering standards, would be allowed to be conveyed off-site.

The proposed storm drainage and flood control improvements are not expected to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, resulting in less than significant impacts.

**v. Create Runoff Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems**

The undeveloped project property is located outside of the Palm Springs Master Drainage Plan project area. The site and immediate surroundings lack formal storm drainage infrastructure. There are no planned facilities to which the project could connect. Therefore, the project has been designed to retain its storm flows on-site, via on-site storm drain facilities to capture and retain the entire runoff volume resulting from the developed condition from the 100-year storm event.

**a) Findings Regarding Runoff**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including creating runoff exceeding capacity of the drainage systems. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

No public drainage systems occur in the area of the proposed project. The project has been designed to retain its storm flows on-site, via on-site storm drain facilities to capture and retain the entire runoff volume resulting from the developed condition from the 100-year storm event. The method of retention will be a combination of surface basins and underground storage, which are commonly used approaches implemented throughout the City. This approach is required by the City when public drainage facilities do not exist, and will require approval by the City Engineer.

The proposed on-site retention system capacity, with free board as a required form of safety factor, is sized to contain the project's stormwater runoff resulting from the worst-case 100-year storm event.

The project will provide the required on-site storm drainage system with on-site retention to meet the City's engineering standards, in the absence of public drainage facilities in the area. The on-

site retention facilities will prevent the project from discharging uncontrolled storm flows onto surrounding properties.

Based on the proposed storm drain design, the project will not result in stormwater runoff conditions which would 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. Impacts are expected to be less than significant.

**vi. Impede or Redirect Flood Flows**

The elevation gradient in the project vicinity results in a prevailing north-to-south drainage pattern. The USGS 7.5-Minute Topographic Map for Desert Hot Springs, published in 2021, does not display any geologic or hydrologic features on the project site. Moreover, the existing soils on the project site and neighboring land to the north are classified as being part of hydrologic soil group A with high infiltration capacity and low runoff potential. These soils consist of deep, well drained sands or gravelly sands and have a high rate of water transmission. Flood flows are not known to be present on or around the project site. However, the project will create impervious surfaces, therefore, development of the project will create new flood flows.

**a) Findings Regarding Impeding or Redirecting Flood Flows**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including impeding or redirecting flood flows. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

Based on preliminary engineering plans, the westerly and northerly project boundaries of the project will be improved with a retaining wall with fencing on top. The retaining wall will control the differential between the project's finished elevation that will be relatively lower than the undeveloped neighboring land to the west and north. The proposed retaining wall is required to provide a lip or height difference in relation to the adjoining land to prevent potential sheet flow from freely draining over the retaining wall. As described on page 4.9-19 of the RDEIR, off-site sheet flow that is not infiltrated on the adjoining properties will interface with a controlled retaining wall condition to be conveyed easterly along the north edge and southerly along the west edge.

Within the project site, the preliminary grading and hydrology plans have established the exterior gradients and cross-gradients with a range of approximately 0.3 to 5 percent on finished surfaces to conform with circulation, drainage, and accessibility parameters. The prevailing gradient will be approximately 1.3 percent in the developed condition, which is equivalent and consistent to the existing undeveloped slope. On-site runoff will be conveyed toward inlets connected to retention facilities for each of the two drainage areas. At the south end, which represents the lowest elevation, the proposed linear retention basin north of 19th Avenue will have a depth of 3 feet, including freeboard, 3-to-1 side slopes, and a flat basin bottom (no cross gradient) to prevent a concentrated overflow condition after the capacity is exceeded. As a result, the developed

condition will not result in a concentrated runoff discharge condition capable of impacting downstream streets and properties.

Surrounding vacant areas subject to future development will be expected to include the required drainage controls for the respective land uses, independent of the proposed project. Less than significant impacts are anticipated.

**vii. In Flood Hazard, Tsunami, or Seiche Zones, Risk Release of Pollutants Due to Project Inundation**

Based on the most current Federal Emergency Management Agency (FEMA) FIRM Panel 06065C0895G, the entire project site is located within Zone X, corresponding to areas subject to the 0.2 percent annual chance flood hazard. The designation of Zone X is not considered a SFHA or floodway. Therefore, it is not likely that the project would be impacted by flooding hazards. Additionally, the project is not located near coastal areas, or areas mapped as a seiche zone by the California Department of Conservation or U.S. Geological Survey.

**a) Findings Regarding Risk Release of Pollutants Due to Project Inundation in Flood Hazard, Tsunami, or Seiche Zones**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including the risk release of pollutants due to project inundation. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

As previously stated, the entire project site is located within Zone X, corresponding to areas subject to the 0.2 percent annual chance flood hazard. The designation of Zone X is not considered a SFHA or floodway. No impact will occur.

The project is located approximately 67 miles from the nearest coastal areas and therefore is not prone to tsunami hazards. No impacts will occur.

A seiche is primarily defined by free or standing wave oscillations on the surface of water, the causes of which may be wind, atmospheric changes, or seismic activity. The project site is not located in a seiche zone mapped by the California Department of Conservation or U.S. Geological Survey, nor is it located near a large body of water that would pose an unmapped risk. The proposed retention basins include the required free board to protect on-site structures and facilities. Less than significant impacts will occur.

Due to the BMPs incorporated into the project design through the WQMP and the site's location outside a flood zone, the proposed facilities are not expected to result in any pollutant release in the event of inundation. Therefore, the impact is less than significant.

**viii. Consistency with Water Quality Control Plan or Sustainable Groundwater Management Plan**

As discussed on page 4.9-20 of the DEIR/RDEIR, the project proponent is required to implement a project-specific WQMP to comply with the most current standards of the Whitewater River Region Water Quality Management Plan for Urban Runoff, Whitewater River Watershed MS4 Permit. The WQMP includes guidelines for facility maintenance and other operations aimed at complying with local surface water quality requirements. Project implementation is not expected to conflict with the Indio Subbasin Sustainable Groundwater Management Plan from the aspect of on-site stormwater capture, retention, and source controls for groundwater quality.

Analysis of the volume of water available in the aquifer, Colorado River contract supply, water rights and water supply contracts determined whether there would be sufficient water supplies to meet the demands of the proposed project. This analysis is provided in the project-specific WSA/WSV. The WSA/WSV also determined that there are water supplies for future demands of the project, plus all forecasted demands in the next 20 years.

**a) Findings Regarding Consistency with Water Quality Control Plan and Sustainable Groundwater Management Plan**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have any significant adverse effects relating to hydrology and water quality, including conflicting with any water control plan. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts Supporting Findings:**

As discussed on page 4.9-20 of the DEIR/RDEIR, the project proponent is required to implement a project-specific WQMP to comply with the most current standards of the Whitewater River Region Water Quality Management Plan for Urban Runoff, Whitewater River Watershed MS4 Permit. The WQMP, as described above, includes guidelines for facility maintenance and other operations aimed at complying with local surface water quality requirements. The WQMP will document the source controls, and treatment controls with a required operation and maintenance program to comply with water quality objectives. Moreover, the project's stormwater retention facilities will ensure that urban runoff is recharged into the ground via infiltration.

The findings of the WSA/WSV determined that there will be sufficient water supplies to meet the demands of the proposed project, and future demands of the project, plus all forecasted demands in the next 20 years. This is based on the volume of water available in the aquifer, Colorado River contract supply, water rights and water supply contracts. The groundwater basin has a storage capacity of approximately 28.8 million AF, simulating the benefit of a very large reservoir and is capable of meeting the water demands of the Coachella Valley for extended normal and drought periods. As such, project implementation is not expected to conflict with the Indio Subbasin Sustainable Groundwater Management Plan from the aspect of on-site stormwater capture, retention, and source controls for groundwater quality.

## H. NOISE

### i. Generation of Noise

The Draft/Final EIR analyzed the potential impacts of noise created by the proposed project during short-term construction activities, traffic generated by the project, and long-term operational activities. Project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators. Noise generated by the construction equipment operating simultaneously can reach high levels when combined. The number and mix of construction equipment are expected to occur in the following stages: Site Preparation; Grading; Building Construction; Paving; and Architectural Coating.

As described on page 4.10-15 of the DEIR/RDEIR the construction noise analysis was prepared using reference noise level measurements taken by Urban Crossroads to describe the typical construction activity noise levels for each stage of project construction. Noise levels generated by heavy construction equipment can range from approximately 68 dBA to more than 80 dBA when measured at 50 feet. However, these noise levels diminish with distance from the construction site at a rate of 6 dB per doubling of distance. For example, a noise level of 80 dBA measured at 50 feet from the noise source to the receiver would be reduced to 74 dBA at 100 feet from the source to the receiver and would be further reduced to 68 dBA at 200 feet from the source to the receiver.

To evaluate whether the project will generate potentially significant temporary construction noise levels at off-site sensitive receiver locations, the construction-related noise level threshold adopted from the FTA *Transit Noise and Vibration Impact Assessment Manual* and described above was used. Based on that criterion, a daytime exterior construction noise level of 80 dBA Leq is a reasonable threshold for noise sensitive residential land uses.

The on-site project-related noise sources are expected to include roof-top air conditioning units, loading dock activity, gate opening activity, truck movements, parking lot activity, and trash enclosure activity. To estimate the project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed project. The Noise Study (Appendix K of the DEIR) assumes the project would be operational 24 hours per day, seven days per week and that the on-site noise sources would occur at the same time. However, the sources of noise activity will likely vary throughout the day.

Traffic generated by the operation of the proposed project will increase the traffic noise levels in surrounding off-site areas. To quantify the traffic noise increases on the surrounding off-site areas, the changes in traffic noise levels on 13 roadway segments surrounding the project site were calculated based on the change in the average daily traffic (ADT) volumes.

- a) **Noise contours were used to assess the project's incremental 24-hour CNEL traffic-related noise impacts at receiving land uses adjacent to these roadway segments. The noise contours are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impacts relating to the generation of noise will be less than significant.

**Facts in Support of Findings:**

As analyzed on pages 4.10-21 through 4.10-29 of the DEIR/RDEIR, the project will generate short-term construction noise and long-term increases in traffic noise and operational noise. The construction noise levels are expected to range from 35.7 to 47.1 dBA Leq, and the highest construction levels are expected to range from 43.5 to 47.1 dBA Leq at the nearest noise-sensitive receiver locations. The lower construction noise levels perceived by the nearest noise-sensitive receiver is due to their distance from the project, which is 2,054 feet to 3,327 from the project (to the northeast and north). Noise does not exceed the 80 dBA Leq threshold, therefore, impacts are less than significant. Additionally, the City of Palm Springs established construction hours of operation to lessen the impacts of construction noise within Municipal Code Section 8.04.220.

Per page 4.10-22 of the DEIR/RDEIR, noise level increases of 5 dBA are readily perceptible, 3 dBA and 1.5 dBA are barely perceptible, depending on the underlying without project noise levels for noise sensitive uses (per Federal Interagency Committee on Noise (FICON)). When analyzing the difference between the existing ambient noise levels and the construction noise levels (when observed from the sensitive receivers), the increase in noise would be 0 and 1 dB, which is not perceptible to the human ear (see Table 4.10-15 of the DEIR/RDEIR). The increase to the ambient noise level will be less than significant.

With the project, CNEL traffic noise levels observed at the sensitive receiver locations are expected to range from 48.3 to 73.8 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography (page 4.10-25 of the DEIR). The noise level increases attributable to the project will range from less than 0.1 to 2.6 dBA CNEL. Based on the significance criteria for off-site traffic noise (see Table 4.10-17 in DEIR /RDEIR), land uses adjacent to the study area roadway segments would experience less than significant noise level impacts associated with traffic generated by project-related traffic noise because the project-related noise level increases does not exceed the 3.0 limit established by FICON. Additionally, the surrounding uses are considered non-sensitive, as they include similar operations as the proposed project.

The project operational noise levels during the daytime hours are expected to range from 37.2 to 40.8 dBA Leq. The project operational noise levels during the evening hours are expected to range from 40.2 to 43.9 dBA Leq; and the project operational noise levels during the nighttime hours are expected to range from 38.0 to 41.6 dBA Leq. (page 4.10-26 of the DEIR) The project-only operational noise levels were evaluated against exterior noise level thresholds based on the City of Palm Springs exterior noise level standards. Stationary source noise levels will be lower than the City's Municipal Code maximum allowed noise levels for sensitive receptors at all times of the

day (page 4.10-27 of the DEIR). Therefore, operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

The project will generate an unmitigated daytime operational noise level increase ranging from 0.0 to 0.1 dBA Leq at nearby off-site receiver locations. The project will generate an unmitigated evening operational noise level increase ranging from 0.0 to 0.2 dBA Leq at the nearest receiver locations. The project will generate an unmitigated nighttime operational noise level increase ranging from 0.2 to 1.9 dBA Leq at the nearest receiver locations. The project-related operational noise level increases will be less than 3 to 5 increase criteria thresholds established by FICON (1992) (see Table 4.10-9 in DEIR/RDEIR). Therefore, the project operational noise level increases are considered less than significant at all receiver locations.

## **ii. Generation of Ground Borne Vibration**

The Draft/Final EIR analyzed the potential impacts of vibration created by the proposed project. Potential ground-borne vibration is associated with vehicular traffic and construction activities.

### **a) Finding Regarding Ground Borne Vibration**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impacts relating to the generation of ground borne vibration will be less than significant.

#### **Facts in Support of Findings:**

The DEIR/RDEIR analyzed the potential impacts of vibration created by the proposed project. Potential ground-borne vibration is associated with vehicular traffic and construction activities. At distances ranging from 2,054 to 3,327 feet (i.e., closest noise-sensitive receivers) from primary construction activities, construction vibration velocity levels are estimated to be less than 0.01 PPV (in/sec) and will not exceed City of Palm Springs vibration threshold of 0.30 PPV (in/sec) as established in Caltrans Transportation and Construction Vibration Manual at any sensitive receiver location. The construction vibration analysis shows that the unmitigated project-related vibration impacts will be less than significant during the construction activities at the project (see DEIR/RDEIR p. 4.10-29 to 4.10-30).

The project proposes the 24-hour operation of the warehouse facility, which involves trucks traveling to and from the project site from the Interstate 10 freeway (south). Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible.

Project trucks are anticipated to travel along Indian Canyon Drive from Interstate 10 to the south. The trucks are not anticipated to travel northbound on Indian Canyon Drive, past the sensitive receivers. As stated above, the sensitive receivers are located at distances ranging from 2,054 to 3,327 feet from the project site. At this distance, the sensitive receivers will not be impacted by the trucks traveling along Indian Canyon Drive because a truck would generate 62 VdB and up to

72 VdB (if traveling over a bump) when observed 50 feet from the source. These vibration levels are lower than the 75 VdB distinctly perceptible level. Additionally, vibration decreases the further you are from the site (page 4.10-30 DEIR/RDEIR). Impacts will be less than significant.

## **I. POPULATION AND HOUSING**

### **i. Induce Direct or Indirect Unplanned Growth**

The Draft/Final EIR analyzed the potential impacts of the direct and indirect growth induced by the proposed project. Direct population growth occurs from the development of new residential units. Indirect population growth could result from the creation of new jobs or the removal of barriers to growth. The proposed project has the potential to induce both direct and indirect population growth by providing up to 718 new jobs.

#### **a) Findings Regarding Induced Growth**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impacts relating to project-related direct and indirect growth will be less than significant.

#### **Facts in Support of Findings:**

Employment and Population: According to the General Plan Land Use Element, the Land Use Plan for the City of Palm Springs includes enough capacity for employment to increase from approximately 28,000 jobs in 2020 to almost 60,000 jobs at the City's build out. Although the Land Use Plan can accommodate significant growth, SCAG anticipates approximately 41,000 jobs in Palm Springs by 2035 according to the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Employment growth resulting from project implementation would result in less than significant impacts because the increase is anticipated in the Land Use Element of the General Plan and SCAG's RTP/SCS. Employees from the Coachella Valley would be within commuting distance and would not generate a need for housing. Therefore, there would not be a substantial increase in population and impacts would be less than significant (DEIR p. 4.11-7). However, it can also be assumed that all 718 employees would be relocating from outside of Palm Springs to the City. If this were to occur, the project's 718 employees would increase the population of the City by approximately 1,270 residents based on the 2023 Department of Finance persons per household for the City. This is an increase of approximately 2.9 percent to the City's 2023 population of 94,950, and still below the projected City's buildout and SCAG's 2045 population forecasts of 61,600 people. Although buildout and full occupancy of the project could potentially result in a 2.9 percent population increase of the current City population, per SCAG, this increase is consistent with City and regional growth projections. Therefore, the project would not result in a substantial unanticipated population increase in the City. Impacts would be less than significant.

Housing: According to the Revised Draft Housing Element (September 2023), Palm Springs had 36,012 housing units as of 2020. The City has recently approved applications for housing units that total 2,262 single-family and condominium units. The operation of the project would result in approximately 718 employees, which could result in the need for housing for employees relocating

to the City. Future employees would likely be existing residents of Palm Springs or other cities within the Coachella Valley, but the City's 10 percent vacancy rate and approved 2,262 dwelling units would contribute to the housing availability for new households created by the project's employees, which would total 718 if all employees were new householders in the City. Therefore, the housing demand created by the project's new employees can be accommodated in existing and proposed units, and would not generate an additional demand for housing. (page 4.11-8 of the DEIR) Additionally, implementation of the project will result in an increase in population and housing that is consistent with the projected growth for the City. Impacts would be less than significant.

Infrastructure: No new extensions of roads will be associated with the project. The project will connect to existing water, sewer, and electrical lines. The project's proposed connection to the existing infrastructure will provide the necessary utilities for the proposed project.

Existing 12-inch sewer lines are located approximately 650 feet east of the project in 19th Avenue. The project will extend the sewer line to the project site with a proposed 8-inch line. The extension of the sewer line could allow for future development within the surrounding area west and north of the project, which is designated for industrial and commercial uses, per the Palm Springs and Desert Hot Springs General Plans. MSWD plans for growth in their service area in the MSWD Wastewater System Comprehensive Master Plan, which outlines major wastewater collection system infrastructure, sewer lines, lift stations, and treatment plant improvements over a 20-year period. The MSWD is developing a 1.5-million gallons per day wastewater treatment plant located... to serve the project and surrounding lands. The treatment plant will increase the District's total wastewater treatment capacity and alleviate a portion of existing wastewater flows currently going to the Horton Wastewater Treatment Plant.

According to the 2020 Coachella Valley Regional Urban Water Management Plan, MSWD's long-term water management planning ensures that adequate water supplies are available to meet existing and future water needs within its service area. MSWD's urban water demand was 8,269 acre-feet (AF) for 2020, and the projected urban water demand by 2025 is 8,996 and by 2045 is 17,494 AFY. Based on the Water Supply Assessment (WSA) for the proposed project, located in Appendix M, the project is expected to have a total water demand of approximately 118.37 AFY.

As discussed on page 4.11-9 of the DEIR/RDEIR, the project will be required to connect to existing electrical infrastructure located along Indian Canyon Drive and 19th Avenue via an underground system. The closest energy facility to the project site is the Indigo Energy Facility located approximately 700 feet west of the project. Additional substations in the project area include Garnet substation (0.60 miles south), Hugo Substation (0.65 miles southwest), and Devers Substation (2 miles northwest). SCE operates and maintains these facilities. SCE plans for growth within their service area by upgrading their electric infrastructure, as well as providing alternative energy sources within its service area.

For electrical supply, the project would connect to existing lines located on the southwest corner of Indian Canyon Drive and 19th Avenue, running underground along the established right of way. Both water and sewer connections are available on 19th Avenue and Indian Canyon Drive, with the sewer lines existing approximately 650 feet east of the project. The close proximity of the

utilities ensures that the project's infrastructure development would not extend in a manner that could stimulate unplanned growth. Therefore, less than significant impacts are anticipated.

## **J. PUBLIC SERVICES**

### **i. Impact Fire and Police Services**

The Draft EIR analyzes the project's potential effects relating to the provision of public services, including fire protection and police protection (Draft EIR, at p. 4.12-7 – 4.12-8). The project will add a structure and workers to the project site, which will cause incremental increases in the demand for these public services.

#### **a) Finding Regarding Impact to Fire and Police Services**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impacts on public services, including fire services and police services will be less than significant.

#### **Facts in Support of Findings:**

Development of the project may cause an incremental increase in demand for emergency services. To reduce impact, the project would adhere to Policy SA 5.3 of the General Plan, which requires the use of fire-resistant building materials and the incorporation of fire sprinklers, compliance with CAL FIRE Fire Safe Regulations and Fire Hazard Reduction Around Buildings and Structures Regulations, the development of a Fire Protection Plan, adherence to the CBC and California Fire Code, and ensuring adequate access for emergency vehicles. Along with implementing the requirements of Policy SA 5.3, the project would also be reviewed by City and Fire Department to ensure that the project plans meet the fire protection requirements.

The implementation of a fire suppression system is consistent with the General Plan Action SA 7.3 which requires all structures located beyond the response time of 5 minutes to build a fire suppression system. The project will also comply with Policy SA 5.13 which requires all new construction to use noncombustible roofing materials, Policy SA 8.6 which requires that all buildings adhere to fire safety codes, and Policy SA 8.9 which requires the installation of fire protection water systems, which include fire hydrants, fire sprinkler systems, and wet and dry on-site standpipe systems. Additionally, the project will adhere to the California Fire Code. The California Fire Code and the policies and action described above are City standards that are required to be implemented. With the implementation of the City's standard requirements, and the Fire Department's review of the project plans to ensure that the project would meet fire protection requirements, the project's impact on fire services would be less than significant.

The development would occur within an area of existing industrial and commercial uses, which is already served by the Palm Springs Police Department; however, due to the service population estimate, development of the project may cause an incremental increase in demand for police services.

According to the DOF 2023 Population Estimates, there were 44,092 residents living in Palm Springs. In the Palm Springs General Plan Safety Element, it was reported that there are 100

working officers for PSPD, approximately 2.3 officers per 1000 Palm Springs residents. Project build-out could result in an additional 718 service population, which would result in a 2.23 officers per 1,000 persons ratio, still exceeding the City's standard of one officer to every 1,000 persons (General Plan Action SA 7.1). Consistent with the General Plan's Safety Element, the City also evaluates the ability to provide proper police protection for new developments in the City to ensure new development does not result in a reduction of law enforcement below acceptable levels (Policy SA1.12 & Policy SA1.13). The project's adherence to standard requirements will reduce impacts to police services to less than significant levels.

Off-site improvements include water and sewer connections to the project site. Domestic water would connect to the existing 12-inch water main on 19<sup>th</sup> Avenue located within the right-of-way. Sanitary sewer connections to the site would occur on 19<sup>th</sup> Avenue from an existing 6-inch sewer line approximately 650 feet east of Indian Canyon and 19<sup>th</sup> Avenue. Construction activities of the off-site improvement may briefly impact emergency response times on 19<sup>th</sup> Avenue and Indian Canyon Drive. Therefore, construction of the proposed offsite improvements would require the implementation of Construction Traffic Control Plans (as required by Mitigation Measure TRA-2). With the implementation of the Construction Traffic Control Plans, construction of the offsite improvements would have less than significant impact on fire and police protection services and would cease once construction of the offsite improvements are complete.

## **K. TRANSPORTATION**

### **i. Consistency with an Applicable Plan or Policy Addressing the Circulation System**

The proposed project would add traffic to area roadways that could result in significant changes in the level of service at area intersections and thus potentially conflict with a program plan, ordinance, or policy addressing the circulation system, which is considered a potentially significant adverse effect.

#### **a) Finding Regarding Consistency with Applicable Plan or Policy Addressing Circulation System**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impacts on plans or policies addressing circulation will be less than significant.

#### **Facts in Support of Finding:**

The project is anticipated to generate a total of 2,134 PCE vehicle trip-ends per day with 118 AM (PCE) peak vehicle hour trips and 155 PM (PCE) peak hour vehicle trips. In order to assess whether the project would significantly impact the roadway system, an analysis was conducted which assumed that the project would be operational in 2024. The analysis assumes that the project would build out adjacent roadways and traffic controls under opening year conditions, consistent with the City of Palm Springs General Plan buildout intersection configurations.

The existing operations analysis indicates that 10 of the 11 existing study area intersections are currently operating at an acceptable LOS (LOS D or better) during the peak hours. One intersection

(Indian Canyon Drive and 19th Avenue) is operating at LOS F during the evening peak hour, which General Plan policy classifies as an unacceptable LOS. However, the addition of a traffic signal at this intersection would result in acceptable conditions (*see* DEIR p. 4.13-18 to 4.13-25). Table 4.13-9 includes the traffic signal that is currently proposed at this intersection to address anticipated traffic delay expected with or without the project (*see* DEIR p. 4.13-20). The analysis further showed that this deficient intersection remains when the project is added to local traffic flows both under existing and opening year conditions (RDEIR page 4.13-22).

As shown in Table 4.13-13 of the DEIR, the Indian Canyon / 19th Avenue intersection operates at an unacceptable LOS with or without the addition of the project in its opening year (*see* DEIR p. 4.13-24). All other study area intersections operate at an acceptable LOS with the addition of the project. According to communication with Travis Clark, Community Development Director of the City of Desert Hot Springs on 10/28/2024, Project Viento has received approval of the Signal Plans for the intersection of Indian Canyon Drive and 19<sup>th</sup> Avenue. The signal is required to be operational prior to the opening of the Project Viento facility, which is currently under construction. The estimated completion date is August 22, 2025. See Page 2-49 of the FEIR. Based on this analysis, although the proposed project will contribute to unacceptable conditions at the Indian Canyon/19th Avenue intersection, the failure of the intersection will occur regardless of the project, will be mitigated by the construction of the signal in the immediate future, and the project's impact will be offset by the payment of an lieu fee equivalent to the project's fair share of 7.9%, *see* Table 4.13-14 (*see* DEIR p. 4.13-25), which the City will condition the project to contribute as part of the Major Development Permit.

With the addition of a traffic signal and project trips, the intersection of Indian Canyon and 19th Avenue operates at LOS A, consistent with City policy.

SunLine does not currently serve the project study area, therefore, there will be no impacts to SunLine services or facilities and the project will not otherwise interfere with implementation of SunLine transit network.

Sidewalks and bike lanes will be provided along Indian Canyon Drive. A sidewalk will be provided along 19th Avenue adjacent to the project site. Project improvements will add to the existing sidewalk and bicycle system in the area. As the area builds out, future projects will be required to construct General Plan improvements to sidewalks and bicycle facilities and will provide future connectivity to the surrounding area, consistent with General Plan policy. Therefore, the project will not conflict with any City program, plan, ordinance or policy regarding multi-modal transportation.

## **L. UTILITIES AND SERVICE SYSTEMS**

### **i. Require or Result in Construction of New or Expanded Facilities for Water, Wastewater, Drainage or Utilities, the Construction of Which May Cause Significant Environmental Effects**

The Draft EIR analyzes the construction of new or expanded facilities for water, wastewater, drainage, and utilities, and whether the construction of such facilities would have any significant adverse effect. Water and wastewater facilities for the proposed project will be provided by

Mission Springs Water District via project constructed connections or laterals to existing lines located in the local rights-of-way. There are no public storm water improvements in the area surrounding the project and none will be added as part of the project. The site is within the SCE service area for electric service. Existing overhead distribution power poles are located at the southwest corner of Indian Canyon Drive and 19th Avenue. The project is located within Frontier's and Charter Communications' service area for telecommunications.

#### **a) Findings Regarding New and Expanded Facilities**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impact concerning water systems and supply will be less than significant. The Planning Commission finds that the new and expanded utilities facilities to be constructed as part of the project, including connections to existing water and sewer lines and electricity, will not have any significant adverse effects. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

#### **Facts in Support of Findings:**

Water: Water to the proposed project will be provided by Mission Springs Water District via project constructed connections or laterals to existing 16-inch water main located in 19th Avenue. A new private 8-inch water line will connect to the public 16-inch water main and provide water to development. A 12-inch fire line is also proposed for the project's fire hydrant and sprinkler system. The infrastructure and design components for the project will be consistent with MSWD requirements and the RUWMP (page 4.15-12 of DEIR/RDEIR). The project will be further reviewed by City and MSWD staff to ensure compliance with all current and applicable water requirements. No new off-site water facilities are required as a result of project development.

Wastewater: Offsite improvements will include connecting the proposed project to the existing 12-inch sewer main located approximately 650 feet east of the project and within 19th Avenue. This connection would occur in the existing 19th Avenue. A new 8-inch private sewer main will be installed to connect to the off-site sewer main stub outs to serve the project site. Offsite improvements are expected to have less than significant impacts since 19th Avenue is an existing paved road disturbed by vehicle and pedestrian use. (page 4.15-12 of the DEIR)

Storm Water Drainage: There are no public storm water improvements in the area surrounding the project. As a standard requirement, the project site design will incorporate stormwater management to capture the controlling 100-year storm event volume.

The Preliminary Hydrology Report has calculated that the stormwater runoff volume resulting from the worst-case 100-year storm event for the project area in a developed condition would be approximately 297,329 cubic feet. As a result, the combined retention capacity provided by the project is sized at approximately 297,419 cubic feet. The retention capacity is distributed among a system of facilities, rather than a single location, in order to prevent concentrated flows and volumes, while facilitating the management effectiveness of these facilities after construction. The final volume and provided retention capacity will be subject to final review and approval by the City prior to project implementation. The retention of storm flows on-site results in a self-contained system, which protects surrounding streets from storm flows. Since there are no existing

storm water facilities in the area, the on-site retention is necessary, and no impact to City or regional storm water facilities will occur. As a standard requirement, the project is obligated to meet the City of Palm Spring's requirements by demonstrating that the incremental increase in runoff due to development can be adequately retained on-site. The project provides facilities to retain the entirety of the controlling 100-year, 24-hour storm event, therefore adequately meeting or exceeding the City of Palm Springs stormwater retention ordinance. As a result, the project will not result in off-site discharges of urban runoff within the design condition. Only runoff quantities resulting from a larger magnitude storm, such as a force majeure or natural disaster event beyond the City's engineering standards, would be allowed to be conveyed off-site. (page 4.15-12 of the DEIR)

Electric Facilities: The site is within the SCE service area for electric service. Existing overhead distribution power poles are located at the southwest corner of Indian Canyon Drive and 19th Avenue. The project will be required to connect to the existing off-site SCE electrical infrastructure to provide electricity to the site. Coordination with SCE will allow the project to extend electrical facilities along existing, disturbed right-of-way to serve the site, and to comply with all requirements of the utility provider during the project development.

Buildout of the project, related projects, and additional forecasted growth in SCE's service area would cumulatively increase the demand for electricity supplies and infrastructure capacity. SCE's planning area consumed approximately 103,045 GWh electricity in 2021. According to the CEC's Demand Analysis Office, SCE estimates that electricity consumption within SCE's planning area will be approximately 129,000 GWh (which is 129,000,000 MWh) annually by 2030. Based on the project's estimated annual electrical consumption of 3,673.072 MWh, the project would account for approximately 0.003 percent of SCE's total estimated demand in 2030. The closest energy facility to the project site is the Indigo Energy Facility located approximately 700 feet west of the project. Additional substations in the project area include Garnet substation (0.60 miles south), Hugo Substation (0.65 miles southwest), and Devers Substation (2 miles northwest). SCE operates and maintains these facilities. SCE is constantly upgrading and expanding their electricity distribution networks to ensure capacity and reliability with the anticipated growth within their service area. In recent years, the Devers Substation received upgrades to equipment to achieve higher capacity.

A total of approximately 453,310 kWh of electricity is anticipated to be consumed during construction. The electricity demand at any given time would vary throughout the construction period based on construction activities being performed and would cease upon completion of construction. The estimated construction electricity usage represents approximately 12.3 percent of the project's estimated annual operational demand.

The City implements plans to reduce electricity consumption by taking part in the Desert Community Energy (DCE), which is the community-based, locally controlled electricity provider serving Palm Springs. The DCE provides renewable power sources such as solar, wind, and geothermal in addition to large hydroelectric (which is considered carbon free but not renewable) to their service area. SCE has met or exceeded all Renewable Portfolio Standard requirements to date, procuring renewable energy from diverse renewable sources (listed above). This standard requires all California utilities to generate 60 percent of their electricity from renewables by 2030, and 100 percent by 2045. SCE's Pathway 2045 program will achieve carbon neutrality by

decarbonizing all sectors of the economy and will necessitate rigorous planning to keep energy safe, reliable, and affordable. Eighty gigawatts (GW) of new utility-scale clean generation and 30 GW of utility-scale energy storage will be required in the next 25 years. Electrical impacts are expected to be less than significant because the project will be required to comply with regional and local conservation measures to ensure project-related energy consumption is not significant. Energy codes established by the State will be implemented by the project to reduce energy consumption and increase energy efficiency at the project site. (page 4.15-14 of the DEIR)

Natural Gas: At present there are 4-inch underground natural gas lines located approximately a half-mile west, in 19th Avenue, provided by Southern California Gas Company. However, it is not anticipated that the project will utilize natural gas, apart from the use of exterior cargo handling equipment, which will be in operation up to four hours a day. Therefore, the project will not need to connect to existing natural gas infrastructure.

The project's operational consumption of natural gas will include the use of exterior cargo handling equipment involving up to four (4) 200 horsepower (hp), natural gas-powered cargo handling equipment – port tractors conservatively operating at 4 hours a day for 365 days of the year. Project on-site equipment would consume an estimated 13,926 gallons of natural gas, which is equivalent to 1,273,560.6 kBTU and 1,236,466.6 cf of natural gas. Natural gas is not anticipated to be required during construction of the project.

Based on the 2018 California Gas Report, the California Energy and Electric Utilities estimates natural gas consumption within SoCalGas's planning area will be approximately 2,310 million cf per day in 2030. The project would consume approximately 0.15 percent of the 2030 forecasted consumption in SoCalGas's planning area. Impacts to natural gas are less than significant and would not require or result in the relocation or construction of new or expanded facilities and natural gas is located in the street adjacent to the project site. Additionally, the project would be designed to comply with Title 24, Part 6 of the California Code of Regulations (CCR) regarding energy consumption. (page 4.15-13 of the DEIR)

Telecommunication Facilities: The project is located within Frontier's and Charter Communications' service area for telecommunications. The project will tie into the existing cable, telecommunications lines located along Indian Canyon Drive. The project will not require or result in the relocation or construction of new or expanded telecommunication facilities. (page 4.15-15 of the DEIR)

## **ii. Sufficiency of Water Supplies**

Development of the project would result in an overall increase in water demand from the project site during operation. Water consumed by the project was analyzed in the project specific WSA/WSV (Appendix M). The analysis of water resources and water supply is based upon the understanding of projected water supplies as developed by MSWD and used for the WSA/WSV, including estimates of available groundwater. Based upon this analysis, the estimated total domestic water demand for indoor and outdoor use is approximately 118.37 acre-feet per year (AFY), or 2.99 acre-feet per acre. Water to the proposed project will be provided by Mission Springs Water District via project constructed connections or laterals to existing lines located in 19th Avenue. The project proposes to connect to the existing 16-inch water main on 19th Avenue.

A new private 8-inch water line will connect to the public 16-inch water main and provide water to development. These improvements are project-specific and will not require the construction of regional facilities.

#### **a) Findings Regarding Sufficiency of Water Supplies**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impact concerning water systems and supply will be less than significant. The Planning Commission finds that there are sufficient water supplies available to serve the project and all reasonably foreseeable future development, as well as all existing uses within the Mission Creek Subbasin, during normal, dry, and multiple dry years, and further finds that the project's impacts relating to water use are less than significant. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

#### **Facts in Support of Findings:**

Based on the analysis in the WSA, the project's total water demand will be 118.37 acre-feet per year (AFY). MSWD's long-term water management planning ensures that adequate water supplies are available to meet existing and future water needs within its service area by assessing the reliability of water sources over a 20-year planning horizon every 5-years through their UWMP. As shown in Table 4.15-6 of the RDEIR, MSWD Projected Urban Water Supplies, MSWD's current urban water demand was 8,269 acre-feet (AF) for 2020, and the projected urban water demand by 2025 is 8,996 and by 2045 is 17,494 AFY. This Project's water demand of 118.37 AFY accounts for approximately 1.32 percent of the total planned increase in demand of 8,996 AFY by 2025 and 0.68 percent of the total planned increases in demand of 17,494 AFY by 2045.

Based on the information, analysis, and findings documented in the WSA for the project, MSWD has sufficient water supplies to meet the demands of the project, as well as future demands of the project plus all forecasted demands in the next 20 years. CVWD and DWA are replenishing the aquifer with Colorado River and State Water Project (SWP) Exchange water from Metropolitan Water District of Southern California (MWD). The Mission Creek Subbasin Management Area contains two AOBs: the CVWD Mission Creek Subbasin Area of Benefit (AOB) and the DWA Mission Creek Subbasin AOB. In calendar year (CY) 2022, total assessable production in the management area was 13,751 acre-feet (AF), a decrease of 3 percent from 2021. The assessable production in CVWD's Mission Creek Subbasin AOB was 4,390 AF, which was approximately 32 percent of total production within the management area. Since 2003, groundwater levels have risen and stabilized throughout the Mission Creek Subbasin, which is evidence that implementation of the replenishment program has effectively abated historical overdraft.

The project will abide by MSWD Water Efficient Landscaping Guidelines. The intent of the MSWD Landscape Guidelines is to comply with the State of California's Water Conservation in Landscaping Act.

The Uniform Building Code (Chapter 18.52) also establishes landscape regulations to provide for the conservation and safeguard of water resources and ensure compliance with all state-mandated water conservation regulations through the efficient use of water and appropriate use of plant materials, and ensure the ongoing maintenance of landscape areas.

The project will be required to implement water conservation measures to reduce impacts to the public water supply per existing requirements. Therefore, impacts to water supplies will be less than significant.

### **iii. Wastewater Treatment System Capacity**

MSWD provides wastewater service throughout the northern portion of the Coachella Valley and is the provider of wastewater services to the project site. The District operates and manages the Horton Wastewater Treatment Plan (HWWTP) and the Desert Crest Wastewater Treatment Plant. The Horton WWTP has a capacity of 2.3 million gallons per day (MGD). The District is constructing the MSWD Regional Water Reclamation Facility (RWRf) to meet increasing wastewater demands. Located north of Interstate 10, near 20th Avenue and Little Morongo Road in Desert Hot Springs, approximately 4.80 miles from the project site, the new facility will treat an additional 1.5 million gallons of wastewater per day. The facility will also support the addition of tertiary treatment in the future, providing recycled water to enhance the region's water conservation efforts. The regional plant and conveyance line projects were expected to be operational by the Fall of 2023. Although delayed, the plant is now open.

The proposed project is estimated to generate wastewater at 14,400 gallons per day (GPD) or 0.1 MGD. This is 6 percent of the HWWTP Plant's capacity of 2.3 MGD. The project's final engineering plans will undergo additional review by the City of Palm Springs and Mission Springs Water District to assure compliance with all current and applicable requirements. Therefore, the project is not expected to exceed wastewater capacity and impacts are less than significant.

#### **a) Findings Regarding Wastewater Treatment System Capacity**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impact concerning wastewater treatment system capacity will be less than significant. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

#### **Facts in Support of Findings:**

The project is proposing a new 8-inch private sewer line that would collect flow from the development and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. Flows would then be delivered to the HWWTP. The proposed project is estimated to generate wastewater at 14,400 GPD or 0.01 MDG, which is 6 percent of the HWWTP plant's capacity of 2.3 MGD. Annual flows to the HWWTP in 2020 were 2,244 AFY, the proposed project's 14,400 GPD is 16.13 AFY which is 7 percent of the HWWTP plant's annual capacity.

The project's final engineering plans will undergo additional review by the City of Palm Springs and MSWD to assure compliance with all current and applicable requirements. As demonstrated above, the project is not expected to exceed the City's wastewater capacity demand and impacts are less than significant (Draft EIR, at pg. 4.15-21).

**iv. Generate Excess Solid Waste**

The project is proposing the development of a 739,360 square foot fulfillment center with a building footprint of 727,360 square feet allotted to warehouse uses, and 12,000 square feet for offices on the second floor. Additional solid waste will be generated by the proposed project through operation and employees. The project would generate an average of approximately 4.96 tons of solid waste per day. This estimate does not account for any required solid waste reductions. Waste from the project site will be sent to the Edom Hill Transfer station which can receive a maximum of 3,500 tons per day, and currently processes over 1,900 tons per day. The project would contribute less than significant impacts to the Edom Hill Transfer station's capacity.

**a) Findings Regarding Excess Solid Waste**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impact concerning the generation of excess solid waste will be less than significant. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts in Support of Findings:**

The project would generate an average of approximately 4.96 tons per day. This estimate does not account for any required solid waste reductions. Waste from the project site will be sent to the Edom Hill Transfer station which can receive a maximum of 3,500 tons per day, and currently processes over 1,900 tons per day. The project's 4.96 tons of solid waste is less than 1 percent of this transfers station's daily capacity, and represents a less than 1% increase in daily processing. The solid waste would then be transferred to one of the County's permitted landfills.

The Lambs Canyon Landfill is the nearest landfill. This landfill has a permitted capacity of 5,000 tons per day and 319,242,950 cubic yards of remaining capacity with a closure date of 2032. The solid waste generated by the project is less than one percent of the 5,000 tons per day at the Lambs Canon landfill. Therefore, the project would be served by a landfill with sufficient capacity. (page 4.15-22 of the DEIR)

The project will be served by a landfill with sufficient capacity to serve the project. Therefore, impacts relative to solid waste are less than significant.

**v. Comply with Statutes and Regulations Related to Solid Waste**

The project is required to comply with the mandatory recycling requirements of Assembly Bill 341 and the Cal Green requirement for a construction waste management plan that includes diversion of at least 65% of construction and demolition materials from landfills, through recycling and/or reuse (*see* DEIR, at p. 4.15-22). The project would generate an average of approximately 4.96 tons per day. This estimate does not account for any required solid waste reductions. Waste from the project site will be sent to the Edom Hill Transfer station which can receive a maximum of 3,500 tons per day, and currently processes over 1,900 tons per day. The project's 4.96 tons of solid waste is less than 1 percent of this transfers station's daily capacity, and represents a less than 1% increase in daily processing. The project's compliance with the mandatory recycling and

construction waste requirements listed above will ensure that the impacts to existing statutes and regulations related to solid waste are less than significant.

**a) Findings Regarding Statutes and Regulations Related to Solid Waste**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project's impact concerning statutes and regulations related to solid waste will be less than significant. Finally, the Planning Commission finds that the project will not have any new or substantially more severe impacts than analyzed and disclosed in the DEIR/RDEIR.

**Facts in Support of Findings:**

The project will comply with all applicable solid waste statutes, policies and guidelines. Palm Springs Disposal abides by Assembly Bill 341 which requires that not less than 75% of solid waste generated be reduced, recycled, or composted by the year 2020. Businesses that generate 4-cubic yards of solid waste or more must arrange for recycling services as required by Assembly Bill 341. The City of Palm Springs Municipal Code (Chapter 6.04) enforces this policy. The project will be required to arrange for PSDS collection of recycled material and supply and allow access to an adequate number, size and location of collection containers for employees, contractors, tenants, and customers. The California Green Building Standards Code (CalGreen) mandates that all new building construction develop a waste management plan that includes diversion of at least 65% of construction and demolition material from landfills, through recycling and/or reuse. There are no impacts relative to applicable solid waste regulations because the project is required to, and will, comply with all such regulations (Draft EIR, at pg. 4.15-22).

**VII. FINDINGS REGARDING IMPACTS DETERMINED TO HAVE NO IMPACT**

The DEIR also determined, based upon substantial evidence in the record, the following impacts associated with the project will have no impacts. The City hereby adopts the findings, analysis, and conclusions regarding these potential impacts set forth in the Final EIR and incorporates the same herein by this reference.

**A. AESTHETICS**

**i. Affecting a Scenic Resources within a State Scenic Highway**

The proposed project occurs north of 19th Avenue and west of Indian Canyon Drive. The project site is currently vacant and undeveloped. The property does not contain any landmarks or scenic resources, such as trees, rock outcroppings, or historic buildings.

**a) Finding Regarding Scenic Resources within a State Scenic Highway**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not affect a scenic roadway, or scenic resource. There are no scenic roadways, or scenic resources such as trees, rock outcroppings or historic buildings.

### **Facts in Support of Finding:**

A review of the California State Scenic Highway Program determined that the project site is not located within a designated State Scenic Highway. State Route 62 is approximately 3 miles west of the project site and is a State designated Scenic Highway. The project site is not visible from SR 62. According to the Riverside County Western Coachella Valley Area Plan, the Interstate 10 freeway is a County Eligible Scenic Highway but is not officially designated. The Interstate 10 freeway is located approximately 0.32 miles south of the project. Therefore, the project will not impact scenic resources in the Interstate 10 right of way. Additionally, the site is currently vacant and undeveloped. The site is relatively level, with uniform sandy terrain and scattered vegetation. Soil disturbance and vehicle tracks are indicative of recent activity onsite. The site does not contain trees, rock outcroppings, or historic buildings. Therefore, the project will not affect these scenic resources.

The project is not located adjacent to a State designated Scenic Highway or a Riverside County Scenic Highway. There will be no impact to scenic resources on a scenic highway.

## **B. AGRICULTURE AND FORESTRY RESOURCES**

### **i. 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**

The project property is classified by the 2016 California Farmland Mapping and Monitoring Program (FMMP) as “Other Land”. Other Land is defined as land not included in any other mapping category (i.e., Prime Farmland, Farmland of Statewide or Local Importance, Unique Farmland, or Urban and Built-Up Land). Surrounding areas to the west, north, and east are also designated as Other Land, while areas south of the project include a mix of both Other Land and Urban and Built-Up Land. No areas within the City of Palm Springs are designated or zoned for agricultural use. Therefore, implementation of the project would not involve changes that would result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to nonagricultural uses.

### **a) Finding Regarding the Conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to Non-Agricultural Use**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

### **Facts in Support of Finding:**

As stated on page 6-2 of the DEIR/RDEIR, the project site and surrounding areas to the west, north, and east are designated as Other Land, while areas south of the project include a mix of both Other Land and Urban and Built-Up Land. No areas within the City of Palm Springs are designated or zoned for agricultural use. The General Plan land use designation for the project site is Industrial with Wind Energy Overlay. Therefore, implementation of the project would not involve changes

that would result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to nonagricultural uses.

**ii. Conflict with Existing Zoning for Agricultural Use or a Williamson Act Contract**

The zoning designation for the proposed project is Manufacturing (M-2). The proposed project is compliant with the land use and zoning designations established by the City of Palm Springs. The City of Palm Springs does not have agricultural zones within their boundaries.

**a) Finding Regarding Conflicting with Existing Zoning for Agricultural Use or a Williamson Act Contract**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not conflict with the existing zoning or lands designated for Williamson Act contracts.

**Facts in Support of Finding:**

As stated on page 6-2 of the DEIR/RDEIR, the zoning designation for the proposed project is Manufacturing (M-2). The proposed project is compliant with the land use and zoning designations established by the City of Palm Springs. According to the Williamson Act 2014 Status Report, no portion of the project site is within or near a recognized Williamson Act Contract area. Neither the project site nor any surrounding lands are designated or used for agricultural purposes. Agriculture is not a land use defined in either the General Plan or Zoning Ordinance. No impact to agricultural resources will result from implementation of the project.

**iii. Conflict with Existing Zoning for or Cause Rezoning of Forest Land, Timberland, or Timberland Zoned Timberland Production**

As stated on page 6-3 of the DEIR/RDEIR, the project site is currently vacant and undeveloped. Industrial with a Wind Energy Overlay are the property's land use designations. Forest land, timberland, or timberland zoned Timberland Production does not occur on the project site or surrounding areas.

**a) Finding Regarding Conflicting with Existing Zoning for or Cause Rezoning of Forest Land, Timberland, or Timberland Zoned Timberland Production**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not conflict with the existing zoning or cause rezoning of forest land, timberland, or timberland zoned timberland production.

**Facts in Support of Finding:**

The project site is currently vacant and undeveloped. Industrial with a Wind Energy Overlay are the property's land use designations. Forest land, timberland, or timberland zoned Timberland

Production does not occur on the project site or surrounding areas. The project would not result in the loss of forest land, timberland, or timberland zoned timberland production.

**iv. Result in the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use**

As stated on page 6-3 of the DEIR/RDEIR, the project site is currently vacant and undeveloped. Industrial with a Wind Energy Overlay are the property's land use designations. Forest land does not occur on the project site or surrounding areas.

**a) Finding Regarding the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in the loss of forest land or conversion of forest land to non-forest use.

**Facts in Support of Finding:**

The project site is currently vacant and undeveloped. Industrial with a Wind Energy Overlay are the property's land use designations. Forest land does not occur on the project site or surrounding areas. The project would not result in the loss of forest land or conversion of forest land to non-forest use (see page 6-3 of DEIR/RDEIR).

**v. 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**

As stated on page 6-3 of the DEIR/RDEIR, the project site is currently vacant and undeveloped. Agricultural or forest land does not occur on the project site or surrounding areas.

**a) Finding Regarding 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**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in changes in the existing environment which, due to their location or nature, could result in the conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use.

**Facts in Support of Finding:**

The project site is currently vacant and undeveloped. Agricultural or forest land does not occur on the project site or surrounding areas. Therefore, the project would not result in changes in the existing environment which, due to their location or nature, could result in the conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use (see page 6-3 of DEIR/RDEIR). No impacts are expected.

## C. BIOLOGICAL RESOURCES

### i. **Have a Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, and Regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service**

The site is vacant and undeveloped, and surrounded by developed and undeveloped properties. Off-site improvements involve the project's connection to existing sewer, water, and electricity lines in the streets east and south of the project. There are no jurisdictional waters, and no lakes, rivers, or streambeds within the limits of the proposed project or the proposed off-site infrastructure.

#### a) **Finding Regarding Having a Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies and regulations or by CDFW or USFWS.

#### **Facts in Support of Finding:**

There are no jurisdictional waters regulated pursuant to the CWA by the USACE or the RWQCB, and no lakes, rivers, or streambeds regulated pursuant to the California Fish and Game Code by the CDFW are present within the limits of the proposed project or the proposed off-site infrastructure. Since significant wash vegetation, riparian vegetation, or other sensitive natural communities (identified in local or regional plans, policies, and regulations, or by the CDFW or US Fish and Wildlife Service) does not occur at the project site or within the existing rights-of-way where off-site improvements will occur, the project will have no impacts on these resources.

### ii. **Have a Substantial Adverse Effect on State or Federally Protected Wetlands (Including, But Not Limited to, March, Vernal Pool, Coastal, Etc.) Through Direct Removal, Filling, Hydrological Interruption, or Other Means**

The vacant and undeveloped project site does not contain federally protected wetlands, marshes or other natural drainage features. No blue-line stream corridors (streams or dry washes) are shown on U.S. Geological Survey maps for the project site and there are no botanical indicators of such corridors.

#### a) **Finding Regarding Having a Substantial Adverse Effect on State or Federally Protected Wetlands**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not have a substantial adverse effect on State or federally protected wetlands.

**Facts in Support of Finding:**

As stated on pages 6-3 and 6-4 of the DEIR/RDEIR, the vacant and undeveloped project site does not contain federally protected wetlands, marshes or other natural drainage features. As a result, implementation of the proposed project would not result in the direct removal, filling or other hydrological interruption to any of these resources. Off-site improvements involve the project's connection to existing sewer, water, and electricity lines in the streets east and south of the project. The existing rights-of-way are developed and the project's connection to off-site infrastructure will not result in impacts to protected wetlands.

**D. GEOLOGY AND SOILS**

**i. Rupture of a Known Earthquake Fault**

As stated on page 6-4 of the DEIR/RDEIR, the City of Palm Springs, similar to most of Southern California, is susceptible to earthquakes due to the active faults that traverse the Coachella Valley. The closest fault to the project property is the Banning Pass Fault, which lies approximately 0.25 miles north of the project, while the San Gorgonio Pass Fault is located approximately 4 miles west of the project.

**a) Finding Regarding the Rupture of a Known Earthquake Fault**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in the rupture of a known fault.

**Facts in Support of Finding:**

Active faults are present along the northernmost reaches of the City, where the traces of the Garnet Hill and Banning faults have been mapped. These faults have the potential to generate surface rupture or ground deformation. The closest fault to the project property is the Banning Pass Fault, which lies approximately 0.25 miles north of the project, while the San Gorgonio Pass Fault is located approximately 4 miles west of the project. The Garnet Hill Fault is located approximately 1 mile south of the project; however, this fault is not considered an Alquist-Priolo Earthquake Fault. According to Figure 6-1 in the Palm Springs General Plan (PSGP), neither the Banning Pass Fault or San Gorgonio Pass Fault occurs on or adjacent to the project site. Due to the project's distance from the faults, rupture at the project site will not occur. No impacts are anticipated.

**ii. Result in Seismic-Related Ground Failure, Including Liquefaction**

The northern and eastern areas of the City have a low possibility of being affected by liquefaction due to the deep groundwater depths (greater than 50 feet). The Seismic Hazards Map (Figure 6-1) of the PSGP indicates that the project site is located in an area with fine-grained granular sediments susceptible to liquefaction but with groundwater depths greater than 50 feet.

**a) Finding Regarding Seismic-Related Ground Failure, Including Liquefaction**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in seismic-related ground failure, including liquefaction.

**Facts in Support of Finding:**

As stated on pages 6-4 and 6-5 of the DEIR/RDEIR, the northern and eastern areas of the City have a low possibility of being affected by liquefaction due to the deep groundwater depths (greater than 50 feet). The Seismic Hazards Map (Figure 6-1) of the PSGP indicates that the project site is located in an area with fine-grained granular sediments susceptible to liquefaction but with groundwater depths greater than 50 feet. Due to the lack of shallow groundwater at and around the project site, impacts of seismically-induced liquefaction at the project property and offsite improvements are not expected to occur. No impacts are anticipated.

**iii. Result in Seismic-Related Landslides**

Secondary effects of seismic ground shaking, such as slope failures, rockfalls and landslides may occur in the City, especially adjacent to and in elevated areas. Seismically induced landslides and rockfalls can be expected primarily in the western and southern portion of the City, including areas near the San Jacinto and Santa Rosa Mountains where the bedrock is intensely fractured or jointed. The project site is not located in an area with high and moderate susceptibility of being impacted by rockfalls and seismically induced landslides (PSGP Figure 6-2, Landslide Susceptibility).

**a) Finding Regarding Seismic-Related Landslides**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in seismic-related landslides.

**Facts in Support of Finding:**

As stated on page 6-5 of the DEIR/RDEIR, seismically-induced rockfalls and landslides are not anticipated to impact the proposed project as the project site and proposed offsite improvements are located on relatively flat land. Additionally, the project and offsite infrastructure are not located adjacent to a mountain or hillside area. Therefore, seismically-induced rockfalls and landslides will have no impact on the project.

**iv. 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**

Mission Springs Water District provides sewer services to the residents and businesses around the project property. The project site is not currently connected to sewer infrastructure. The project will connect to an existing 6-inch sewer line a half-mile east of the project in 19th Avenue.

**a) Finding Regarding Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will have no impact on soils relating to septic systems.

**Facts in Support of Finding:**

As stated on page 6-5 of the DEIR/RDEIR, the project will connect to an existing 6-inch sewer line a half-mile east of the project in 19<sup>th</sup> Avenue. No septic system is proposed. Therefore, no impacts are expected.

**E. HAZARDS AND HAZARDOUS MATERIALS**

**i. Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile an Existing or Proposed School**

As stated on page 6-5 of the DEIR/RDEIR, the project site is not located within a quarter mile of an existing or proposed school. The closest school to the project site is Two Bunch Palms Elementary School, located approximately 2.95 miles northeast of the project site.

**a) Finding Regarding the Emission of Hazardous Emissions or the Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile an Existing or Proposed School**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not emit hazards emissions or handle hazardous materials or waste within one-quarter mile of a school.

**Facts in Support of Finding:**

The closest school to the project site is Two Bunch Palms Elementary School, located approximately 2.95 miles northeast of the project site. Due to the project's distance from any existing or proposed school, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within a one-quarter mile radius of a school. No impacts to existing or proposed schools are anticipated.

**ii. 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**

As stated on page 6-6 of the DEIR/RDEIR, the project is located within the City's Industrial land use and is surrounded by industrial buildings and commercial businesses to the south and east. The project site is not a hazardous materials release site, and therefore, development of the site would not create a significant hazard to the public or the environment.

**a) Finding Regarding the Projects Location 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**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project is not located on a site that is included on a list of hazardous material sites and would not create a significant hazard to the public or the environment.

**Facts in Support of Finding:**

Pursuant to the Cortese List Government Code 65962.5 and its subsections, record searches on the project property were performed within GeoTracker, EnviroStor and the EPA Enforcement and Compliance History Online (ECHO). The search of all three databases revealed that the project site is not a hazardous materials release site, and therefore, development of the site would not create a significant hazard to the public or the environment. No impacts are anticipated.

**iii. 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**

As stated on page 6-6 of the DEIR/RDEIR, The project is not located within an airport land use plan or private airstrip. The Palm Springs International Airport is located approximately 5 miles to the southeast and the Bermuda Dunes Airport is located approximately 18.60 miles southeast of the project.

**a) Finding Regarding a Project Located Within An Airport Land Use Plan Or, 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**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project is not located within an airport land use plan or within two-miles of a public airport, and would not result in a safety hazard or excessive noise for people residing or working in the project area.

**Facts in Support of Finding:**

The project is not located within an airport land use plan or near a private airstrip. The Palm Springs International Airport is located approximately 5 miles to the southeast and the Bermuda Dunes Airport is located approximately 18.60 miles southeast of the project. As a result, the project is located outside each of the airports' influence and planning area. Due to the project's distance from the regional airports, no impacts are anticipated.

**iv. Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires**

As stated on page 6-6 of the DEIR/RDEIR, the project property, located at the northwest corner of Indian Canyon Drive and 19th Avenue is currently vacant and undeveloped. The project is surrounded by existing industrial and commercial facilities to the south and east, vacant land to the north, and wind turbines to the west.

**a) Finding Regarding the Exposure of People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

**Facts in Support of Finding:**

According to Cal Fire's Fire Hazard Severity Zone Maps, the project site is not located within or near a moderate, high, or very high fire severity zone. The closest established fire severity zone to the project is located approximately 3.20 miles northwest of the project along State Route 62. Therefore, impacts of wildfires are not anticipated at the project site.

**F. LAND USE AND PLANNING**

**i. Physically Divide an Established Community**

As stated on page 6-7 of the DEIR/RDEIR, the project property is currently vacant and undeveloped. Existing industrial and commercial businesses are located south of 19th Avenue and east of Indian Canyon Drive. The property north of the project is vacant, while the property west of the project includes vacant property and wind turbines. The surrounding properties operate separately from each other.

**a) Finding Regarding Physically Divide an Established Community**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not physically divide an established community.

**Facts in Support of Finding:**

The surrounding properties operate separately from each other. The project is proposing the construction and operation of an industrial warehouse with associated parking, drive aisles, and landscaping. Therefore, project implementation is not anticipated to divide an established community. No impact is expected.

**ii. 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**

As stated on page 6-7 of the DEIR/RDEIR, the project site's General Plan land use is Industrial with a Wind Energy Overlay (WEO).

The project's zoning designation is Manufacturing (M-2). The M-2 Zone, per Section 92.17.1.00 in the Palm Springs Municipal Code, is intended to provide for the development of warehouse and distribution centers, and industrial uses. The M-2 zone is consistent with the General Plan Industrial land use designation.

**a) Finding Regarding Causing 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**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

**Facts in Support of Finding:**

As stated on page 6-8 of the DEIR/RDEIR, the project proposes an approximately 739,360-square-foot industrial warehouse. The proposed industrial warehouse is an allowed use in the City's Industrial land use and M-2 zoning designations. Wind Energy Overlay areas allow for the development of Wind Energy Conversion Systems (WECS) and clean energy uses within the northern portion of the City. The WEO is applied at the property owner's discretion, and assumes that all lands under the overlay would result in only 15 percent of the entire acreage allotted to industrial and regional business center land uses. The entire WEO extends from the edge of Miralon, west of Windy Point, and up to Dillon Road. The proposed project's use of the land as a distribution facility will reduce the total lands available for WECS projects by only 38 acres. Additionally, it is the intention of the City to concentrate the industrial and regional commercial land uses in the area around the Interstate 10 freeway, Indian Canyon Drive, and Gene Autry Trail. Therefore, the development of the proposed project will have no impact on the City's ability to reach its goal of implementing WECS projects within the WEO boundary.

The project will be consistent with the development standards provided by the City. The Development Permit ensures that a proposed development is consistent with the General Plan, the Zoning Code, and other adopted plans, regulations and policies of the City. The Development Permit also ensures that the location, height, massing, and placement of the proposed development is consistent with applicable standards.

Goal LU3 of the Palm Springs General Plan Land Use Element aims to attract and retain high-quality industrial and business park developments. The following policies are relevant to the project:

LU3.2: Promote opportunities for expansion and revitalization of industrial uses within the City.

LU3.3: Ensure operation of industrial uses is unobtrusive to surrounding areas and prohibit the development of manufacturing uses that operate in a manner or use materials that may impose a danger on adjacent uses or are harmful to the environment.

The project proposes the development of an industrial warehouse on approximately 38 acres at the northwest corner of 19th Avenue and Indian Canyon Drive. The project will expand the industrial uses within the City. Additionally, the industrial project will not be obtrusive to surrounding areas since surrounding properties include industrial and commercial businesses.

The project is consistent with the Palm Spring General Plan land use designation and policies, as well as zoning designation. Therefore, no impacts are expected.

## **G. MINERAL RESOURCES**

### **i. 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**

As stated on page 6-8 of the DEIR/RDEIR, mining activities have been seen in the Santa Rosa and San Jacinto Mountains, along with the high desert areas since the late 1800s. Local agencies, including the City of Palm Springs, utilize the existing information on mineral classifications for land use and plan development and decision making.

According to the Palm Springs General Plan the project and its surroundings are located within Mineral Resource Zone 3 (MRZ-3), which applies to areas containing mineral deposits where the significance cannot be evaluated from available data.

#### **a) Finding Regarding the Loss of Availability of a Known Mineral Resource that would be of Value to the Region and the Residents of the State**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will 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.

#### **Facts in Support of Finding:**

According to the Palm Springs General Plan the project and its surroundings are located within Mineral Resource Zone 3 (MRZ-3), which applies to areas containing mineral deposits where the significance cannot be evaluated from available data. The project is located in an existing service/manufacturing zone, surrounded by other manufacturing/commercial development which is incompatible with mining operations; therefore, project implementation would not result in the loss of any known mineral resources that are considered important to the Coachella Valley or residents of California. No impacts are expected related to the loss of availability of known mineral resources.

**ii. Result in the Loss of Availability of a Known Mineral Resource Recovery Site Delineated on a Local General Plan, Specific Plan, or Other Land Use Plan**

As stated on page 6-8 of the DEIR/RDEIR, mineral resources that are known to exist in the Coachella Valley region primarily consist of sand and gravel (aggregate) typically deposited along and near local drainages. Aggregate material is deemed necessary to the local building industry as a component of asphalt, concrete, road base, stucco and plaster. The project site is not recognized as a mineral resource recovery site delineated in the County of Riverside General Plan, City of Palm Springs General Plan or the resource maps prepared pursuant to SMARA.

**a) Finding Regarding the Loss of Availability of a Known Mineral Resource Recovery Site Delineated on a Local General Plan, Specific Plan, or Other Land Use Plan**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in the loss of availability of a known mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Facts in Support of Finding:**

As stated on page 6-9 of the DEIR/RDEIR, the project site is not recognized as a mineral resource recovery site delineated in the County of Riverside General Plan, City of Palm Springs General Plan or the resource maps prepared pursuant to SMARA. No impacts are expected as a result of project implementation.

**H. NOISE**

**i. 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**

As stated on page 6-8 of the DEIR/RDEIR, the closest airport to the project site is the Palm Springs International Airport, located approximately 4.90 miles southeast of the project property. The project site is located outside of the 70, 65 and 60 CNEL noise contours associated with the airport.

**a) Finding Regarding the Exposure of People Residing Or Working In The Project Area To Excessive Noise Levels from Airports or Private Airstrips**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not expose people residing or working the project area to excessive airport noise.

**Facts in Support of Finding:**

The closest airport to the project site is the Palm Springs International Airport, located approximately 4.90 miles southeast of the project property. The project site is located outside of

the 70, 65 and 60 CNEL noise contours associated with the airport. Furthermore, the Palm Springs Airport Land Use Plan does not identify the project site as being located within its planning area. No impacts are expected.

## **I. POPULATION AND HOUSING**

### **i. Displace Substantial Numbers of Existing People or Housing, Necessitating the Construction of Replacement Housing Elsewhere**

As stated on page 6-9 of the DEIR/RDEIR, the proposed project will not displace existing housing, affordable housing, or people because the site is currently vacant and undeveloped and does not currently house anyone.

#### **a) Finding Regarding Displacing Substantial Numbers of Existing People or Housing, Necessitating the Construction of Replacement Housing Elsewhere**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not displace a substantial number of people or any existing housing.

#### **Facts in Support of Finding:**

The proposed project will not displace existing housing, affordable housing, or people because the site is currently vacant and undeveloped and does not currently house anyone. No impacts are expected.

## **J. PUBLIC SERVICES**

### **i. Would The Project Result In Substantial Adverse Physical Impacts Associated With The Provision Of New Or Physically Altered Schools, Need For New Or Physically Altered Schools, The Construction Of Which Could Cause Significant Environmental Impacts, In Order To Maintain Acceptable Service Ratios, Response Times Or Other Performance Objectives For Schools**

The City of Palm Springs, including the project site, is served by the Palm Springs Unified School District (PSUSD). The project proposes the development and operation of a 739,360-square-foot industrial warehouse. In 2022, The project is not anticipated to generate a new population, as employees needed to operate the project are anticipated to come from within the project region. (Page 4.12-8 of the DEIR/RDEIR)

#### **a) Finding Regarding Schools**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in substantial adverse physical impacts associated with schools.

**Facts in Support of Finding:**

The project proposes the development and operation of a 739,360-square-foot industrial warehouse. The project is not anticipated to generate a new population, as employees needed to operate the project are anticipated to come from within the project region due to the unemployment rates throughout the Coachella Valley. Thus, the project would not result in a substantial increase of population in the City during construction or operation of the project, creating a substantial increase in school age children requiring public education.

Furthermore, Assembly Bill 2926 and Senate Bill 50 (SB 50) allow school districts to collect “development fees” for all new construction for residential/commercial and industrial use. Monies collected are used for construction and reconstruction of school facilities, and have been designed to mitigate the impacts to school facilities. The project will be required to contribute to these fees and there would be no impacts to schools.

**ii. Would The Project Result In Substantial Adverse Physical Impacts Associated With The Provision Of New Or Physically Altered Parks, Need For New Or Physically Altered Parks, The Construction Of Which Could Cause Significant Environmental Impacts, In Order To Maintain Acceptable Service Ratios, Response Times Or Other Performance Objectives For Parks**

The City of Palm Springs provides public parks, open space and multi-city recreational facilities with various amenities. The proposed fulfillment center project would not create additional demand for public park facilities, nor result in the need to modify existing or construct new park facilities because it is an industrial land use.

**a) Finding Regarding Parks**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in substantial adverse physical impacts associated with parks.

**Facts in Support of Finding:**

As stated on page 6-10 of the DEIR/RDEIR, the proposed fulfillment center project would not create additional demand for public park facilities, nor result in the need to modify existing or construct new park facilities because it is an industrial land use. If the project’s employees are new residents occupying new housing units in the City, those residential projects would contribute Quimby fees or construct parks consistent with the City’s standard requirements. Therefore, the project would have no impact on parks.

**iii. 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: Other Facilities**

The project will not result in substantial unplanned growth. The project will also pay development impact fees to support the demand for fire and police services.

**a) Finding Regarding Other Facilities**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not result in substantial adverse physical impacts associated with other facilities.

**Facts in Support of Finding:**

As stated on page 6-10 of the DEIR/RDEIR, no increase in demand for government services or other public facilities is expected because the project will not result in substantial unplanned growth. Additionally, the project will pay development impact fees to support the demand for fire and police services. No impacts are anticipated.

**K. RECREATION**

**i. 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**

Palm Springs owns and maintains 156 acres of developed parkland, 160 acres of City-owned golf courses open to the public, as well as miles of developed greenbelts along major accesses throughout the city. Privately owned golf courses are also a part of Palm Springs' recreational uses, many of which are open to the public.

The project proposes to construct a 739,360-square-foot fulfillment center on approximately 38 acres of vacant land on the northwest corner of 19th Avenue and Indian Canyon Drive. No residential land uses are proposed.

**a) Finding Regarding the Project's Increase Use Of Existing Neighborhood And Regional Parks Or Other Recreational Facilities Such That Substantial Physical Deterioration Of The Facility Would Occur Or Be Accelerated**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not 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.

**Facts in Support of Finding:**

The project proposes to construct a 739,360-square-foot fulfillment center on approximately 38 acres of vacant land on the northwest corner of 19th Avenue and Indian Canyon Drive. No residential land uses are proposed. The project is not anticipated to result in a substantial increase in population, since project-generated employees would likely be existing residents of the City or the surrounding area. No impacts related to the increased use of existing neighborhood and regional parks, or other recreational facilities are expected.

**ii. 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**

The project proposes to construct a 739,360-square-foot fulfillment center on approximately 38 acres of vacant land on the northwest corner of 19th Avenue and Indian Canyon Drive. No residential land uses or recreational uses are proposed.

**a) Finding Regarding the Project's Inclusion of Recreational Facilities or Construction or Expansion of Recreational Facilities that Might have an Adverse Physical Effect on the Environment**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

**Facts in Support of Finding:**

The project proposes to construct a 739,360-square-foot fulfillment center on approximately 38 acres of vacant land on the northwest corner of 19th Avenue and Indian Canyon Drive. No residential land uses or recreational uses are proposed. The project is not anticipated to increase the use of existing parks since the project is proposing an industrial warehouse, and the modest increase in jobs created by the project is not expected to attract any meaningful increase in residents to the City who would use the existing park facilities. No impact will occur.

**L. WILDIFRE**

**i. Would the Project Substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan**

The approximately 38-acre project site is vacant and undeveloped land with scattered, low-lying desert vegetation at the northwest corner of 19th Avenue and Indian Canyon Drive. The site is surrounded by vacant and undeveloped land to the north, an industrial development to the east (separated by Indian Canyon Drive), commercial businesses to the south (separated by 19th Avenue), and vacant land and wind turbines to the west.

According to Cal Fire's Fire Hazard Severity Zones (FHSZ) in State Responsibility Areas (SRA) Map, the project is not located in an area classified as having a moderate, high or very high fire

hazard severity zone (VHFHSZ). Additionally, the project property is not located in or near lands classified as moderate, high, or very high FHSZ.

**a) Finding Regarding Substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not substantially impair an adopted emergency response plan or emergency evacuation plan.

**Facts in Support of Finding:**

The approximately 38-acre project site is vacant and undeveloped land at the northwest corner of 19th Avenue and Indian Canyon Drive. The site is surrounded by vacant and undeveloped land to the north, an industrial development to the east (separated by Indian Canyon Drive), commercial businesses to the south (separated by 19th Avenue), and vacant land and wind turbines to the west. Access to the project would occur on the existing rights-of-way, Indian Canyon Drive and 19<sup>th</sup> Avenue. Therefore, the project would not impair an adopted emergency response plan or emergency evacuation plan.

**ii. 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**

According to Cal Fire's Fire Hazard Severity Zones (FHSZ) in State Responsibility Areas (SRA) Map, the project is not located in an area classified as having a moderate, high or very high fire hazard severity zone (VHFHSZ). Additionally, the project property is not located in or near lands classified as moderate, high, or very high FHSZ. The closest designated area is located approximately 3.20 miles northwest of the project and is classified as being a moderate FHSZ.

**a) Finding Regarding Exacerbating Wildfire Risks, And Thereby Expose Project Occupants To, Pollutant Concentrations From A Wildfire Or The Uncontrolled Spread Of A Wildfire**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not exacerbate wildfire risks, or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

**Facts in Support of Finding:**

As stated on page 6-12 of the DEIR/RDEIR, the project site is not located near slopes or designated fire hazard areas. The project is not located in or near an SRA, or in an area classified as a VHFHSZ. Therefore, the project site is not expected to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. No impacts are anticipated.

**iii. Would The Project Require The Installation Or Maintenance Of Associated Infrastructure (Such As Roads, Fuel Breaks, Emergency Water Resources, Power Lines Or Other Utilities) That May Exacerbate Fire Risk Or That May Result In Temporary Or Ongoing Impacts To The Environment**

As stated on page 6-12 of the DEIR/RDEIR, the project is not located in an area classified as having a moderate, high or very high fire hazard severity zone (VHFHSZ). Additionally, the project property is not located in or near lands classified as moderate, high, or very high FHSZ. The closest designated area is located approximately 3.20 miles northwest of the project and is classified as being a moderate FHSZ.

**a) Finding Regarding Requiring The Installation Or Maintenance Of Associated Infrastructure (Such As Roads, Fuel Breaks, Emergency Water Resources, Power Lines Or Other Utilities) That May Exacerbate Fire Risk Or That May Result In Temporary Or Ongoing Impacts To The Environment**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

**Facts in Support of Finding:**

The approximately 38-acre project site is vacant and undeveloped land at the northwest corner of 19th Avenue and Indian Canyon Drive. The site is surrounded by vacant and undeveloped land to the north, an industrial development to the east (separated by Indian Canyon Drive), commercial businesses to the south (separated by 19th Avenue), and vacant land and wind turbines to the west. Due to the project's distance from SRAs and areas designated as VHFHSZ, no impacts are anticipated. Infrastructure associated with the project includes offsite improvements, including connections to existing sewer, water, and electric connections. These facilities currently exist in developed rights-of-way. The project's connection to the infrastructure will not exacerbate fire risks. No impacts are anticipated.

**iv. 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**

According to Cal Fire's FHSZ in SRA Map, the project is not located in an area classified as having a moderate, high or VHFHSZ. Additionally, the project property is not located in or near lands classified as moderate, high, or very high FHSZ. The closest designated area is located approximately 3.20 miles northwest of the project and is classified as being a moderate FHSZ. The project site is not located near slopes.

**a) Finding Regarding the Exposure of 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**

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the project will not 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.

**Facts in Support of Finding:**

As stated on page 6-12 of the DEIR/RDEIR, the project property is not located in or near lands classified as moderate, high, or very high FHSZ. The closest designated area is located approximately 3.20 miles northwest of the project and is classified as being a moderate FHSZ. Due to the project's distance from SRAs and areas designated as VHFHSZ, no impacts are anticipated. The project site is not located near slopes. Therefore, the project would not 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 as a result of a wildfire. No impacts are anticipated.

**VIII. FINDINGS REGARDING CUMULATIVE IMPACTS**

The State CEQA Guidelines (14 CCR 15130) require a reasonable analysis of the significant cumulative impacts of a proposed project. Cumulative impacts are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines, Section 15355). Currently there are several projects with approved environmental documentation proposed to occur within or near the project vicinity.

Consistent with CEQA's requirements, the EIR for the Palm Springs Fulfillment Center includes an analysis of cumulative impacts, which include the impacts of the Palm Springs Fulfillment Center plus all other pending or approved projects within the affected area, and City buildout for each resource. The geographic scope of the analysis includes the jurisdictions of the City of Palm Springs and the City of Desert Hot Springs. Cumulative impacts were assessed using the summary of projections method set forth in State CEQA Guidelines Section 15130(b)(1)(B). The primary document used to determine cumulative impacts was the City of Palm Springs General Plan.

The Planning Commission hereby finds as follows:

**A. AESTHETICS**

The project proposes industrial uses that are typical in this area of the City. Furthermore, the existing context of the surrounding area includes industrial and commercial buildings east and south of the project. Other projects planned and permitted by the General Plan, would result in similar outcomes compared to the project, since they would be required to comply with height limitations included in the Municipal Code and the policies and programs of the General Plan. Future development in the City would be required to abide by the standards of the Municipal Code.

Review of these projects for consistency with goals, policies and programs established in the General Plan will occur as projects are proposed. As is the case with the project, cumulative projects will preserve the views of the mid-range slopes and peaks of the surrounding mountains through height limits and design features. As a City-wide visual resource, the cumulative impacts associated with obstructed views of the surrounding mountain ranges are expected to increase over time, but will remain less than significant with buildout of the General Plan, as the overall view of the mountain ranges which surround it will remain visible throughout the City. Additionally, build out of the cumulative projects are expected to have less than significant impacts on visual character due to the impositions of these regulations.

Cumulative impacts associated with light and glare will result from further development of vacant land as the City continues to build out. The same standards requiring limited lighting and directional and screened lighting included in the Municipal Code will be applied to future projects. The implementation of these standards and requirements is designed to minimize the impacts of light and glare on adjacent properties and throughout the City.

Therefore, any aesthetic impacts resulting from implementation of the proposed project will not contribute considerably to cumulative impacts on the aesthetic resources in and around the City of Palm Springs. See RDEIR page 4.1-32.

## **B. AIR QUALITY**

As shown on page 4.2-8 of the RDEIR, the CAAQS designates the Coachella Valley as being in nonattainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> while the NAAQS designates the Valley as being in nonattainment for O<sub>3</sub> and PM<sub>2.5</sub>. Since the project does not exceed the SCAQMD's recommended daily thresholds for project-specific impacts, it would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and would not be considered to have a significant, adverse cumulative air quality impact.

Moreover, as it relates to health risk, the project was found to not exceed SCAQMD's thresholds for potential carcinogenic and non-carcinogenic health effects that could result from sensitive receptor exposure to TACs generated by the proposed project, including construction-related and operational-related DPM as a result of heavy-duty diesel trucks accessing the site. Since SCAQMD's thresholds are used to determine potentially significant project-specific and cumulatively considerable impacts, the project would not be considered to have a significant, adverse cumulative health risk impact.

The proposed project will result in construction and operational emission levels for all criteria pollutants below SCAQMD's Air Quality Significance Thresholds. Since the SCAQMD thresholds and related efforts were established to meet the health-based NAAQS and CAAQS for criteria pollutants as part of the emission reduction strategy to attain regional healthy levels of air quality, the project's compliance with these thresholds, along with compliance by future projects as they occur, would translate to cumulatively less than significant regional impacts on health effects.

## **C. BIOLOGICAL RESOURCES**

The buildout of the City of Palm Springs pursuant to its adopted General Plan has the potential to impact biological resources by reducing native habitat areas and directly affecting fauna and flora. Continued urban growth and development in the City may be expected to result in displacement and loss of habitat for wildlife species occurring on currently undeveloped or sparsely developed lands. When considered in combination with other cumulative development within the City, there is potential for adverse cumulative effects to biological resources. Environmental protection laws and regulations have been applied with increasing rigor since the early 1970s and include the California Endangered Species Act, Federal Endangered Species Act, and the Clean Water Act, as described in Section 4.3, Biological Resources, of the RDEIR.

The proposed project within the City would be required to comply with local, State, and federal laws and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Regulations and requirements implemented by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers shall be enforced by the City. The requirements established by these agencies are designed to protect species, water bodies, and habitats from the negative impacts associated with development.

Public agencies in the Coachella Valley have implemented the CVMSHCP specifically to address the potential cumulative impacts of development on biological resources. The project site is located within the boundaries of CVMSHCP but is not located within any conservation areas or wildlife movement corridors or linkages. All projects on vacant lands are required to pay the mitigation fee required under the CVMSHCP, thereby assuring that impacts to covered species are cumulatively less than significant.

In addition, the project, and all future projects, are required to adhere to the requirements of the MBTA and to protect burrowing owls if they occur on a project site. Both these requirements will be applied to future projects as development occurs in the City and region. These standards, requirements and mitigation measures are designed to reduce cumulative impacts to biological resources to less than significant levels. Cumulative impacts resulting from the project and other projects over time will therefore be less than significant.

## **D. CULTURAL RESOURCES**

The build out of the General Plan area, including the proposed project site, has the potential to cumulatively impact cultural resources due to overall loss of archaeological and historical artifacts unique to the Coachella Valley. Development of other projects within the City and surrounding area would also have the potential to result in impacts to cultural resources. Each development project submitted to the City is required to comply with CEQA. If any potential impacts to archaeological resources are determined, projects will be subject to the same standard requirements, mitigation measures (as applicable), and compliance with federal and State law as the proposed project. These requirements and mitigation measures are designed to reduce impacts and preserve resources across the City and region. Although continued development has the potential to cumulatively impact these resources, the continued application of City policies, General Plan policies and programs, federal and State law, will assure that cumulative impacts

associated with cultural resources will be less than significant. See page 4.4-12 of the DEIR/RDEIR.

## **E. ENERGY RESOURCES**

Potential cumulative impacts on energy resources would result if the proposed project, in combination with present and future projects (including General Plan buildout), would result in the wasteful or inefficient use of energy. Growth within the City is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure, such as new or expanded facilities. Buildout of Palm Springs includes the development and operation of vacant areas near the proposed project, which are largely vacant and designated for industrial uses, regional businesses, and wind energy conversion systems (WECS). Future projects, such as industrial or regional businesses within the City would contribute incrementally to local increases in energy consumption. However, they would not result in wasteful, inefficient, or unnecessary use of energy because, as with the proposed project, future projects will implement Building Code requirements, including the installation of energy efficient appliances and efficient water fixtures and zero-net-energy designs through the installation of PV solar panels. Future projects would be subject to the California Building Code, including the California Energy Code and CALGreen, an evolving set of energy efficiency standards for residential and nonresidential buildings implemented to minimize the wasteful and inefficient use of energy. Increased efficiency, both in construction materials and fixture design, will apply not only to the proposed project, but to all projects developed in the City. Therefore, the project's contribution to cumulative impacts related to wasteful, inefficient and unnecessary use of electricity would not be cumulatively considerable and, thus, would be less than significant.

Future development would also be subject to even more stringent requirements, such as the objectives set in the CARB Scoping Plan (2022), which would result in less fuel combustion and energy consumption to achieve carbon neutrality by 2045. The equipment used for project and future project construction would conform to CARB regulations and California emissions standards. Construction contractors would be required to comply with applicable CARB regulations regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Therefore, the cumulative impacts of the proposed project on energy resources are considered less than significant. See page 4.5-25 of the DEIR/RDEIR.

## **F. GEOLOGY**

Potential cumulative impacts on geology and soils could result from projects that combine to create geologic hazards, including unstable geologic conditions. Although most geology and soil hazards associated with development projects in the surrounding area would be site specific, cumulative growth in the project area would expose a greater number of people to geologic hazards. Due to the localized nature of geology and soils, cumulative projects would address potential impacts on a project-by-project basis, as potential geologic hazards and soil composition varies by site.

As discussed in Section 4.6 of the RDEIR, any potential site-specific impacts can be mitigated to a less than significant level. Mitigation measures in the form of CBC compliance and

recommendations outlined in future project-specific Geotechnical Investigations address geotechnical hazards associated with seismic ground shaking, ground failure, liquefaction, subsidence, loss of topsoil, and expansive or corrosive soils. As a part of the approval process within the City of Palm Springs and surrounding area, other projects would be required to undergo similar geotechnical review and investigation to ensure that the respective project would not result in geotechnical hazards associated with seismic ground shaking, ground failure, liquefaction, subsidence, loss of top soil, and expansive or corrosive soils. Mitigation measures would be applied as future projects are proposed surrounding the project site, and the project design and construction of habitable structures must be per the recommendations of each project's Geotechnical Investigation Report as well as the latest UBC and CBC as required by the City Engineer.

Buildout of the General Plan area has the potential to cumulatively impact paleontological resources. Future projects will be subject to the same standard requirements, mitigation measures (as applicable), and compliance with federal and State law as the proposed project to assure that impacts are reduced. Overall, the proposed project and cumulative projects would not result in significant cumulative impacts. See page 4.6-20 of the DEIR/RDEIR.

## **G. GREENHOUSE GAS EMISSIONS**

GHG emissions are understood to be inherently cumulative in nature with global implications with different lengths of time that they remain in the atmosphere and active GHGs. The statewide climate change programs and GHG reduction strategies forming part of AB 32 and subsequent climate change legislation, established a measurable regulatory standard for quantifying and understanding potential GHG impacts resulting from land development activities, like the proposed project. Through a series of press releases, CARB has provided updates on the attainment progress toward the statewide GHG emission targets. Data for 2019 demonstrated that annual emissions fell from 425 million metric tons in 2018 to 418 million metric tons in 2019, below the 431 million metric ton target. Moreover, annual per capita GHG emissions in California have dropped from a 2001 peak of 14.0 metric tons per person to 10.5 metric tons per person in 2019, a 25 percent decrease and about half the national average for per capita emissions. The County of Riverside CAP Update and associated methodology have been developed to comply with the Statewide AB 32 goals.

Since mobile emissions generally represent a large portion of GHG emissions for new development, the proposed project and other projects proposed in the future will contribute to cumulatively considerable impacts in the context of other large-scale projects in the Coachella Valley region. See page 4.7-17 of the DEIR/RDEIR.

## **H. HAZARDS AND HAZARDOUS MATERIALS**

Hazardous materials and risk of upset conditions are largely site-specific and would occur on a case-by-case basis for each individual project, in conjunction with development proposals on these properties. All developments in the City are required to evaluate potential threats to public, safety, including those associated with the accidental release of hazardous materials into the environment during construction and operation, emergency response, transport/use/disposal of hazardous materials, and hazards to sensitive receptors (including schools). Similarly, all projects would be

required to analyze and properly mitigate any impacts to an evacuation plan if impacts are identified.

The construction and operation of individual projects is regulated by local, State, and federal standards on a project-by-project basis. For example, an individual project may be required to implement a Hazardous Materials Business Plan (HMBP) if the project uses or stores hazardous materials greater than or equal to 55 gallons of a liquid substance, 500 pounds of a solid substance, or 200 cubic feet of compressed gas. With the implementation of local, State, and federal regulations for the proposed project and individual future projects, cumulative impacts would not be significant. Adherence to federal, State, and regional regulatory standards would ensure impacts related to the release of hazardous materials associated with the project and future projects would remain less than significant. See page 4.8-19 of the DEIR/RDEIR.

## **I. HYDROLOGY AND WATER QUALITY**

Project implementation will result in physical changes to the undeveloped project setting through grading and permanent construction improvements with on-site storm drainage facilities designed to serve the proposed development. The proposed project will be required to implement stormwater management through the implementation of an NPDES permit and City engineering standards. Water use will comply with MSWD and City efficiency requirements.

Cumulative impacts would occur when existing development, the proposed project and future development allowed by the General Plan combine to create water quality and flooding hazards. However, the City implements the same requirements for water quality management and on-site retention for all projects, in order to prevent cumulative hydrology impacts. Therefore, because of the standards implemented by the City, MSWD and other responsible agencies, cumulative impacts associated with hydrology and water quality will remain less than significant for the cumulative projects because all such projects would be subject to the City's retention policy and associated engineering requirements for stormwater management. As a result, project implementation would not cause a cumulatively considerable impact pertaining to hydrology and water quality.

## **J. NOISE**

Buildout of Palm Springs would result in construction-related noise, which would lead to an increase in ambient noise. However, construction activities will not occur on all undeveloped lands at once, but will rather be distributed over years, are short-term and would not continue after construction is complete. Construction-related ground-borne vibration would lead to a small increase in vibrations, however, it would not create vibrations large enough to impact surrounding uses. Future developments (including the proposed project) would be required to comply with Palm Springs Municipal Code Section 8.04.220, which establishes hours of operation for construction activities in order to lessen the impacts of construction noise. Cumulative impacts from construction would be less than significant, would occur only during the permitted hours of construction, and would stop once construction was complete.

According to Figure 8-3, Future Roadway Noise Contours, of the Palm Springs General Plan, the segment of Indian Canyon Drive along the project's eastern frontage is expected to be over 70

CNEL at General Plan build out. According to Figure 8-3, the project, and properties along Indian Canyon Drive will experience 60 to over 70 CNEL noise contours from noise generated by vehicle and truck traffic along the right-of-way. This is consistent with the anticipated traffic noise level with the project, which, along Indian Canyon Drive will range from 72.3 to 73.8 CNEL (see Table 4.10-17 in the RDEIR).

The project is located within the City's Industrial land use designation. Areas north and east of the project are also designated Industrial, while areas south of the project are designated as Regional Business Center. The areas south of the project, and along Indian Canyon Drive are developed. Undeveloped areas north and west of the project will be located within the City's Industrial land use designation. These uses are required to meet City noise standards as established in the General Plan as is the proposed project. Per Table 8-3, State of California Interior and Exterior Noise Standards, establishes interior noise standards of 65 CNEL for manufacturing, warehousing, wholesale, and utilities uses. There are no exterior noise standards for these uses. The proposed project and future projects will be required to mitigate noise levels above the acceptable levels established in the General Plan as they occur. The application of General Plan noise standards, and the requirement that they mitigate their impacts if they increase noise levels above those standards will assure that cumulative impacts related to noise are less than significant. See page 4.10-30 of the DEIR/RDEIR.

#### **K. POPULATION AND HOUSING**

Buildout of the proposed project would result in potential induced growth within the City and surrounding areas; however growth levels are anticipated by both the City and SCAG's forecast. The project's growth is accounted for in the Palm Springs General Plan and the SCAG regional plans since the project is located in an area designated for industrial development. The General Plan and SCAG plans account for the undeveloped land use areas within the City, which would result in employment opportunities in the area. The Updated Land Use Element states that the City estimates 11,638,620 square feet of industrial development to occur during the City's planning period. The project's 739,360 square foot industrial development accounts for approximately 6 percent of the predicted growth of industrial land uses in the City.

The City General Plan Housing Element for the 2021 to 2029 planning period proposes sufficient housing to accommodate planned growth within the City, while reducing potential exceedances of City and SCAG growth targets. Additionally, the Coachella Valley's nine cities are required to develop 31,125 housing units by 2029. The housing requirements for the Coachella Valley would ensure that current and future residents will have increased opportunities to live in or move to the Coachella Valley for employment. Therefore, the project and projects in the surrounding area will not result in cumulatively considerable population, housing, and employment impacts. See page 4.11-10 of the DEIR/RDEIR.

#### **L. PUBLIC SERVICES**

Implementation of the project and other related projects in the area (associated with General Plan buildout) would increase the demand for fire and police protection services over time. The proposed project and future projects in the City would be required to implement all applicable fire safety policies and requirements, such as the installation of fire hydrants providing adequate fire

flow, fire sprinkler systems, automatic fire suppression systems, wet and dry on-site standpipe systems and developing a fire protection plan. Additionally, the proposed project and future projects would also be subject to review by the fire and police departments to ensure access and other safety measures are implemented at the site. The review of the projects also ensures that new development does not result in significant pressure on police and fire facilities. Therefore, the project's contribution would not be cumulatively considerable. See page 4.12-9 of the DEIR/RDEIR.

## **M. TRANSPORTATION**

The project is being developed in an area of the City and the region that is still urbanizing. Vacant lands in Palm Springs and Desert Hot Springs are designated for industrial and commercial uses, and will generate additional traffic on area roadways. However, these future projects will be required to analyze their traffic impacts, and will be required to comply with the City's policies relating to level of service. The level of impact and mitigation measures, if required, will be developed specific to these projects as they occur. Similar to the proposed project, future projects will be required to pay DIF fees and contribute to intersection improvements to assure adequate LOS at City intersections. As a result, and as analyzed in the General Plan EIR, area roadways will operate at acceptable levels through build out of the General Plan, and the project and other projects will not have cumulatively considerable impacts on traffic flow.

Consistent with City Guidelines, projects should also assess a project's potential effect on citywide VMT. Baseline and cumulative link-level boundary VMT per SP City-wide was calculated for both No Project and With Project conditions. If an increase were to occur for the With Project condition as compared to Without Project condition, then the impact would be considered significant. As demonstrated on page 4.13-31 of the RDEIR, citywide VMT per SP was not found to increase under cumulative conditions. As a result, cumulative VMT impacts were determined to be less than significant. The proposed project's baseline and cumulative VMT per Service Population are greater than the City's impact threshold, representing a significant impact. Therefore, this impact remains significant and unavoidable. Mitigation Measure TRA-1 shall be incorporated into the project to reduce impacts associated with VMT. The Applicant will implement a VMT Reduction Program that includes the following operational measures: Implement a ridesharing program and provide preferential parking for rideshares; provide opportunities for telecommuting/alternative work hour programs; and construct on-site bicycle racks, and associated facilities. Future projects would similarly be required to assess their baseline and cumulative impacts, and mitigate those impacts. See page 4.13-31 of the DEIR/RDEIR.

## **N. TRIBAL CULTURAL RESOURCES**

Build out of the General Plan area, including lands of the proposed project, has the potential to cumulatively impact Tribal cultural resources. Development of other projects within the City and surrounding area would also be subject to CEQA review and the same standard requirements, mitigation measures (as applicable), and compliance with federal and State law as the proposed project. Although continued development has the potential to cumulatively impact these resources, the continued application of City policies, General Plan policies and programs, federal and State law all will assure that cumulative impacts associated with Tribal cultural resources will be less than significant. See page 4.14-6 of the DEIR/RDEIR.

## O. UTILITIES

New and existing local development within the City and the surrounding project area have the potential to result in cumulative impacts when combined with build-out of the City of Palm Springs General Plan. Whether these conditions would result in cumulatively significant impacts is described below.

Buildout of the Palm Springs General Plan could result in cumulatively significant impacts to water supplies and infrastructure if not reviewed by the City and MSWD or DWA. Like the proposed project, future development would be required to implement short-term and long-term water conservation efforts to ensure the continued availability of this resource.

In 2004, the District adopted two major conservation policy statements: a water conservation master plan and water efficient landscaping guidelines. The Water Conservation Master Plan identifies several key areas in which the District will pursue more efficient water use practices, namely: efficient landscaping guidelines; efficient landscaping requirements for new development; and xeriscape demonstration garden; efficient landscaping incentives; conservation education programs in schools, community and bimonthly billing information; tiered water pricing that encourages conservation; updated water shortage ordinance; water audits for the largest users; and rebates for water efficient plumbing fixtures. The District has a tiered rate structure for water service within its service area. The tiered rate structure is intended to discourage high water use. The District may also enact a drought surcharge, as required by Statewide drought measures.

Through the implementation of District water conservation ordinances and measures, total per-capita District water use has significantly dropped from 308.1 GPCD in 2005 to 216.0 GPCD in 2010 to 172.1 GPCD in 2015 (a reduction of 44.1% since 2005). Residential per-capita District water use has also significantly dropped from 189.8 GPCD in 2005 to 160.4 GPCD in 2010 to 121.1 GPCD in 2015 (a reduction of 36.2% since 2005). MSWD has surpassed the required 20% reduction for 2020. Many of the water conservation measures already implemented and being implemented by District customers such as turf removal, conversion to drought resistance landscapes, turf replacement, conversion to more efficient irrigation systems and ET-based irrigation controllers, retrofits to toilets and plumbing fixtures, implementation of weather-based irrigation controllers, AMI meters, etc. will have permanent effects on water use (reduction) in the future. As determined on page 4.15-19 of the RDEIR, MSWD has sufficient amounts of water to serve its Planning Area based on current and future water use. MSWD has the ability to serve the proposed project and as well as future development for the next 20-years. Therefore, the project's contribution to cumulative water impacts would have less than significant impacts.

The project would result in an increase to wastewater flows. The project is proposing a new 8-inch private sewer line that would collect flow from the development and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. Flows would then be delivered to the HWWTP. The proposed project is estimated to generate wastewater at 14,400 GPD or 0.01 MDG, which is 6 percent of the HWWTP plant's capacity of 2.3 MGD. MSWD constructed the MSWD Regional Water Reclamation Facility (RWRF) to meet increasing wastewater demand. The new facility will treat an additional 1.5 million gallons of wastewater per day. In addition, the plant will lessen flows at the District's Alan L. Horton Wastewater Treatment Plant, extending the facility's

operational life by as much as 10 years. Increased wastewater treatment capacity will support future growth in Desert Hot Springs and the surrounding areas.

The development of expanded wastewater treatment services—as proposed by the RWRP within the MSWD service area is considered a benefit to cumulative development in the future within the District’s service area. The WWRP addresses long-term projections of growth and capacity needs within the MSWD service area. The District service area is anticipated to experience growth that would occur concurrently with the District’s ability to serve new customers through the expanded wastewater treatment services that would be created by the implementation of the RWRP. Therefore, the project’s contribution to cumulative wastewater impacts would have less than significant impacts.

Buildout of the General Plan will result in the construction and operation of various land uses including residential, commercial, and industrial uses, which would result in the increase of solid waste generated in the area. The Lambs Canyon Landfill has 319,242,950 cubic yards of remaining capacity. Future development projects in the City will be required to comply to the same waste reduction mandates as are currently in place, and more stringent mandates if they are legislated in the future. These requirements are designed to reduce the waste stream by 75%, and will assist all projects in reducing cumulative solid waste impacts. The landfill serving the City and the project site still have an available remaining capacity and there is potential for expansion at the landfill. Therefore, cumulative impacts to solid waste would be less than significant.

Buildout of the project, related projects, and additional forecasted growth in SCE’s service area would cumulatively increase the demand for electricity supplies and infrastructure capacity. SCE’s planning area consumed approximately 3,959.5 GWh of electricity in 2020. According to the CEC’s Demand Analysis Office, SCE estimates that electricity consumption within SCE’s planning area will be approximately 129,000 GWh annually by 2030. The proposed project, and other future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and State energy standards under Title 24, and incorporate energy design features. Increased efficiency, both in construction materials and fixture design, will apply not only to the proposed project, but to all cumulative projects developed within SCE’s service area. Therefore, the project’s contribution to cumulative impacts related to of the expansion of facilities to provide electricity would not be cumulatively considerable and, thus, would be less than significant.

Buildout of the City of Palm Springs would result in additional natural gas demand within SoCalGas’s service area. SoCalGas has adequate policies, programs, and projects in place to provide energy to their users, including the proposed project, for the foreseeable future. SoCal Gas projects total gas demand to decline at an annual rate of 1 percent from 2020-2035. Project on-site equipment would consume an estimated 13,926 gallons of natural gas, which is equivalent to 1,273,560.6 kBTU and 1,236,466.6 cf of natural gas. On-site cargo handling equipment used during operation of the project would consume approximately 0.15 percent of the 2030 forecasted consumption in SoCalGas’s planning area. All other projects in this area of the City will be required to complete the appropriate CEQA review for significant or unmitigated impacts. Therefore, cumulative impacts of natural gas would be less than significant.

Buildout of the City of Palm Springs would result in increased demand for telecommunication services. The project is located within Frontier's and Charter Communications' service areas for telecommunications. Although buildout of the City would increase demand of telecommunication services, future developments are required to participate in the design review process of telecommunication plans associated with the future development. Palm Springs is a largely built out community and infrastructure exists throughout much of the City. Physical determination prior to implementation of any project and the need for further infrastructure upgrades would similarly be accomplished through the required design review and approval plans for projects through the City, nearby jurisdictions, and the appropriate regulatory agencies and utility providers. Therefore, demand would not be cumulatively considerable and would not cause or contribute to a significant cumulative impact. See page 4.15-23 of the DEIR/RDEIR.

## **IX. FINDINGS REGARDING ALTERNATIVES ANALYZED IN THE EIR AND REJECTED**

The State CEQA Guidelines section 15126.6(a) requires the discussion of a “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” (Section 15126(c)). The Final EIR evaluated a reasonable range of alternatives to the proposed Project. These alternatives are:

- Alternative 1: No Project
- Alternative 2: Reduced Intensity
- Alternative 3: Industrial Business Park
- Alternative 4: Warehousing

When a lead agency has determined that a proposed project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided after the adoption of all feasible mitigation measures, prior to approving the project as mitigated, the agency must consider the environmentally superior alternatives identified in the EIR and find that they are infeasible before approving the project. (Pub. Resources Code, section 21081(a)(2); CEQA Guidelines section 15091(a)(3).)

An alternative may be rejected if it is “infeasible,” does not avoid significant environmental impacts, or if it fails to achieve most of the basic project objectives identified within the EIR. (CEQA Guidelines section 15126.6(c). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364.) Other considerations, such as practicality, may also provide the basis for an infeasibility finding. (Pub. Resources Code, § 21081, subd. (a)(3); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1002.) Infeasibility encompasses notions of desirability, to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, or technological factors.

The EIR identifies Alternative 1 and Alternative 2 as the environmentally superior alternatives.

**A. Alternative 1: No Project**

CEQA Guidelines Section 15126.6 (e) requires the analysis of alternatives to include the specific alternative of “No Project.” The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. Under the No Project Alternative (“Alternative 1”), the project would remain in its current and existing vacant condition. The existing visual character and visual resources would remain the same, and none of the significant impacts of the project would occur.

**Finding and Facts in Support of Finding**

Although the No Project Alternative would be considered the environmentally superior alternative in that it would avoid the significant adverse effects of the project; the Planning Commission of the City of Palm Springs rejects the No Project Alternative for the following reasons:

1. The No Project Alternative does not meet any of the project objectives. Specifically, this Alternative does not promote quality development consistent with the goals and policies of the City General Plan; develop a state-of-the-art industrial fulfillment center in the City’s Industrial land use designation; provide employment opportunities and growth in the City; concentrate nonresidential uses near existing roadways, highways, and freeways to reduce environmental impacts related to truck traffic congestion, air emissions, and industrial noise; or create a project that takes advantage of existing infrastructure, including the project’s proximity to major regional roadways.
2. The site is located in an area designated for industrial land uses. Therefore, this alternative is inconsistent with the General Plan because the General Plan has planned for industrial development on the site. Thus, it is likely to be developed as an industrial facility.
3. The No Project Alternative would fail to generate jobs and business tax revenues in order to enhance the City’s economic base and long-term financial stability.

The Planning Commission therefore finds the No Project Alternative is unacceptable and rejects it favor of the proposed project.

**B. Alternative 2: Reduced Intensity Alternative**

Under this Alternative, the project would develop a reduced intensity industrial project. Alternative 2 would reduce the size of the industrial building by half. Therefore, this Alternative would reduce the building footprint to 369,680 square feet. This Alternative would reduce the number of employees and reduce the traffic generated by this Alternative.

### **Finding and Facts in Support of Finding**

The Planning Commission of the City of Palm Springs rejects the Reduced Intensity Alternative for the following reasons:

1. The Reduced Intensity Alternative meets all of the project objectives, but to a lesser degree due to the reduced building size.
2. Although the Reduced Intensity Alternative meets all of the project objectives, it would not develop the highest and best use of the site per the General Plan land use designation of industrial.
3. The Reduced Intensity Alternative would fail to generate the same levels of jobs and business tax revenues in order to enhance the City's economic base and long-term financial stability.

The Planning Commission therefore finds the Reduced Intensity Alternative unacceptable and rejects it in favor of the proposed project.

### **C. Alternative 3: Industrial Business Park Alternative**

Under this Alternative, a mixed use multi-building project with uses consistent with the M-2 Zoning District, would be built as a typical industrial business park. Alternative 3 proposes to develop a 182,000-square-foot storage facility on 7-acres, a 26,000-square-foot vehicle storage and rental facility (i.e., U-Haul) on 1 acre, two 26,000-square-foot manufacturing buildings (i.e., stone cutting, lighting and wiring) on 2 acres, two 26,000-square-foot buildings for equipment sales on 2 acres, and two 274,000-square-foot wholesale, warehouse, distribution, fulfillment, and import/export centers on 21 acres. It is estimated that open space areas for retention, irrigation ditches and landscaping would take up 5 acres of the project site.

### **Finding and Facts in Support of Finding**

The Planning Commission of the City of Palm Springs rejects the Industrial Business Park Alternative for the following reasons:

1. Although the Industrial Business Park Alternative would meet all of the project's objectives, this Alternative would result in incremental increased impacts to air quality, energy (electricity, natural gas and petroleum), greenhouse gas emissions, noise, and transportation. These increases in Alternative 3 are due to increased employees and daily trips associated with the various industrial businesses, resulting in significant and unavoidable greenhouse gas emissions and transportation impacts.

The Planning Commission therefore finds the Industrial Business Park Alternative unacceptable and rejects it in favor of the proposed project.

#### **D. Alternative 4: Warehousing Alternative**

Under this Alternative, the project would develop a distribution center, instead of a fulfillment center. The distribution center would store and distribute goods to retailers, wholesalers or other locations vs., processing and shipping orders to customers directly. Typical activities of a distribution center would include receiving, sorting, storing, and shipping goods usually in bulk quantities. The warehouse building (739,360 square feet) number of parking spaces (736 parking stalls), access, and landscape will be the same as the proposed project. Alternative 4 would likely result in increased employment and reduced vehicle delivery activity compared to the proposed project, since warehousing uses require less truck access.

#### **Finding and Facts in Support of Finding**

The Planning Commission of the City of Palm Springs rejects the Warehousing Alternative for the following reasons:

1. The Warehousing Alternative meets all of the project objectives, but to a lesser degree due to the reduced capacity for movement of goods.
2. The Warehousing Alternative would generate more jobs, however, the Alternative would fail to generate the same levels of business tax revenues in order to enhance the City's economic base and long-term financial stability due to the reduced movement of goods when compared with the proposed project.

The Planning Commission therefore finds the Warehousing Alternative unacceptable and rejects it in favor of the proposed project.

#### **E. Additional Findings Regarding the Environmentally Superior Alternatives**

A summary comparison of impacts associated with the project Alternatives is provided in the RDEIR in Table 7-9, Comparison of Alternatives and Project. Of the Alternatives considered in this RDEIR section, Alternative 1, the No Project Alternative is environmentally superior to the other Alternatives because this Alternative would avoid any impacts identified for the project or any other alternative.

Although Alternative 1 is environmentally superior, it does not meet any of the objectives of the proposed project because it would not involve any development of the site.

The CEQA Guidelines require that the EIR identify an environmentally superior alternative to the project and "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." CEQA Guidelines Section 15126[e][2]. In general, the environmentally superior alternative minimizes adverse impacts to the environment, while still achieving the basic project objectives.

Among the other alternatives, Alternative 2 (Reduced Intensity Alternative) would be the environmentally superior alternative because it would cause incremental reductions with respect to impacts related to all of the environmental topics except biology, cultural resources, geology and soils, hazards (construction), hydrology, and tribal cultural resources, where the impacts are

expected to be similar to those resulting from the proposed project because of similar land disturbance. Although impacts would be similar under the Reduced Intensity Alternative compared to the proposed project, mitigation measures would still be required to mitigate impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources.

Alternative 2 would result in reduced impacts to aesthetics, air quality, energy resources, greenhouse gas emissions, hazards (operation), noise, population and housing, public services, transportation, and utilities, due to the reduced building area. In addition, Alternative 2 meets all of the objectives proposed for the project, however, due to the reduced building size, it does so to a lesser degree. Specifically, Alternative 2 promotes quality development consistent with the goals and policies of the Palm Springs General Plan; would develop a state-of-the-art industrial fulfillment center in the Industrial land use area in Palm Springs that is consistent in use and look with the existing developments in the surrounding area; provides employment opportunity and growth in the City's Industrial land use designation north of the Interstate 10 freeway; concentrates nonresidential uses near existing roadways, highways, and freeways in an effort to isolate and reduce any potential environmental impacts related to truck traffic congestion, air emissions, industrial noise to the greatest extent feasible; and creates a project that takes advantage of existing infrastructure, including the proximity to major regional roadways, such as Interstate 10, and other similar infrastructure. Therefore, Alternative 2 is the environmentally superior alternative.

While Alternative 2 is considered to be the environmentally superior alternative, the Planning Commission rejects it as infeasible because it will not generate as many employment opportunities or as much business tax as the proposed project. As a result, Alternative 2 is rejected.

## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

Under CEQA Guidelines Section 15093, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

As described in Section III of these Findings, the project will have significant and unavoidable impacts in the following areas:

- (1) Greenhouse Gas Emissions: the project will generate a net total of 9,438.47 MTCO<sub>2</sub>e/yr., exceeding the County's screening threshold of 3,000 MTCO<sub>2</sub>e/yr.
- (2) Transportation: the project VMT per SP resulted in a project generated VMT of 59.77 for baseline and 52.24 for cumulative conditions, which are greater than the City's impact threshold of 34.52 VMT per SP.

As permitted under CEQA Guideline 15093(b) the Planning Commission of the City of Palm Springs adopts and makes this statement of overriding considerations concerning these unavoidable significant impacts to explain why the project's specific economic, legal, social,

technological, or other benefits, including region-wide or statewide environmental benefits, outweigh its unavoidable impacts.

The project site provides an appropriate location for the proposed fulfillment center, since the site is located in proximity to the Interstate 10 freeway, which is a major transportation corridor. The Planning Commission of the City of Palm Springs finds that the project's significant environmental impacts are acceptable when balanced with the project's benefits. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the project and outweighs the unavoidable adverse environmental effects of approving the project, and thus make the adverse environmental effects acceptable. Thus, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason, or any combination of reasons, is a sufficient basis for approving the project, notwithstanding any significant and unavoidable impacts that may occur.

1. **Land Use Benefits:** Development of the proposed project is consistent with the City's General Plan Land Use Designation and zoning code. The proposed project site's location in proximity to the Interstate 10 freeway, makes it an ideal location for the proposed fulfillment center, since trucks accessing the site will predominantly travel along the I-10, which provides regional access to the City of Palm Springs. The project will also provide 718 permanent jobs in the City. The fulfillment center will take advantage of the site's location near I-10, and the demand for goods from City residents due to the increase of e-commerce businesses.

The project's location near the freeway and away from residential land uses will avoid the project's potential to expose residential communities to impacts of industrial uses, which typically include air quality impacts, greenhouse gas emissions, and traffic impacts by nature.

2. **Meet Market Demands for Industrial Space:** The Project would provide much-needed industrial space to fulfill the needs of the growing industrial sector in the area that faces a shortage of such space. The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency. Markets, including those in Los Angeles County, Orange, and San Bernardino counties are running out of space to support more industrial facilities. The limited availability of industrial facilities can result in negative effects such as stock-outs, trade bottlenecks, and delays in the time it takes for goods to reach consumers.

Development of the project would support the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

3. **Economic and Fiscal Benefits:** The project encourages economic growth and diversity within the City by providing a fulfillment center for a business wishing to invest in the City. The project would increase annual property tax revenues as

improvements increase assessable value of the project site and would also generate additional revenues through the collection of certain other taxes, licenses, and fees associated with business operation. The tenant's expenditures associated with constructing the project would also supplement the City's General Fund as sales tax revenues are collected during the sales of construction materials. The project would support temporary construction jobs and approximately 718 permanent jobs during operation. The generation of these jobs would result in economic benefits as wages associated with these jobs translate to regional economic growth by local spending, as well as indirect fiscal benefits when wages are spent on goods and services, which generates sales tax revenues for the General Fund. A new industry and associated jobs would be introduced to the City that would help to broaden the economic base. The project would also result in the contribution of Developer Impact Fees and fair share contributions to the City that would be directed towards capital improvements for infrastructure in the area.

4. Public Infrastructure Benefits: The project would add and improve public infrastructure in the area. The project includes street improvements along the frontages of 19<sup>th</sup> Avenue and Indian Canyon Drive.

The project will also extend existing sewer lines, located approximately 650 feet east of the project along 19<sup>th</sup> Avenue, to the project site. These improvements will facilitate the orderly development of this part of the City.

The provision of these roadway and utility infrastructure improvements would provide a benefit to the City by facilitating access within the project area and increasing the reliability of current utility systems.

5. The project will pay substantial City Development Impact Fees. The implementation of this measure is assured and enforceable because it is included in the conditions of approval for the project.

In light of the foregoing, and the information contained within the Final EIR and other portions of the project record of proceedings, the Planning Commission concludes that implementation of the project will result in the development of a unique project that provides substantial economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits, as outlined above, which outweigh and make acceptable the significant, unavoidable environmental impacts associated with the project and, accordingly, adopts this Statement of Overriding Considerations.

## **XI. FINDINGS REGARDING CERTIFICATION OF FINAL EIR**

Pursuant to CEQA and the State CEQA Guidelines, the Planning Commission of the City of Palm Springs as the lead agency under CEQA is responsible for certification of the EIR and therefore makes the following findings:

1. The Final EIR was completed in compliance with CEQA and the State CEQA Guidelines;
2. The Final EIR was presented to the Planning Commission, which reviewed and considered the information in the Final EIR prior to making its decision on the project;
3. The certification of the Final EIR and the findings set forth herein reflect the Planning Commission's and the City's independent judgment and analysis in its capacity as the CEQA Lead Agency for the project; and
4. The Planning Commission adopts the Mitigation Monitoring and Reporting Program (Attachment A) to reduce or avoid the significant and mitigable impacts of the project to the extent feasible.
5. The Planning Commission finds that the Final EIR, properly evaluated the project's potentially significant cumulative impacts based on General Plan buildout, and that this analysis included all past, present and probable future projects in the project vicinity that could cause or contribute to such significant cumulative effects.
6. The Planning Commission finds that the additional information and evidence submitted after release of the RDEIR and prior to certification of the Final EIR, including responses to comments on the Draft and Recirculated Draft EIR does not constitute "significant new information," as defined in CEQA Guidelines Section 15088.5, but rather, merely clarifies and amplifies the information provided in the Draft EIR.

By these Findings, the City ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Final EIR. In addition, the Mitigation Monitoring and Reporting Program, and the mitigation measures specified therein, are hereby approved and adopted, and shall be fully enforceable through the Mitigation Monitoring and Reporting Program, as well as permit conditions, agreements or other measures. Any finding required to be made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

If any term, provision or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions

of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the City.