

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
FINDINGS OF FACT  
and  
STATEMENT OF OVERRIDDING CONSIDERATIONS  
of the  
CITY OF PALM SPRING PLANNING COMMISSION  
for the  
FIRST PALM SPRINGS COMMERCE CENTER PROJECT  
ENVIRONMENTAL IMPACT REPORT**

**July 2025**

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AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ACHP	Advisory Council on Historic Preservation
ACM	Asbestos Containing Materials
ADT	Average Daily Traffic
AFY	Acre Per Year
APN	Assessor Parcel Number
APS	Alternative Planning Strategy
ARPA	Archaeological Resources Protection Act
AQMP	Air Quality Management Plan
ATCM	Air Toxic Control Measure
AWWARF	American Water Works Association Research Foundation
BACM	Best Available Control Measures
Bcf	Billion Cubic Feet
BLM	Bureau of Land Management
BMP's	Best Management Practices
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFÉ	Corporate Average Fuel Economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
CalFire	California Department of Forestry and Fire Protection
CalOES	California Governor's Office of Emergency Services
CalTrans	California Department of Transportation
Cal TRIPA	California Toxic Release Inventory Program Act
CalFire	California Department of Forestry and Fire Protection
CAP	Climate Action Plan
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CBC	California Building Code
CBSC	California Building Standards Commission
CCAA	California Clean Air Act
CCR	California Code of Regulations

CdC	Carsitas gravelly sand
CDFG	California Department of Fish and Game
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CDPH	California Department of Public Health
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CEQA	California Environmental Quality Act
CFC	California Fire Code
CFPD	Coachella Valley Fire Protection District
CFR	Code of Federal Regulations
CGP	Construction General Permit
ChC	Carsitas cobbly sand
CHP	California Highway Patrol
City	City of Palm Springs
CkB	Carsitas fine sand
CMA	Congestion Management Agency
CMP	Congestion Management Program
CMS	Congestion Management System
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
County	County of Riverside
CRHR	California Register of Historical Resources
CT	Computerized Tomography
CUPAs	Certified Unified Program Agencies
CVSC	Coachella Valley Stormwater Channel
CVSIP	Coachella Valley State Implementation Plan
CVWD	Coachella Valley Water District
db	Decibels
dBa	A-Weighted Decibel
DCE	Desert Community Energy
DEH	Department of Environmental Health

DEIR	Draft Environmental Impact Report
DOC	Department of Conservation
DOF	Department of Finance
DOSH	Division of Occupational Safety and Health
DPR	Department of Parks and Recreation
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
DWR	Department of Water Resources
DWQ	Department of Water Quality
EHR	Earthquake Hazards Reduction Act
EIC	Eastern Information Center
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMA	Emergency Management Authority
EO	Executive Order
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPCA	Energy Policy and Conservation Act
EPCRA	Emergency Planning Community Right to Know Act
ESA	Environmental Site Assessment
ETWU	Estimated Total Water Usage
EV	Electrical Vehicle
°F	Fahrenheit
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Act
FEPCA	Federal Energy Policy and Conservation Act
FERC	Federal Energy Regulatory Commission
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRMS	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FOF	Findings of Fact
FRA	Federal Responsibility Area

FRAP	Fire and Resources Assessment Program
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Plan
GHG	Greenhouse Gas Emissions
GLO	General Land Office
GSA	Groundwater Sustainability Agencies
GSP	Groundwater Sustainability Plan
GW	Giga Watt
GWh	Giga Watt hours
HCD	Housing and Community Development
HCM	Highway Capacity Manual
HMBP	Hazardous Materials Business Plan
HSC	Health and Safety Code
HVAC	Heating, Ventilation and Air Conditioning
I-10	Interstate 10
lbs	Pounds
IEPR	Integrated Energy Policy Report
IFC	International Fire Code
IRPs	Integrated Resource Plans
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IWA	Indio Water Authority
IWMA	Integrated Waste Management Act
kBTU	Kilo Thermal British Units
Kw	Kilowatt
LBP	Lead Based Paints
LCFS	Low Carbon Fuel Standard
LDA	Light Duty Autos
Ldn	Day-Night Average Level
LDT	Light Duty Trucks
LED	Light Emitting Diode
Leq	Equivalent Continuous Sound Pressure Level
LEV	Low-Emission Vehicle
LHMP	Local Hazard Mitigation Plan

LOS	Level of Service
LRA	Local Responsibility Area
LTS	Localized Significance Thresholds
M-2	Manufacturing Zone
MAWA	Maximum Applied Water Allowance
MCLs	Maximum Containment Levels
MGD	Million Gallons Per Day
MMRP	Mitigation Monitoring and Reporting Program
MMT	Million Metric Tons
MPO	Metropolitan Planning Organization
MRI	Magnetic Resonance imaging
MSWD	Mission Springs Water District
MTCO <sub>2e</sub>	Metric tons of carbon dioxide equivalent
MW	Mega Watt
MWh	Mega Watt hours
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NIMS	National Incident Management System
NIST	National Institute of Standards and Technology
MICR	Mixed Individual Cancer Risk
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
NAAQS	National Ambient Air Quality Standards
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOC	Notice of Completion
NOD	Notice of Determination
NOP	Notice of Preparation
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System

NPS	National Park Services
NRHP	National Register of Historic Places
NSF	National Science Foundation
NWRWRF	Nancy Wright Regional Water Reclamation Facility
O <sup>2</sup>	Dioxygen
O <sub>3</sub>	Ozone
OEHHA	Office of Environmental Health Hazard Assessment
OES	California Governor’s Office of Emergency Services
OHP	Office of Historic Preservation
OPR	Office of Planning and Research
OPSC	Office of Public Safety Communications
OSHA	Occupational Safety and Health Act
Pb	Lead
PG&E	Pacific Gas and Electric
PM	Particulate Matter
ppb	Parts Per Billion
PPE	Personal Protective Equipment
PPV	Peak Particle Velocity
PRC	Public Resources Code
PRIMP	Paleontological Resource Impact Program
PSDS	Palm Springs Disposal Services
PWS	Public Water System
PV	Photovoltaic
RCBOE	Riverside County Board of Education
RCFCB	Riverside County Flood Control Board
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCFC	Riverside County Flood Control
RCFD	Riverside County Fire Department
RCRA	Resource Conservation and Recovery Act
RCRMC	Riverside County Regional Medical Center
RCSD	Riverside County Sherrif’s Department
RCTC	Riverside County Transportation Commission

RCWMD	Riverside County Waste Management Department
RHNA	Regional Housing Needs Assessment Allocation
RHSA	Regional System of Highways and Arterials
RMP	Risk Management Plan
RMS	Root Mean Square
ROG	Reactive Organic Gases
RTIP	Regional Transportation Improvement Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RUWMP	Regional Urban Water Management Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCAQ	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SDS	Safety Data Sheets
SDWA	Safe Drinking Water Act
SED	Socio Economic Data
SEMS	Standardized Emergency Management System
SF	Square Feet
SFHAs	Special Flood Hazard Areas
SFP	School Facilities Program
SGMA	Sustainable Groundwater Management Act
SHMA	Seismic Hazards Mapping Act
SHMP	State Hazard Mitigation Plan
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLF	Sacred Lands File
SLRM	Screening Levels and Remediation
SMARA	Surfacing Mining Reclamation Act
SMCL	Secondary Maximum Containment Levels

SOC	Statement of Overriding Consideration
SoCalGas	Southern California Gas Company
SOI	Sphere of Influence
SOx	Sulfur Oxide
SP	Service Population
Sqft	Square Foot
SR	State Route
SRA	State Responsibility Area
SRRE	Source Reduction and Recycling Element
SSAB	Salton Sea Air Basin
SSMP	Sewer System Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
SVP	Society of Vertebrate Paleontology
TACs	Toxic Air Contaminants
TAZ	Traffic Analysis Zone
TCR	Tribal Cultural Resources
TEA-21	Transportation Equity Act for the 21st Century
THPO	Tribal Historic Preservation Officer
TIA	Traffic Impact Analysis
TIS	Traffic Impact Study
TMDLs	Total Maximum Daily Loads
TUMF	Transportation Uniform Mitigation Fee
UCR	University of California Riverside
UFC	Uniform Fire Code
UPAAG	Unified Program Administration and Advisory Group
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USGS	United States Geological Survey

USWFAS	United States Wildland Fire Assessment System
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
V/C	Volume to Capacity
VdB	Vibration Decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WEO	Wind Energy Overlay
WAC	Williamson Act Contract
WAIRE	Warehouse Actions and Investments to Reduce Emissions
WRCOG	Western Riverside Council of Governments
WSA	Water Supply Assessment
WSA/WSV	Water Supply Assessment and Water Supply Verification
WUI	Wildland Urban Interface
WQMP	Water Quality Management Plan
WQOs	Water Quality Objectives
WWTP	Waste Water Treatment Plan
YBP	Years Before Present
ZEV	Zero Emissions Vehicle

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## I. INTRODUCTION

The Final EIR (FEIR) for the First Palm Springs Commerce Center Project (Project; proposed Project) has been prepared by the City of Palm Springs (City) acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability (NOA), Notice of Completion (NOC), Draft EIR (DEIR), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (FEIR) along with the Errata will be referred to collectively herein as the EIR.

The Planning Commission of the City of Palm Springs (Commission), in certifying the Final Environmental Report (Final EIR; FEIR) for the First Palm Springs Commerce Center Project for the construction of two (2) warehouse buildings with office spaces, semi-truck docking areas, and employee parking space utilizing up to approximately 1,904,704 square feet (sq ft) of warehousing and warehouse goods distribution uses, classified as warehouse logistic centers, on approximately 91.97 acres within the City, makes the Findings of Facts (Findings; FoF) described below and adopts the Statement of Overriding Considerations (SOC) presented at the end of the Findings.

Section §21081.6 of the State CEQA Guidelines also requires public agencies to adopt a monitoring and reporting program for assessing and ensuring the implementation of proposed mitigation measures. The mitigation measures identified in the Mitigation Monitoring and Reporting Plan (MMRP) for the First Palm Springs Commerce Center Project, which is provided under a separate cover, are those identified within this Findings and Statement of Overriding Considerations. The Planning Commission of the City of Palm Springs therefore also adopts the Mitigation Monitoring and Reporting Plan for the proposed Project.

Section §15091 of the CEQA Guidelines as well as Section §21081 of the California Public Resources Code (PRC) require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more written Findings of Fact (Findings; FoF) for each such impact. These Findings are based on the entire record before this Commission, including above-referenced documents, in addition to the Mitigation Monitoring and Reporting Program (MMRP), Statement of Overriding Considerations (SOC), and other information presented to the Commission and part of the administrative record.

This Commission adopts the facts and analyses in the Final EIR, which are summarized below for convenience. The omission of some detail or aspect of the Final EIR does not mean that it has been rejected by this Commission.

## II. PROJECT LOCATION

The proposed Project site is located north of the Interstate 10 (I-10) and east of State Route (SR) 62, in the northern portion of the city of Palm Springs, in the County of Riverside (please see **Exhibit 1.1: Regional Location** and **Exhibit 1.2: Project Location** of the FEIR). The site is bounded by 18th Avenue to the north, North Indian Canyon Drive (N. Indian Canyon Drive) to the east, and 19th Avenue to the south. Karen Drive and Blair Road are to the west of the site, and the Union Pacific Railroad (UPRR) corridor is approximately one and half (1.5) miles to the south of the site.

The site is located in a primarily vacant northern portion of the city. Land uses surrounding the site include primarily vacant properties with a mix of commercial and residential uses north of 18th Avenue, vacant land and industrial uses associated with the Coachillin Business Park to the east, commercial, light industrial and vacant properties to the south, and primarily vacant land with a Southern California Edison (SCE) electrical sub-station and wind turbines to the west of the site.

### III. PROJECT OBJECTIVES

The proposed Project would utilize a currently vacant site comprising of two (2) parcels with light industrial uses, in an Industrial District in the city of Palm Springs. Project Objectives include the following realistic and achievable objectives:

- Provide development of an underutilized site consistent with the goals and policies of the Palm Springs 2007 General Plan.
- Develop a state-of-the-art fulfillment center in an Industrial zone (with Wind Overlay) within the city of Palm Springs that is consistent with the goals and policies of the Palm Springs 2007 General Plan.
- Create new employment opportunities particularly within the city of Palm Springs Industrial and Regional Business Center land use zones.
- Develop industrial uses near existing roadways and freeways to reduce potential impacts related to traffic congestion, air and greenhouse gas emissions and noise.
- Establish new development that would further the City's near-term and long-range fiscal goals.

### IV. PROJECT DESCRIPTION

The approximate 91.97 acre proposed Project site is comprised of five (5) parcels, Accessor Parcel Numbers (APNs) 666-320-010, -011, -012, -015, and -019. The site is located at the southwest corner of 18th Avenue and North Indian Canyon Drive. 19th Avenue would provide the site's southern boundary while Karen Avenue is located to the west of site.

The proposed Project site is relatively flat with a less than three (3) percent topographical slope from north to south.

The currently vacant site would be developed with two buildings, office spaces, parking as well as semi-truck loading and parking spaces (please see **Exhibit 1.3: Proposed Site Plan** of the FEIR).

#### **SITE COMPONENTS**

Building 1 would approximate 1,516,174 square feet (sf), with 258 semi-truck trailer docks, four (4) grade doors, 929 parking spaces for cars and trucks, of which 16 spaces would be for handicap parking, 25 bicycle parking areas, as well as external building and internal roadway lighting, landscaping, and trash enclosure areas. Monument signs would be provided at the site entrances at 18th Avenue, and N. Indian Canyon Drive. Two (2) office areas on each side of the building would be provided along North Indian Canyon Avenue and Indigo Drive, respectively. Site access would be gated and provided from North Indian Canyon Drive to the east, and two (2) new internal roadways - Noble Drive to the south and Indigo Drive to the west (please see **Exhibit 2.8: Site Development - Building 1** of the Draft EIR).

Building 2 would approximate 388,530 sf with 42 semi-truck trailer docks, two (2) grade doors, 302 parking spaces for cars and trucks, of which eight (8) spaces would be for handicapped parking, 14 bicycle parking areas, as well as external building and internal roadway lighting, landscaping, and trash enclosure areas. Monument signs would be provided at the site entrances at 19 Avenue, and Noble Drive. One (1) office area would be provided at the southeast corner of the building. Site access would be gated and provided from the new roadway for Noble Drive to the north and 19th Avenue to the south (please see **Exhibit 2.9: Site Development – Building 2** of the Draft EIR).

The proposed development would also incorporate the installation and use of fixed rooftop solar panel arrays on both buildings. The number of installed panels would be sufficient to generate approximately one (1) to up to five (5) kilowatt (kW) of solar power to be utilized at the site. Panel arrays could range

from 60 cell to 96 cell panels that are typically sized approximately between 39 inches in width and 66 inches to height, to 41.5 inches in width and 62.6 inches in height.

***SITE DEVELOPMENT***

Pedestrian walkways would be located along building frontages as well along N, Indian Canyon Drive and 19th Street. The proposed development would add new landscaping to the site with a mix of climate-adapted shrubs and grasses, and shade trees, in the parking areas and along building and perimeter buffers, in accordance with property development standards under the City’s Code of Ordinances. While each of the uses on the two (2) buildings would have their individual signage demarcating office, warehouse, and storage areas, the proposed development would install monument signs at the site entrances along N. Indian Canyon Drive as well as 18th and 19 avenues. Lighting on the proposed Project site would be provided by street lighting along the proposed internal roadways and along the site frontages along 18th Avenue, 19th Avenue as well as N. Indian Canyon Drive.

On-site stormwater retention basins serving the site would be constructed underground. The proposed Project would connect to existing water, wastewater, sewer and electric lines along N Indian Canyon Drive to the east and 19th Avenue to the south of the site. The proposed drainage systems at the site would connect to existing City drainage facilities along N. Indian Canyon Drive and 10th Avenue.

***SITE INFRASTRUCTURE AND UTILITIES***

The Mission Springs Water District (MSWD) would provide water service to the proposed Project site. New water lines to be constructed for the proposed Project would connect to existing water infrastructure along N. Indian Canyon Drive and 19th Avenue.

MSWD would also provide sanitary sewer service to the site. The proposed Project would be required to construct new sewer lines to connect on site facilities with the City’s sewer system along existing sewer lines on 19th Avenue and N. Indian Canyon Drive.

Veolia Water North America would provide wastewater collection and treatment service to the proposed Project site.

The proposed Project would be served by the Palm Springs Disposal Services which provides solid waste disposal service to the city.

Development at the site would connect to existing electric lines on N. Indian Canyon Drive and 19th Avenue that are operated by Southern California Edison (SCE).

The proposed Project site would be serviced by the Southern California Gas Company for natural gas, Spectrum Communications for cable and Spectrum or Frontier Communications for telecommunication services.

***SITE EMPLOYMENT***

The proposed Project would employ approximately between 700 and 725 employees. While portions of the site will be operational 24 hours of the day, with trucks accessing the site, the primary hours of operation for office uses will be approximately between 7:00 am and 6:00 pm.

***SITE ACCESS, CIRCULATION AND PARKING***

The proposed Project would provide gated access and circulation primarily from N. Indian Canyon Drive and 18th and 19th Avenues. Two (2) internal roadways – Noble Drive and Indigo Drive would provide internal site access. All site access and internal roadways would be constructed with lane widths and rights-of-way adequate for access and circulation of fire trucks and emergency response vehicles,

consistent with the City's Code of Ordinances and according to the standards with the Circulation Element of the City of Palm Springs 2007 General Plan.

Site access to the northern portion of the Project would be provided from one (1) access road off 18th Avenue, and five (5) entrance/exits from N. Indian Canyon Drive, while access to the southern portion of the Project would be provided with two (2) entrance/exits from Nobel Drive and two (2) entrance/exits from 19th Avenue. Nobel Drive, a private roadway, would connect both internal portions of the Project site. Nobel Drive would turn into Indigo Drive, to the western boundary of Building 1. Two (2) gated entrances from N Indian Canyon Drive to the east, one (1) gated entrance from Noble Drive and two (2) gated entrances from Indigo Drive to the west would provide access to truck docking areas of Building 1. One (1) gated entrance from Noble Drive to the north and one (1) gated entrance from 19th Avenue to the south would provide access to the truck docking areas of Building 2.

Employee automobile parking and bike storage would be provided in designated parking areas on the site. Semi-truck docking positions and trailer parking would be provided along the northern and southern sides of Building 1 and along the eastern side of Building 2.

### ***SITE CONSTRUCTION***

Following City approvals and issuance of initial building and grading utility permits, the proposed Project is scheduled to begin construction in the summer of 2024 and for total site occupancy in 2028. Site construction is estimated to last approximately 15 months.

The proposed Project construction is estimated to occur over two (2) phases and utilize at a minimum, the following equipment for each construction activity under each phase:

- Site Preparation: tractors and bulldozers;
- Site Grading: excavators, graders, scrappers, compactors, bulldozers, and tractors;
- Construction: tractors, cranes, forklifts, loaders, backhoes, excavators, and generators;
- Site Paving: pavers and other paving equipment, rollers,
- Architectural Coating: air compressors

Construction is estimated to typically occur over an eight (8) to 10 hour period during daytime hours although some activities such as pouring concrete slabs may require additional time and evening activities. Off site improvement for utility infrastructure at the site would only occur during permitted construction hours and would primarily occur along N. Indian Canyon Drive and 19th Avenue.

## **V. DISCRETIONARY ACTIONS**

To allow for the development of a warehouse logistics and distribution center, the applicant has submitted an application for issuance of necessary site development permits from the City. It is this action that is the subject of this EIR.

In order to approve the First Palm Spring Commerce Center Project, the City of Palm Springs Planning Commission must:

- Certify the Environmental Impact Report,
- Adopt these findings;
- Adopt the Statement of Overriding Considerations; and,
- Approve all applicable permits.

The Commission's actions are final unless appealed to the Riverside County Board of Supervisors. Approval of all applicable permits would allow for and govern the development of the proposed Project site. The purpose of all applicable permits is to ensure that the proposed development is consistent with the City of Palm Springs General Plan, Zoning Code, and other adopted plans, regulations, and policies; 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.

## **VI. PROJECT TERMINOLOGY**

Section §15091 of the California Environmental Quality Act (CEQA) Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed Project, the approving agency must issue a written finding for each identified area of impact:

1. *Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project; or,*
2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,*
3. *Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR (Public Resources Code Section §21081).*

For purposes of these findings for the proposed Project, the terms listed below will have the following definitions:

- The term "mitigation measures" shall constitute the "changes or alterations" discussed above.
- The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce the severity of an environmental effect.
- The term "feasible," pursuant to the CEQA Guidelines, 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.

In the event that the City of Palm Springs Planning Commission finds a mitigation measure not to be feasible, it will provide evidence for its decision and may adopt substitute mitigation that is feasible and designed to reduce the magnitude of the impact.

In other cases, the Planning Commission may decide to modify any of the proposed mitigation. Modifications generally update, clarify, streamline, or revise the measure to be consistent with current planning and engineering practices, fiscal and market conditions or existing applicable City and County of Riverside policies, practices, and/or goals. Modifications, if any, should achieve the intent of the proposed mitigation without reducing the level of protection. Modifications, in some instances, may actually improve the effectiveness of the proposed mitigation measure. Thus, the City may modify the language of some of the mitigation measures set forth herein for:

- the purposes of clarification and consistency;
- to enhance enforceability;
- to defer more to the expertise of agencies with jurisdiction over the affected resources;
- to summarize or strengthen their provisions; or,
- to make the mitigation measures more precise and effective, all without making any substantive changes to the mitigation measures.

## VII. CUSTODIAN AND LOCATION OF RECORDS

The documents and other supporting materials that constitute the administrative record for the City's actions related to the proposed Project are located at:

City of Palm Springs  
**Attention: Mr. Glenn Mlaker, Associate Planner**  
Planning Department  
3200 E Tahquitz Canyon Way  
Palm Springs, CA 92262

The Draft EIR was placed on the City's website at <https://www.palmspringsca.gov/> - CA Environmental Quality Act Documents | City of Palm Springs and the Final EIR was placed on the same City website at <https://www.palmspringsca.gov/> - CA Environmental Quality Act Documents | City of Palm Springs

This information is provided in compliance with PRC Section §21081.6(a)(2) and CEQA Guidelines Section §15091(e).

The City of Palm Springs Planning Department is the custodian of the administrative record for the proposed Project. Copies of these documents, which constitute the Record of Proceedings, are, and at all times have been and will be available upon request at the offices, under the City business operating hours of 7:30 am to 5:30 pm, Monday through Thursday, with the exception of legally recognized State and federal holidays.

## VIII. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings and the SOC, the Record of Proceedings for the proposed Project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed Project;
- All responses to the NOP received by the City;
- The Draft EIR;
- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;

- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and,
- Any other relevant materials required to be in the Record of Proceedings by PRC Section §21167.6(e).

**IX. FINDINGS REQUIRED UNDER CEQA**

Public Resources Code Section §21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects”.

When a lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR or other information in the record.

In addition, once significant impacts have been identified, CEQA Guidelines require that certain Findings of Fact (Findings) be made before project approval. It is the exclusive discretion of the decision maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed Findings. Specifically, regarding Findings, State CEQA Guidelines Section §15091 provides:

*(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

- 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*
- 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such 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 project alternatives identified in the Final EIR*

*(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.*

*(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.*

*(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.*

*(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.*

*(f) A statement made pursuant to Section §15093 does not substitute for the findings required by this section. These requirements also exist in Section §21081 of the CEQA statute.*

Therefore, pursuant to PRC Section §21000 et seq. and the State CEQA Guidelines 14 Cal. Code Regs. §15000 et seq., the environmental impacts of the proposed First Palm Springs Commerce Center Project have been reviewed prior to proposed Project approval by the City of Palm Springs (City).

Pursuant to PRC Section §21081(a)(3) and Section §15091(a)(3) of the State CEQA Guidelines, the City finds that, for each of the following significant effects, changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid these significant effects on the environment to the maximum extent feasible. These findings are explained below and are supported by substantial evidence in the record of proceedings.

State CEQA Guidelines also require that should significant and unavoidable impacts remain after changes or alterations are applied to the proposed Project, a Statement of Overriding Considerations (SOC) must be prepared. The statement provides the lead agency's views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. The Statement of Overriding Considerations is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of the proposed project outweigh the unavoidable adverse environmental impacts and why the Lead Agency is willing to accept such impacts. This statement shall be based on the final EIR and/or other substantial evidence in the record.

Therefore, these Findings and SOC for the First Palm Springs Commerce Center Project set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed First Palm Springs Commerce Center Project. The environmental effects of the proposed Project are addressed in the Final Environmental Impact Report (Final EIR) dated July 2025, which is incorporated by reference herein.

Furthermore, the Findings and SOC have been submitted by the City Planning Department to the decision-making body. They are attached to allow readers of this Final EIR an opportunity to review the potential reasons for approving the proposed Project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Findings.

#### **X. LEGAL EFFECT OF FINDINGS**

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the selected Project in a manner consistent with the requirements of CEQA.

To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the First Palm Springs Commerce Center Project.

#### **XI. INDEPENDENT JUDGEMENT FINDING**

The City retained the independent consulting firm of The Altum Group (Altum) and its associated technical subconsultant – the Ganddini Group, as well as MNS Engineers (and their associates at Kimley-Horn and Associates) for Hydrology to prepare the FEIR for the proposed Project. The Applicant retained its technical consultants for analysis and reports pertaining to Biological Resources – BLUE Consulting Group, WEIS Environmental for Geology and Hazards, and BFSA Environmental Services for Cultural Resources, and Tribal Cultural Resources. Altum prepared the FEIR under the supervision, direction and review of the

City. This Commission has received and reviewed the Final EIR prior to certifying the Final EIR and prior to making any decision to approve or disapprove the Project.

**FINDINGS**

Consistent with Public Resources Code Section §21082.1 and Section §15084 of the CEQA Guidelines, the City has conducted its own independent review and analyses of the inal EIR, and circulated draft and proposed final documents, including the responses to comments and the Errata. The Final EIR reflects the City’s independent judgment

**XII. FINDING ON MITIGATION MEASURES**

In preparing for the consideration of the Project, City staff incorporated the mitigation measures set forth in the Final EIR as applicable to that approval for the Project. In the event that the approvals do not use the exact wording of the mitigation measures recommended in the Final EIR, in each such instance, the adopted mitigation measures incorporated into approvals are intended to be identical or substantially similar to the mitigation measure set forth in the Mitigation Monitoring and Reporting Program (MMRP).

**FINDINGS**

Unless specifically stated to the contrary in these findings, it is this Commission’s intent to adopt all mitigation measures recommended in the Final EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all repeating, or rewording mitigation measures recommended in the Final EIR by the City of Plam Springs Planning Commission, are intended to be substantially similar to the mitigation measures identified in the Final EIR and as shown in the Mitigation Monitoring and Reporting Program (MMRP) and are therefore found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

**XIII. FINDINGS REGARDING IMPACTS**

In making each of the findings below, the City of Palm Springs has considered the plans, programs, and policies discussed in the Final EIR. The plans, programs, and policies discussed in the Final EIR consist of existing regulatory plans and programs the proposed Project is subject to, and, likewise, are explicitly made conditions of approval of the proposed First Palm Springs Commerce Center Project.

Having considered the entire administrative record for the proposed Project, and:

- made a reasonable and good faith effort to eliminate or substantially mitigate the impacts by adopting all feasible mitigation measures;
- examined a reasonable range of alternatives to the proposed Project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic Project objectives, or are not feasible, and therefore should be rejected;
- recognized all significant, unavoidable impacts; and,
- evaluated the benefits of the proposed Project against its significant and unavoidable effects, the City of Palm Springs has made the following Findings discussed below:

**XIII.A FINDINGS REGARDING IMPACTS DETERMINED TO HAVE NO IMPACT UNDER DEVELOPMENT OF THE PROPOSED PROJECT**

The Draft EIR for the proposed First Palm Springs Commerce Center Project determined that the proposed Project would have No Impact on the following issue areas. The City of Palm Springs therefore hereby adopts the analysis, conclusions and findings regarding these following impacts and incorporates the same herein with respect to:

**XIII.A.1 BIOLOGICAL RESOURCES**

**Impact 4.3.3: The proposed Project would not affect state or federally protected wetlands.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18<sup>th</sup> Street and north of 19<sup>th</sup> Street. The Biological Resources Assessment (BRA) conducted did not indicate the presence or immediately adjacent to the Project site of any special aquatic resource area such as wetlands or other Waters of the United States or Waters of the State.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not impact state or federally protected wetlands.

***Facts in Support of Findings***

Although several drainage channels springing from the San Jacinto Mountains exist in the northern portion of the city of Palm Springs, these generally flow as dry river beds through areas in the city. The nearest aquatic feature to the proposed Project site is a dry riverbed located over three (3) miles to the south of the site. The BRA conducted did not indicate the presence on the Project site of any special aquatic resource area such as wetlands or other Waters of the United States or Waters of the State (see **Appendix C** of the Draft EIR). Therefore, the proposed Project would have no impact on state or federally protected wetlands.

**Impact 4.3.5: The proposed Project would have no conflict with any local policies or ordinances protection biological resources**

The City's 2007 General Plan confirms that the City is not covered by an adopted Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would have no impact in relation to conflicts with local policies or ordinances that protect biological resources.

***Facts in Support of Findings***

According to the City's 2007 General Plan), the city of Palm Springs is not covered by an adopted Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Based on research conducted by BLUE Consulting in August 2023 (please see **Appendix C** of this Draft EIR), the proposed Project site is located outside any of the Coachella Valley Multiples Species Habitat Conservation Plan (CVMSHCP) Criteria Cells or Cell Groups. Nor does the site include any CVMSHCP Conserved Lands or Public/Quasi-Public Lands. Therefore, the proposed Project would not conflict with any adopted habitat conservation plans and there would be no impact.

**Impact 4.3.6: The proposed Project would have no conflict with any local, state, or regional habitat conservation plans**

The City's 2007 General Plan confirms that the City is not covered by an adopted Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would have no impact in relation to conflicts with local policies or ordinances that protect biological resources.

***Facts in Support of Findings***

Technical studies conducted for the proposed Project potential impacts on protected biological resources indicated that the proposed Project site is located outside any of the Coachella Valley Multiples Species Habitat Conservation Plan (CVMSHCP) Criteria Cells or Cell Groups. Nor does the site include any CVMSHCP Conserved Lands or Public/Quasi-Public Lands (see **Appendix C** of the Draft EIR). Therefore, the proposed Project would not conflict with any adopted habitat conservation plans and there would be no impact.

**XIII.A.2 GEOLOGY AND SOILS**

**Impact 4.6.5: The proposed Project would not utilize septic tanks or alternate waste disposal systems.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18<sup>th</sup> Street and north of 19<sup>th</sup> Street. There are no existing septic tanks or alternate waste disposal systems on the site. The proposed Project would not involve the use of septic tanks or any other alternative wastewater disposal systems.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not utilize septic tanks or alternate waste disposal systems.

***Facts in Support of Findings***

Sanitary sewer service will be provided by Mission Springs Water District (MSWD), with wastewater from the proposed Project site expected to generate an average daily flow of 50,000 gallons, which will be treated at the MSWD Regional Wastewater Treatment Plant. The plant has a current capacity of 5 million gallons per day (MGD), with available capacity of 2 MGD, ensuring no impacts from the project's wastewater requirements. The proposed Project would connect to the municipal wastewater system, so septic tanks or alternative wastewater disposal systems will be used at the site. The proposed Project would therefore have no impact on soil stability associated with septic tanks or alternative wastewater systems in relation to the disposal of Project related wastewater.

**XIII.A.3 HAZARDS AND HAZARDOUS SUBSTANCES**

**Impact 4.8.3: The proposed Project would not result in mission or handling of hazardous substances, materials or waste within one -quarter mile of an existing or proposed school.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18<sup>th</sup> Street and north of 19<sup>th</sup> Street. There are no existing or proposed schools on the site or within one-quarter mile of the site vicinity.

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not emit hazardous emissions or handle hazardous material substances or waste within one-quarter mile of a school.

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

The proposed Project would involve the development and operation of a primarily industrial facility with related office uses. There are no existing or proposed school located within a quarter mile of the proposed Project site. Due to the site's distance from any educational facilities within the city, the proposed 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. Therefore, there would be no impacts to existing or proposed schools.

### **Impact 4.8.4: The proposed Project site is not located on a hazardous material site, as defined by Government Code Section §65962.5.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18th Street and north of 19th Street. The proposed Project site has historically been in use as a wind farm facility. Surrounding land uses include vacant parcels, small commercial uses, an animal shelter and residential community to the north, vacant parcels and a business park to the east, commercial and light industrial uses to the south, and primarily vacant land with some wind farm and solar facilities to the west of the site. A small electrical infrastructure site is located towards the southwest. However the site for the proposed Project has not operated or is not listed as a hazardous material release site.

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project is not located on a site that is included as a hazardous materials site pursuant to Government Code Section §65962.5.

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

Pursuant to the Cortese List Government Code §65962.5 and its subsections, record searches under an Environmental Site Assessment (ESA) was conducted by Weis Environmental on March 23, 2023. Database searches revealed no hazardous materials releases, presence of hazardous substances and/or petroleum products at the site. Therefore, development of the site would not create a significant hazard to the public or the environment. There would be no impact under the proposed Project.

### **Impact 4.8.5: The proposed Project site is not located within an airport land use plan or within two miles of an airport and therefore would not result in a safety hazard or excessive noise for people living or working in the Project area.**

Although located in close proximity to two (2) area airports, the proposed Project site is not located within an airport land use plan or a private airstrip. The City of Palm Springs International Airport is located approximately five (5) miles to the southeast of the proposed Project, and the Bermuda Dunes Airport is located over approximately 18 miles southeast.

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project is not located within an airport land use plan, nor is it located within two miles of an existing airport.

***Facts in Support of Findings***

Although located in close proximity to two (2) area airports, the proposed Project site is not located within an airport land use plan or a private airstrip. According to the City of Palm Springs 2007 General Plan Draft EIR, the proposed Project site does not fall within an Airport Land Use Commission area (ALUC). Therefore, there would be no impacts to airport traffic or safety hazards and noise related to airports.

**XIII.A.4 NOISE**

**Impact 4.10.3: The proposed Project would not expose people living or working within two miles of an airport to excessive noise levels.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18th Street and north of 19th Street. The nearest airport to the proposed Project site is the Palm Springs International Airport located approximately five (5) miles to the northwest. According to the Riverside County Airport Land Use Compatibility Plan Policy Document Map PS-3 (adopted March 2005), the site is located well outside the airport's 60 dBA CNEL noise contour.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not expose people residing or working within two miles of the proposed Project site to excessive levels of noise.

***Facts in Support of Findings***

The nearest airport to the proposed Project site is the Palm Springs International Airport located approximately five (5) miles to the northwest. Therefore, the proposed Project would not expose people residing or working within two (2) miles of a public or private airport, to excessive noise levels associated with airports, and there would be no impact.

**XIII.A.5 POPULATION AND HOUSING**

**Impact 4.11.2: The proposed Project would not result in the displacement of people and housing that would require construction of replacement housing elsewhere.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18<sup>th</sup> Street and north of 19<sup>th</sup> Street. There are no existing housing or people residing on the site. Therefore, the proposed Project would not displace people or require the construction of replacement housing elsewhere, and there would be no impact.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not displace a substantial number of people or any existing housing in this area of the City of Palm Springs.

***Facts in Support of Findings***

The proposed Project site is currently vacant with no housing or residents existing at the site. Therefore, the proposed Project would not displace a substantial number of people or existing housing, necessitating the construction of replacement housing elsewhere in the City; there would be no impact.

### **XIII.A.6 RECREATION**

#### **Impact 4.13.2: The proposed Project would not result in the construction or expansion of existing recreational facilities.**

The proposed Project site is located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18<sup>th</sup> Street and north of 19<sup>th</sup> Street. As a primarily industrial and office development, the proposed Project does not include recreational facilities as it would not add housing or residents on the site who would require access to park and recreational spaces.

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not include recreational facilities nor would it require the construction or expansion of recreational facilities in the City of Palm Springs.

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

The proposed Project would include the construction and operation of two (2) industrial buildings totaling an approximate 1,904,774 square feet, over 91.97 acres. Although the proposed Project would include pathways and open areas that would be accessible to all employees and visitors at the site, no residential land uses or recreational uses are proposed on the site. Although the jobs generated by the proposed Project could create demand for housing, future employees connected with the proposed Project would primarily access parks in their residential neighborhoods. Therefore, the proposed Project would not require the construction or expansion of recreational uses that might have an adverse physical effect on the environment; there would be no impact.

### ***XIII.B FINDINGS REGARDING IMPACTS DETERMINED TO HAVE LESS THAN SIGNIFICANT IMPACT UNDER DEVELOPMENT OF THE PROPOSED PROJECT***

The Draft EIR for the proposed First Palm Springs Commerce Center Project determined that the proposed Project would have Less than Significant Impact on the following issue areas. The City of Palm Springs therefore hereby adopts the analysis, conclusions and findings regarding these following impacts and incorporates the same herein with respect to:

#### **XIII.B.1 AESTHETICS**

#### **Impact 4.1.1: The proposed Project would have no substantial effect on scenic vistas.**

The proposed Project site is an approximate 91.97 acre vacant parcel in a primarily undeveloped portion of the City of Palm Springs. The proposed development would include the development of two (2) large industrial structures approximately between 842,014 square feet (sqft) and 3,359,783 sqft in size, with an average height of up to 56 feet, with associated parking, landscaping, infrastructure improvements, lighting, signage and fencing. An array of fixed rooftop solar panel arrays would be installed on both buildings. Panel arrays could range from 60 cell to 96 cell panels that are typically sized approximately between 39 inches in width and 66 inches in height, to 41.5 inches in width and 62.6 inches in height. However, these solar arrays would be centered on the middle section of the rooftop areas with rooftop parapet obscuring the panels from street level views. Development of the site consequently has the potential to partially obscure existing views of the mountain ranges that surround the city.

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project is compatible with the

industrial uses assigned to this area of the City of Palm Springs. Therefore, through compliance with the City of Palm Springs Municipal Code and all applicable City requirements, the proposed Project's impacts on scenic vistas would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Development of the site has the potential to partially obscure existing views of the San Jacinto, San Gorgonio, the Little San Bernardino, and the Santa Rosa mountain ranges that surround the city. However, current views of these mountains from the proposed Project site are distant and partially interrupted by building structure to the south and street light poles, electric cables and wind turbines. Since the proposed Project site is currently undeveloped, with unobscured views of the distant mountain ranges, the heights and sizing of the proposed buildings on the site would have the potential to block views of the surrounding mountain ranges, from pedestrians and motorists travelling along N. Indian Canyon Drive, 19th Avenue, and I-10. However, since both the buildings on the site would be set back from these roadways, this will serve to reduce the scale and mass of the buildings from pedestrians and motorists. Building design and setbacks would also allow for views of the mountains from between the buildings on the site.

The proposed Project would be required to comply with City of Palm Springs 2007 General Plan goals and policies in the Community Design Element, such as to avoid long blank facades that would block views of existing surrounding vistas. In addition, the proposed Project's required compliance with the City of Palm Springs 2007 General Plan Community Design Element goals and policies would also ensure that proposed building design, architecture style, design and height reduce the proposed Project's impacts on existing views of nearby scenic vistas to less than significant levels.

**Impact 4.1.2: The proposed Project would not result in substantial damage to scenic resources.**

No existing historic or scenic resources in terms of buildings, trees or rock outcroppings are located at the proposed Project site, which is currently vacant land with low lying brush. The nearest State Scenic Highway is State Route (SR) 62, which is located over two (2) miles to the west and Interstate 10 (I-10), which is located over one (1) mile to the south.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project site does not have any scenic resources or historic structures, trees, or rock outcroppings on the site, nor does it block access and views to scenic resources in the City. Therefore, the proposed Project's impacts on scenic resources would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The proposed Project site is an approximate 91.97 acre vacant land with low lying brush, located in the northeastern portion of the City of Palm Springs. There are no existing historic buildings, trees, or rock outcroppings located on the site. Sparse low scrubs and small rock deposits are scattered throughout the site. Some light scale industrial development to the east and south of the site. An energy facility and cell facility is located to the west of the site. There are no residential or commercial structures in the vicinity of the proposed Project site. The closest designated State Scenic Highway is a portion of SR 62 located over two (2) miles to the west, and I-10, located about one (1) mile to the south of the site, with vacant land and developed uses located between these highways and the proposed Project site. Scenic resources from the site include the Little San Bernardino Mountains to the north, the San Jacinto and San Gorgonio Mountains to the east, and the Santa Rosa Mountains to the west. Although implementation of the proposed Project would add two (2) new industrial buildings on a currently vacant site with an average height that equals an approximate four (4) story building,, these structures would be required to comply

with the City of Palm Springs applicable architecture style and design for industrial uses as well as General Plan policies such that the proposed Project would have less than significant impact to any potential damage to scenic resources.

**Impact 4.1.3: The proposed Project would not degrade existing visual character or the quality of public views of the site.**

The proposed Project site is a currently vacant parcel located within an Industrial zoned area of the City, east of N Indian Canyon Avenue, south of 18th Street and north of 19th Street surrounded by industrial and commercial uses as well as vacant lands.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project is compatible with the character of this area of Industrial uses in the City of Palm Springs. Therefore, the proposed Project's would have less than significant impacts on public views of the site and its surroundings; no mitigation measures are necessary.

***Facts in Support of Findings***

The proposed Project site is located in an “urbanized area” of the city of Palm Springs but is a currently vacant parcel located in a primarily non-developed area of the city of Palm Springs. The site is primarily surrounded by vacant land with scattered commercial uses to the north, some light industrial uses to the east, sparse industrial and commercial uses to the south, and vacant parcel to the west. North Indian Canyon Avenue forms the eastern boundary of the site. Public views into the site are primarily from Indian Canyon Avenue and 19th Avenue. Since vehicles and travelers along these roadways currently have views into the currently vacant site partially blocked by light poles, development of the proposed Project buildings does not has the potential to affect these current views of open land. However, although the proposed Project would develop a currently vacant site with the incorporation of industrial, and office buildings ranging up to 56 feet in height, building design, use of exterior building colors and materials, site signage and lighting would be required to be designed according to City of Palm Springs design standards. Further, any building articulation would have to conform to the City of Palm Springs Municipal Code and applicable City of Palm Springs 2007 General Plan goals and policies. The implementation of the proposed Project would not substantially degrade the existing visual character of public views of the site and surroundings. Therefore, impacts related to the potential degradation of visual character or quality of public views would be less than significant; no mitigation measures are necessary.

**XIII.B.2 AIR QUALITY**

**Impact 4.2.4: The proposed Project would not result in the emission of odors or other noxious emissions that would adversely affect substantial number of people.**

As an industrial warehouse project the proposed development would not emit odors during site construction and Project operations.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in the emission of noxious odors. Therefore, the proposed Project's impacts on odors and other noxious emissions would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The proposed Project is a light industrial facility with office uses, truck loading, and vehicular parking areas. As such, these uses typically do not emit objectionable odors such as those under agricultural operations oil refineries, wastewater treatment plants or landfills. Any potential odor sources associated with the proposed Project construction may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Potential odor emitting sources during construction activities may include construction vehicle truck diesel exhaust, the application of materials such as asphalt pavement, and VOCs emitted during construction. However, any objectionable odors that may be produced during the construction process are short-term in nature, and disperse rapidly, thereby not reaching objectionable level at nearest sensitive receptors. Construction odor emissions would therefore be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction.

Potential sources that may emit odors during the on-going operations of the proposed Project would include odor emissions from the intermittent diesel delivery truck emissions and trash storage areas. Due to the distance of the nearest receptors from the proposed Project site and through compliance with the South Coast Air Quality Management District (SCAQMD)'s Rule 402 no significant impacts related to odors would occur during the on-going operations of the proposed Project. Also, the proposed Project would be required to comply with the City of Palm Springs' applicable Municipal Code requirements for project-generated refuse be stored in designated trash enclosures and removed at regular intervals in compliance with the City of Plam Springs' 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.

Therefore, the proposed Project would result in less than significant impacts in relation to odor emissions during construction and operation; no mitigation measures are necessary.

**XIII.B.3 BIOLOGICAL RESOURCES**

**Impact 4.3.2: The proposed Project would not result in a substantial adverse effect on riparian habitats or sensitive natural communities as identified in local or regional plans, policies, or regulations.**

The Biological Assessment Report (BAR) conducted for the proposed Project (see **Appendix C** of the Draft EIR) did not indicate the presence of any riparian habitat on the Project site.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not have substantial effects on riparian habitats. Therefore, the proposed Project's impacts on riparian habitats or sensitive natural communities as identified in local or regional plans, policies, or regulations would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) defines riparian habitat as "lands which contain habitat dominated by trees, shrubs, persistent emergent, or emergent mosses and lichens, which occur close to, or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year." Riparian habitat in the portion of the Coachella Valley is composed predominantly of Sonoran Cottonwood-Willow Riparian Forest, Southern Sycamore-Alder Riparian Woodland, Desert Fan Palm Oasis Woodland, and Desert Dry Wash Woodland.

These habitats are typically characterized by tall, broad leaved forest usually found in and around streambed forests or the washes and canyons in the San Jacinto, Santa Rosa, and San Bernardino mountains.

There were no California Department of Fish and Wildlife (CDFW) jurisdictional features observed on the proposed Project site and no CDFW jurisdictional impacts are proposed under the Project. As a result, additional permitting and/or mitigation is not required at this time. Neither are there any channelized flows (water flowing within the patterns observed in aerial photography) entering the property in 100-year storm events, in or immediately surrounding the proposed Project site.

Therefore, the proposed Project would result in less than significant impacts to streams and associated fish and wildlife; *no mitigation measures are necessary.*

#### **XIII.B.4 ENERGY**

##### **Impact 4.5.1: The proposed Project would not result in potentially significant waste, inefficient or unnecessary consumption of energy resources.**

Construction and operation of the proposed Project would develop a currently vacant parcel with two (2) large industrial buildings, office spaces, delivery loading and unloading bays, and vehicle as well as semi-truck parking. Although the proposed development would require energy for construction activities as well as operational uses, it would not have any long-term effects on an energy provider's future energy development or future energy conservation strategies.

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in the inefficient, wasteful or unnecessary consumption of energy. Therefore, the proposed Project's impacts on recreational facilities would be less than significant; no mitigation measures are necessary.

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

Electrical service to the to the proposed Project site would be provided by Southern California Edison. Based on the 2021 National Construction Estimator for energy uses, the typical power cost per 1,000 square feet of building construction per month is estimated to be \$2.37. The proposed Project plans to develop the site with a 1,906,824 square foot warehouse building. Therefore, the total electricity usage from construction related activities is estimated to be approximately 539,424 kil watt hours (kWh), while total power cost of the on-site electricity usage during the construction of the proposed Project is estimated to be approximately \$81,345.11. (see **Table 4.5-2** and **Table 4.5-3** of the Draft EIR). Fuel consumed by construction equipment would be the primary energy resource expended over the course of proposed Project construction activities. All such energy uses would cease upon conclusion of site construction. It was estimated that the proposed Project construction activities would consume an estimated 106,552 gallons of diesel fuel.

Analysis of energy use for the proposed Project assumed that construction worker trips at the proposed Project site would mainly be from light duty autos (LDA), light duty truck 1 (LDT1), and light duty truck 2 (LDT2) at a mix of 25 percent/50 percent/25 percent, respectively, along area roadways. With respect to estimated vehicle miles travelled (VMT), the construction worker trips would generate an estimated 5,110,893 VMT. It was calculated that an estimated 192,247 gallons of fuel would be consumed for construction worker trips. Vendors delivering construction material or hauling debris from the site during grading and building construction would use medium to heavy duty vehicles with an average fuel

consumption of 7.87 mpg for medium heavy-duty trucks and 6.15 mpg for heavy - duty trucks (please see **Appendix B** of the Draft EIR).

There are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is typically used for comparable activities; or equipment that would not conform to current emissions standards. Equipment employed in the construction of the proposed Project would therefore not result in inefficient wasteful, or unnecessary consumption of fuel.

The proposed Project would also be required to utilize construction workers who practice compliance with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment, as well as the California Air Resources Board ( CARB)'s Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to Diesel Particulate Matter (DPM) and other Toxic Air Contaminants (TACs). Compliance with these measures would result in a more efficient use of construction-related energy and would minimize or eliminate wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

Additionally, the California Code of Regulations (CCR) Title 13, Motor Vehicles, Section §2449(d)(3) Idling, limits idling times of construction vehicles to no more than five (5) minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by County building officials, and/or in response to citizen complaints.

Energy consumption in support of or related to proposed Project operations would include transportation energy demands (energy consumed by employee and patron vehicles accessing the site) and facilities energy demands (energy consumed by building operations and site maintenance activities). It is assumed vehicles accessing the site would operate 365 days per year. The proposed Project is estimated to generate 3,451 trips per day, and consume an estimated 2,056,354 gallons of fuel per year under site operations. However, the proposed Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT or associated excess and wasteful vehicle energy consumption.

Under building operation and site maintenance, there would be consumption of electricity (to be provided by Southern California Edison) and natural gas (to be provided by Southern California Gas Company). The estimated electricity demand for the proposed Project is approximately 10,094,252 kWh per year. In 2022, the non-residential sector of the County of Riverside consumed approximately 8,720 million kWh of electricity.<sup>64</sup> In addition, the estimated natural gas consumption for the proposed Project is approximately 36,405,430 kBtu per year. In 2022, the non-residential sector of the County of Riverside consumed approximately 147 million therms of gas. The proposed Project energy demands in total would be comparable to other non-residential projects of similar scale and configuration. Furthermore, the proposed Project would be required to comply with Title 24 standards and therefore, the increase in both electricity and natural gas demand from the proposed Project would be less than the consumption in the Riverside County's 2022 non-residential sector demand.

Therefore, the proposed Project would result in less than significant impacts in relation to the potentially wasteful, inefficient, or unnecessary consumption of energy resources, during site construction or operation; no mitigation measures are necessary.

**Impact 4.5.2: The proposed Project would not conflict with or obstruct a State or local plan for renewable energy or for energy efficiency.**

Construction and operation of the proposed Project would be in accordance with applicable State and local energy efficiency plans, in particular the California Air Resources Board (CARB), Assembly Bill (AB) 1493, CalGreen Standards and the County and City's Climate Action Plans (CAPs).

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not obstruct State or local plans for renewable energy. Therefore, the proposed Project's impact in relation to the obstruction or conflict with State or local plans for renewable energy or for energy efficiency would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Based on federal transportation regulation guidelines, the proposed Project site is located in a transportation developed area and access to/from the site would be provided from existing roadways in the site vicinity. Therefore the proposed Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be proposed pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, because the Southern California Association of Governments (SCAG) is not planning for intermodal facilities in is area of the City of Palm Springs.

In addition, the proposed Project would be required to be constructed and operated in compliance with Title 24 CCR energy efficiency standards, the California Green Building Standard Code (CA GBSC) requirements for energy efficient buildings and appliances, as well as utility energy efficiency programs implemented by Southern California Edison (SCE) and Southern California Gas Company (SCGC).

Equipment used during proposed Project construction activities would be required to conform to CARB regulations and California emissions standards under proposed Project conditions of approval. Contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment, idling times and emission regulations for construction vehicles. Such required compliance would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy.

Similarly, the vehicles associated with the proposed Project would be required to comply with federal and state fuel efficiency standards, as required under Assembly Bill (AB) 1493.

The proposed Project would also be required to meet or exceed the energy standards established in the CA GBSC Title 24, Part 11 (CALGreen) which would require that the buildings on the site reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials.

The proposed Project would also be required to be consistent with the applicable goals of the City of Palm Springs Climate Action Plan (CAP) and Climate Action Roadmap, particularly in the City of Palm Springs 2007 General Plan's Recreation, Open Space and Conservation Element.

Therefore, the proposed Project would not conflict with or obstruct a State or local plan for renewable energy or for energy efficiency and impacts would be less than significant; no mitigation measures are necessary.

### XIII.B.5 GEOLOGY AND SOILS

**Impact 4.6.4: The proposed Project would not be located on expansive soils such that it would create substantial direct or indirect risks to life or property.**

Typically, expansive soils have the potential to occur in both hillside areas and low-lying alluvial basins. Such soils contain clay particles that experience cyclic drying and wetting, under each dry and wet seasons. Since such soils characteristically contain clay with fluctuations in their moisture content, their shrink/swell cycles can impact foundations and lightly loaded slabs-on-grade when not designed for the anticipated expansive soil pressures. The change in shrink and swell exerts stress on buildings and other loads placed on these soils, making them potentially hazardous.

Hydroconsolidation, or soil collapse, typically affects recently deposited Holocene-age soils in arid or semi-arid environments. This hazard is commonly associated with wind-deposited sands and silts, as well as sediments from alluvial fan and debris flows resulting from flash floods. Such susceptible soils, characterized by dry conditions and minute pores, are prevalent in the city and surrounding areas due to the granular nature of the soils, rapid deposition in the alluvial fan environment, and the generally dry upper soil layers. Faults and shear zones in granitic and metamorphic rocks may have clays with expansive minerals, and engineered fills may cause damage if expansive soils are located near the surface.

The proposed Project site primarily consists of Carsitas fine, gravelly and cobbly sand with no clay content. Such soils are excessively drained with low runoff potential. The site is not located in an area known for expansive soil (as defined in Table 18-1-B of the Uniform Building Code [1994]), and the potential for the proposed Project to create substantial risks to life or property, relating to expansive soils, is minimal.

#### FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not be located on expansive soils. Therefore, the proposed Project's impact on expansive soils that would result in the creation of substantial direct or indirect risk to life and property would be less than significant; no mitigation measures are necessary.

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

The proposed Project site is located in the San Gorgonio Pass, which is characterized by a variety of older and younger alluvial fan sediments that have been shed off the San Bernardino Mountains and redeposited onto the valley floor below (Lancaster et al. 2012). These deposits consist of silt, sand, and gravel (Rogers 1965; Dibblee 2004). According to the Web Soil Survey conducted for the proposed Project site (see **Appendix N** of the Draft EIR), the site consists of Carsitas fine, gravelly and cobbly sand with no clay content. Such soils are excessively drained with low runoff potential and due to the low clay content in underlying soils at the site, these near surface soils may be anticipated to have very low expansion characteristics.

In addition, the site is not located in an area known for expansive soil, and the potential for the proposed Project to create substantial risks to life or property, relating to expansive soils, is very low. In addition, the proposed Project would have to comply with the Uniform Building Code (1994) requirements, as well as the City of Palm Springs 2007 General Plan Safety Element goals and policies.

Since the proposed Project would not be located on expansive soils, therefore site development would not create substantial direct or indirect risks to life or property. Proposed Project impacts would therefore be less than significant; no mitigation measures are necessary.

### **XIII.B.6 GREENHOUSE GAS**

**Impact 4.7.2: The proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.**

Since it would be consistent with the County of Riverside Climate Action Plan, nor would it impede the State's progress towards carbon neutrality by 2045 under the State's 2022 Scoping Plan. The proposed Project would also be consistent with the Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS).

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not conflict with any applicable plans, policies, or regulations for greenhouse gas emissions. Therefore, the proposed Project's impact regarding potential conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases would be less than significant; no mitigation measures are necessary.

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

The proposed Project's Greenhouse Gas (GHG) emissions were calculated utilizing the County of Riverside CAP Update as a threshold. The County's CAP provides a menu of options for energy efficiency, renewable energy, water conservation measures, and additional measures that provide predictable GHG reductions. Each option within the screening tables includes point values based upon the GHG reduction that each measure can achieve relative to a development project. Projects that achieve at least 100 points from the screening tables are determined to have provided a fair-share contribution of GHG reductions and, therefore, are considered consistent with the County of Riverside CAP Update. Since 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, projects that comply with the CAP Update are assumed to have a less than significant GHG impact. The proposed Project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste, water, and construction equipment.

#### ***Consistency with State 2022 Scoping Plan***

The proposed Project would not impede the State's progress towards carbon neutrality by 2045 under the State of California 2022 Scoping Plan. The proposed Project would also 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 proposed development would be required to 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.

#### ***Consistency with the County of Riverside Climate Action Plan (CAP)***

The purpose of the County of Riverside CAP Update is to provide guidance on how to analyze GHG emissions and determine significance during the CEQA review of proposed development projects within the County. Since the proposed Project would comply with the County of Riverside CAP Update, in turn

the proposed Project would fulfill the description of mitigation found in the State CEQA Guidelines. The CAP Screening Tables ( see **Appendix A** of the Draft EIR) show that the proposed Project will garner 101 point and would therefore be consistent with the CAP Update.

***Consistency with the Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)***

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.

Therefore, the project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Impacts are considered to be less than significant; no mitigation measures are necessary.

**XIII.B.7 HAZARDS AND HAZARDOUS SUBSTANCES**

**Impact 4.8.1: The proposed Project would not create a potentially significant hazard through the routine transport, use or disposal of hazardous materials.**

Hazardous materials are toxic, ignitable or flammable, reactive and/or corrosive, the handling and management of hazardous are subject to federal, state, and local regulations. Specialized methods are mandated for the handling and disposal of hazardous wastes to mitigate risks to public health and the environment. Improper storage, application, transport, or disposal of hazardous materials and waste is generally a violation of federal or state law. The construction and operation activities of the proposed industrial facility may involve the use, transport, and storage of hazardous materials like paints, paint thinners, commercial cleaners, oils, fuels, lubricants, and other chemicals typically used in building construction would be located on the site during construction.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project has the potential to use hazardous materials during Project construction and operation, and should therefore adhere to federal, State, and regional regulatory standards related to the routine transport, use, or disposal of hazardous materials. Therefore, the proposed Project's impacts with regard to the used, disposal, or transport of hazardous materials would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The construction and operation activities at the proposed industrial facility site may involve the use, transport, and storage of hazardous materials like paints, paint thinners, commercial cleaners, oils, fuels, lubricants, and other chemicals typically used in building construction that would be located on the site during construction. Improper use, storage, or transportation of hazardous materials has the potential to result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. Although regular transportation of these materials is anticipated during the construction phase, involving the delivery and removal of materials at the site, such use of potentially hazardous materials during site construction would be short-term and limited to construction time periods.

The proposed Project would be required to comply with the applicable goals and policies in the Safety Element of the City of Palm Springs 2007 General Plan. This would assist in minimizing potential risks to health and safety that may result from potential spills or contamination from the use and disposal of

hazardous materials on the site. Additionally, all transportation and disposal of hazardous materials will be required to adhere to State and federal regulations, such as the Federal Resource Conservation and Recovery Act (RCRA). The RCRA mandates the tracking of hazardous waste from its point of generation to its ultimate environmental destination, emphasizing the importance of proper management and disposal procedures, and requires that a detailed tracking list be kept of all hazardous materials being transported and is part of the Palm Springs Municipal Code §16.04.115 Hazardous Materials.

In addition, to ensure the proper management of potentially hazardous materials on the construction site, the identification of building material staging areas is required by Construction General Permit (CGP) (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ) administered by the Regional Water Quality Control Board (RWQCB), which requires the development and implementation of a project-specific Stormwater Pollution Prevention Plan (SWPPP) for areas greater than one (1) acre. Since the proposed developed would occur over one (1) acre, the proposed Project's SWPPP is required to include comprehensive handling and management procedures for building materials, especially those that are hazardous and toxic. The designation of staging areas for activities is also required in the SWPPP. In order to further ensure the safety of the public, the California Health and Safety Code, administered by the California Environmental Protection Agency (CalEPA), establishes rules and regulations governing the use of hazardous materials and the management of hazardous waste. This regulatory framework, which operates at the state level, works in conjunction with federal laws like the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Operation of the proposed Project would also involve the use of hazardous materials such as solvents and commercial cleaners, fertilizers, and other landscape maintenance materials. Such substances have the potential to be hazardous during use and routine storage. However, all future uses at the site would be required to adhere to Section 92.17.1.00 of the City of Palm Springs Municipal Code, and Chapter 6.95, Article 2, of the California Department of Health Care Services (HSC). Site users would be required to prepare risk management plans (RMPs), detailing strategies to reduce the risk of accidental hazardous material release and submit them to the California Emergency Management Agency. Additionally, industrial facilities that store hazardous materials (e.g., fuel, pesticides) exceeding the threshold quantity would be required to 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). Further, all future tenants at the site would be required to comply with Occupational Safety and Health Administration (OSHA) regulations and standards, including worker personal protective equipment (PPE) requirements, and maintaining Safety Data Sheets (SDSs) for each chemical used on site. Additionally, hazardous materials, if onsite, would be required to be handled in compliance with manufacturer's standards to ensure proper use and handling.

With the proposed Project's required compliance with all applicable federal, State, and regional regulatory standards related to the routine transport, use, or disposal of hazardous materials, impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.8.2: The proposed Project would not create a significant hazard to the public or environment through the accidental release of hazardous materials.**

The construction and operation activities of the proposed industrial facility may involve the use, transport, and storage of hazardous materials typically used in building construction would be located on the site during construction. Hazardous materials have the capacity to cause harm or health hazard during normal exposure or an accidental release.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not create a significant hazard to the public through the accidental release of hazardous materials during Project construction and operation. Therefore, the proposed Project's impacts with regard to accidental of hazardous materials creating a significant hazard to the public or environment, would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The construction and operation activities of the proposed industrial facility may involve the use, transport, and storage of hazardous materials. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. Regular transportation of these materials is anticipated during the construction phase at the site. Operation of the proposed Project would involve the use and storage of materials that are hazardous (e.g., solvents and commercial cleaners, petroleum products, pesticides, fertilizers, and other landscape maintenance materials). However, the proposed Project would be required to adhere to all applicable federal, State, and local regulations, the relevant goals and policies of the City of Palm Springs 2007 General Plan Safety Element.

Therefore, the proposed Project's would not create a significant hazard to the public or environment through the accidental release of hazardous materials and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.8.6: The proposed Project would not impair implementation of, or would not physically interfere with, an adopted emergency response plan or emergency evacuation plan.**

The City of Palm Springs has adopted an Emergency Operations Plan (EOP) and a Local Hazard Mitigation Plan (LHMP) to address response and recovery under emergency situations related to natural or manmade disasters. The LHMP identifies the City of Palm Springs' hazards, reviews and assesses past disaster occurrences, estimates the probability of future occurrences and sets goals to mitigate potential risks to reduce or eliminate long-term risk to people and property. The EOP defines four (4) emergency management phases related to preparedness, response, recovery and mitigation.

The City of Palm Springs has identified local and regional evacuation routes in the event of emergencies. Of these, Interstate 10 (I-10) and State Highway 111 are located approximately 3,300 miles and four (4) miles, respectively to the proposed Project site.

The City of Palm Springs also has numerous policies in the Safety Element of its 2007 General Plan which require new development to prepare and maintain adequate measures for disaster response and recovery after any type of public emergency. The Safety Element also discusses natural and manmade hazards that might occur in the City of Palm Springs, and presents goals, policies, and actions that can help reduce the risk of these hazards.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not impair implementation of, or would not physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The proposed Project would add gated access routes off N. Indian Canyon Road and 18th Avenue as well as 19th Avenue. The site would develop two (2) internal roadways and construction of these internal roadways would occur during development of the proposed Project. The proposed development would also include underground connection of the site's water and sewer lines to the existing underground facilities, located along Indian Canyon Drive and 19th Avenue. Project access points would be reviewed by the City of Palm Springs Fire Department, to ensure adequate access for emergency vehicles. These internal site roadways would be required to conform to already established city street network and all access routes would be gated. The proposed Project would also be required to provide separate access routes to police and fire emergency vehicles. All final site plans and roadway design would require approval from the city and County police and fire departments. In addition, construction and operation of the proposed Project would be required to follow appropriate procedures under the City's Municipal Code as well as the City's LHMP and EOP.

Moreover, since the proposed Project would require trucks travelling to and from the site, both during site development and operations, the site tenants and the City of Palm Springs would be required to coordinate with the California Highway Patrol (CHP) that is in charge of spills that occur along State highways, as well as with Caltrans and County of Riverside safety offices in the event of emergency response and evacuation.

Therefore, the proposed Project would not create a significant hazard to the public or environment through the accidental release of hazardous materials and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.8.7: The proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.**

The proposed Project site is a currently vacant site located in a primarily undeveloped area of the city of Palm Springs. According to Cal Fire's Fire Hazard Severity Zone Maps, the proposed Project site is not located in, or near a Very High Fire Severity Zone (VHFHSZ), in a Local Responsibility Area (LRA), or a Fire Hazard Severity Zone (FHSZ) in a State Responsibility Area (SRA). However, according to the City of Palm Springs 2007 General Plan EIR, the proposed Project site and immediate surroundings are located in a Moderate fire hazard area.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Although the proposed Project site is not located in a VHFHSZ in a LRA or within a FHSZ in a SRA, the site and its immediate surroundings are within the site is primarily surrounded by vacant parcels and sparse industrial uses immediately to the east of N. Indian Canyon Drive, and immediately to the south of 19th Avenue. An animal shelter, a residential development, a few small commercial uses, and vacant lands are located to the north of 18th Avenue. While High, Very High and Extreme fire-hazard areas are situated south of I-10 and in the western and southern portions of the city, these areas do not immediately surround the proposed Project site. Moreover, development at the site would be required to adhere to appropriate goals and policies in the City of Palm Springs 2007 General Plan Safety Element.

Therefore, the proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires and impacts would be less than significant; no mitigation measures are necessary.

### **XIII.B.8 HYDROLOGY AND WATER QUALITY**

#### **Impact 4.9.1: The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**

Development of the proposed Project site would include the development and use of surface water detention basins as well underground water storage basins for stormwater detention. The proposed development would be required to adhere to applicable City of Palm Springs 2007 General Plan goals and policies as well as the requirements under the site's National Pollution Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP).

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would therefore be less than significant; no mitigation measures are necessary.

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

Since site clearance and preparation, construction, and grading for the proposed Project has the potential to result in temporary and localized erosion and sedimentation, the proposed Project would be required to develop and utilize a Storm Water Pollution Prevention Plan (SWPPP) in order to avoid potential adverse impacts to surface or ground water. The proposed Project SWPPP would also be required to include stormwater Best Management Practices (BMPs). In addition, the proposed Project SWPPP would be required to be prepared prior to all final approvals and prior to the issuance of a grading permit by the City of Palm Springs.

The proposed Project would also be required to acquire the necessary permits for construction and operation of the site under the MS4 water quality requirements under the National Pollution Discharge Elimination System (NPDES) process. It would also be required to acquire a NPDES Construction General Permit (CGP) for Stormwater Discharges Associated with Construction and Land Disturbance Activities. The CGP would be also required to comply with the State CGP and would be regulated by Regional Water Quality Contr5ol Board (RWQCB) Region 7 in accordance with the Porter-Cologne Act.

All site construction activities would also be required to comply with the South Coast Air Quality Management District (SCAQMD) Rules 403 and 403.1, as well as the City of Palm Springs Ordinance requirements for Fugitive Dust Control. Compliance with these requirements would ensure that the proposed development institutes and utilizes appropriate control measures for soil stabilization and sediment erosion at the site, particularly under proposed Project construction activities. As a result, soil erosion and impacts to surface water quality from site development would be minimized.

The Water Quality Management Plan (WQMP) developed for the proposed Project ( see **Appendix I** of the Draft EIR) has identified measures to mitigate stormwater runoff from proposed Project construction and operation. Moreover, the development of the proposed Project site would include the development and use of surface water detention basins as well underground water storage basins for stormwater detention. The proposed Project would also be required to comply with applicable State, local and City

regulations regarding stormwater retention and water quality standards, as well applicable goals and policies under the City of Palm Springs 2007 General Plan's Safety Element.

Therefore, the proposed Project would not violate any water quality standards or waste discharge requirements and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.9.3: The proposed Project would not substantially alter the existing drainage pattern of the site or area.**

Since the proposed Project site has been in historic use as a windfarm generation facility with no on-site building structures, there are on site infrastructures for water, wastewater or stormwater drainage. There are no existing storm infrastructure onsite or in the adjacent public roadway. There are no rivers or hydrologic features at or in the immediate vicinity of the site; therefore, there are no flood flows on or around the proposed Project site. The Federal Emergency Management Agency (FEMA)'s Flood Insurance Rate Map (FIRM) for the proposed Project site - panel 06065Cmc0895G, dated August 28, 2008, indicates the proposed Project site being located in FEMA Flood zone X or in an area with a moderate to low risk of a 0.2% annual chance of flood hazard. It is therefore not located within a Significant Flood Hazard Area (SFHA).

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not substantially alter the existing drainage pattern of the site or area, including the alteration of a stream or river through the addition of impervious surfaces which would result in substantial siltation or erosion on-or off-site; substantial increase in the rate or amount or surface runoff in a way that would result in flooding on-or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or, provide substantial additional source of polluted runoff, or impede or redirect flood flows. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

***Soil Erosion and Surface Runoff***

Proposed Project construction would include the incorporation of on-site as well as underground stormwater drainage and storage that would intercept convey and retain stormwater runoff resulting from a 100-year storm event. The retention basins would be required to be designed and constructed to provide operational erosion control and maintenance measures. All final Project hydrology, drainage and site plans would be reviewed by the City of Palm Springs Engineer to ensure that the proposed Project meets all City of Palm Spring Engineering standards for surface runoff as developed under the proposed Project's WQMP. City of Palm Springs review and approval of the proposed Project WQMP would ensure that the proposed Project would retain runoff on site.

The Preliminary Hydrology Report prepared for the proposed Project (see **Appendix I** of the Draft EIR) calculated that stormwater runoff volumes from the worst case 100-year storm event would result in approximately 991,665 cubic feet (cf) for building 1 and approximately 282,146 cf for However, the proposed Project would incorporate above and below ground stormwater retention basins that would have the total capacity to accommodate approximately 1,512,866 cf retention of stormwater runoff. The proposed Project would also be required to conform with the City of Palm Springs 2007 General Plan Safety Element goals and policies to ensure that site runoff was not released onto adjoining properties.

Therefore, stormwater runoff under a 100 year storm event would not result in flooding on-or odd-site and the proposed Project would not substantially alter the existing drainage pattern of the site or area, including the alteration of a stream or river through the addition of impervious surfaces which would result in substantial siltation or erosion on-or off-site; substantial increase in the rate or amount or surface runoff in a way that would result in flooding on-or off-site. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Stormwater Drainage***

The site is part of the Master Drainage Plan (MDP) for West Desert Hot Springs, prepared by Riverside County Flood Control and Water Conservation District along with City of Palm Springs, City of Desert Hot Springs, and other stakeholders to identify the regional flood protection facilities and local drainage infrastructure necessary to support future development within the MDP study area (see **Appendix I** of the Draft EIR).

The proposed Project site includes two (2) currently vacant parcels with poor vegetative cover located in the primarily undeveloped northern section of the city of Plam Springs. Historic uses for the site included wind farm infrastructure with no associated buildings at the site. The site generally slopes from north to the south, with stormwater runoff flowing onto adjacent properties along 19th Avenue, Chino Canyon White Water River, and eventually to the Salton Sea. There are no existing storm infrastructure onsite or in the adjacent public roadway. Since the proposed Project site would be impacted by offsite drainage flows from the north and northwest direction, all site stormwater retention and flows would be safely conveyed through the site and further downstream. The proposed Project would also be required to conform with all related goals and policies in the City’s General Plan Safety Element.

Therefore, the proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or, provide substantial additional source of polluted runoff. Impacts would be less than significant; no mitigation measures are necessary.

***Flood flows***

The proposed Project site is located in one of the main flow paths of the Whitewater River Watershed. Since the site slopes slightly but evenly from north to south, offsite runoff flows in large areas across the site and eventually connects with the City’s existing drainage system on 19th Avenue. There are no rivers or hydrologic features at or in the immediate vicinity of the site; therefore, there are no flood flows on or around the proposed Project site. In addition, there are no hydrologic features on the site that currently impede flood flows and all final hydrology and drainage plans for the proposed Project would be required to undergo City review prior to final Project approvals. The proposed Project would also be required to conform with the City’s General Plan Safety Element applicable goals and policies.

Therefore, the proposed Project would not impede or redirect flood flows and ipacts would be less than significant; no mitigation measures are necessary.

**Impact 4.9.4: The proposed Project would not result in site inundation due to flood hazard, tsunami, seiche zones, or risk release of pollutants.**

The proposed Project site is not located in a flood hazard, tsunami, seiche zones, or risk release of pollutants due to project inundation as the project is not in a flood hazard zone per FEMA flood map FIRM.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in a flood hazard, tsunami, seiche zones, or risk release of pollutants due to project inundation as the project

is not in a flood hazard zone per Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM) panel 06065Cmc0895G. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

According to the FEMA FIRM, the proposed Project site is located in Flood Zone X (please see Appendix I of the Draft EIR). A Flood Zone X is defined by FEMA to have minimal risks flood hazard.

The National Oceanographic and Atmospheric Administration (NOAA) defines tsunamis as “a series of waves caused by earthquakes or undersea volcanic eruptions. The proposed Project site is located over 65 miles from the Pacific Ocean to the east and approximately over 38 miles from the Salton Sea to the southeast. According to the California Department of Conservation’s Tsunami maps Riverside County and therefore the proposed Project site is not located within a Tsunami zone.

According to NOAA, a seiche “is a standing wave oscillating in a body of water”. Although the proposed Project is located over 38 miles from the Salton Sea and over 65 miles from the Pacific Ocean, channels of the Whitewater River are located approximately one (1) mile to the east and to the south of the proposed Project site, and the Colorado River Channel which is located approximately five (5) miles to the north of the site. Seiches have the potential to occur in these water bodies as a result of seismic shaking from earthquakes. Land areas immediately north of the site’s northern boundary at 18th Avenue and immediately to the east of N Indian Canyon Drive, which forms the eastern boundary of the site, are in the Alquist Prieto Fault Zone’s Banning Strand. Therefore, the proposed Project site may be susceptible to shaking from potential earthquakes and therefore seiche waves.

Development under the proposed Project has the potential to contribute to urban runoff and storm water runoff to the local drainage system through an increase in impervious surfaces through the development of concrete structures and asphalt parking lots at the site. However, the proposed Project would be required to adhere to the BMPs that would be mandated under Project approvals as well as requirements under the site’s NPDES permits. The proposed Project would also be required to conform with applicable goals and policies of the City’s General Plan Safety Element.

Therefore, the proposed Project would not result in site inundation due to flood hazard, tsunami, seiche zones, or risk release of pollutants and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.9.5: The proposed Project would not conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan.**

The proposed Project would be required to adhere to all federal, state, and local regulations and laws pertaining to hydrologic resources and quality as well as the regulations set forth by the City of Palm Springs. The Sustainable Groundwater Management Act (SGMA) sets statewide rules for managing groundwater, as outlined in California Water Code Section 10910 and California Government Code Section 66473.7. The proposed Project would be required to adhere to all federal, state, and local regulations and laws including the SGMA as well as the regulations set forth by the City of Palm Springs.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan. Impacts would therefore be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Since the proposed Project is over 650,000 square feet of industrial space, it meets the definition of a "project" under CWC 10912, requiring the preparation of a Water Supply Assessment (WSA). The WSA evaluates whether there will be enough water for the proposed Project over the next 20 years during normal, single-dry, and multiple-dry years, as required by Senate Bil (SB) 610 and SB 1262. It also reviews existing water supply agreements, water rights, contracts, and other arrangements that are related to providing water to the Project.

Therefore, a project specific WQMP had been prepared for the proposed Project in compliance with the standards under the Whitewater River Region Water Quality Management Plan for Urban Runoff, Whitewater River Watershed MS4 Permit (see **Appendix I** of the Draft EIR). The WQMP included guidelines for facility maintenance and other operations aimed at complying with local surface water quality requirements in accordance with the proposed Project's NPDES permit. The WQMP also required the proposed Project to undertake BMPs under for pre-treating contaminated stormwater and non-stormwater runoff, document the source and treatment controls with a required operation and maintenance program to comply with water quality objectives, and to accommodate nuisance water and storm water runoff from the site.

Based on the available MSWD's published water supply estimates, there would be sufficient water supplies to meet the demands of the proposed Project, as well as all existing and future demands in the district's service area, even in normal, single-dry, and multiple-dry years for the next 20 years (see Appendix I of the Draft EIR).

In addition, the proposed Project would be required to adhere to applicable goals and policies in the City of Palm Springs 2007 General Plan Recreation, Open Space and Conservation Element to ensure conformance with applicable quantity and quality of water to be used at the site.

Therefore, the proposed Project would not conflict with or obstruct implementation of water quality control of groundwater management plans and impacts would be less than significant; no mitigation measures are necessary.

**XIII.B.9 NOISE**

**Impact 4.10.1: The proposed Project would not generate a substantial increase in ambient noise levels in excess of applicable standards.**

The proposed Project would develop two large fulfillment center buildings approximately between 388,533 sf and 1,526,174 sf, with offices, truck loading docks, parking, and an internal street system. The currently vacant site would produce noise during the short-term construction as well as the long-term operations of the proposed development. Construction noise is regulated within Section 8.04.220 of the City of Palm Springs Municipal Code and Sections 8.12.100 and 9.04.030 of the City of Desert Hot Springs Municipal Code, work is not permitted on Sundays.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of established local or other agency standards. Therefore, the proposed Project's impact on ambient noise would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Project construction noise levels at nearby sensitive receptors were calculated using the Federal Transit Agency (FTA) methodology (see **Appendix E** of the Draft EIR). Construction noise levels are expected to reach up to between 56.5 and 57.7 dBA Leq at the nearest existing residential property line to the northeast of the proposed Project site. However, as would be required and enforced by the City of Palm Springs Department of Code Enforcement, proposed Project construction would not be permitted to occur outside of the mandated hours. Therefore, the proposed Project would not exceed City-established standards relating to construction noise.

The proposed Project would also be required to utilize best management practices (BMPs) that would be added to proposed Project plans and in contract specifications to minimize construction noise emanating from the proposed Project (see **Appendix E** of the Draft EIR).

Construction truck trips would occur throughout the construction period. Given the site's proximity to Interstate 10 (I-10), it is anticipated that vendor and/or haul truck traffic would take the most direct route to the appropriate freeway ramps. Indian Canyon Drive currently handles between approximately 9,500 and 9,600 average daily vehicle trips in the vicinity of the project site.<sup>3</sup> Existing traffic noise levels along Indian Canyon Drive range between 72.04 and 74.81 dBA CNEL (see **Table 4.10-7** of the Draft EIR). According to the CalEEMod modeling in the Air Quality, Global Climate Change, Health Risk Assessment, and Energy Impact Analysis prepared for the proposed Project (see **Appendix E** of the Draft EIR), the greatest number of construction-related vehicle trips per day would be during the demolition and paving phases of construction at up to 1,114 vehicle trips per day (801 worker trips and 313 vendor trips per day for both building construction). Furthermore, it is widely accepted that the average healthy human ear can barely perceive changes of 3 dBA in an outdoor environment and that a change of 5 dBA is readily perceptible. Therefore, vehicle traffic generated during proposed Project construction would be anticipated to be nominal relative to existing roadway volumes and would not result in the doubling of traffic volume necessary to increase noise levels by 3 dBA.

During Project operations, stationary noise source standards would be required to those as established within the City of Palm Springs Municipal Code Section 11.74.031(2) and the City of Desert Hot Springs Code (see **Table 4.10-8** of the Draft EIR). The property to the south of the Project site is zoned for manufacturing land uses and the property just west of the proposed Project site is zoned for energy land uses. Accordingly, the proposed Project would result in a significant impact if:

- Project operational noise exceeds the City of Palm Springs established noise standards of 70 dBA Leq between the hours of 7:00 AM and 6:00 PM; exceed 60 dBA Leq between the hours of 6:00 PM and 10:00 PM; or exceed 55 dBA Leq between the hours of 10:00 PM and 7:00 AM at the adjacent and nearby properties zoned for industrial/manufacturing/energy land uses.
- Project operational noise inside multiple family residential living areas exceeds the maximum permissible interior sound level of 45 dBA Leq between the hours of 7:00 AM and 10:00 PM or 35 dBA Leq between the hours of 10:00 PM and 7:00 AM

Properties north and east of the proposed Project site are located within the City of Desert Hot Springs. Properties north and east of the project site are zoned commercial and Specific Plan (Coachillin). No residential land uses currently exist or are proposed on these parcels. Therefore, the City of Desert Hot Springs standards for residential receptors is not applicable to this analysis.

Noise levels at nearby sensitive receptors were determined based on the SoundPLAN acoustical model developed for the proposed Project. Based on the operational noise modeling, proposed Project operation is expected to range between 42.0 and 54.6 dBA Leq at the adjacent land uses and would not exceed the City of Palm Springs thresholds for properties zoned for industrial/manufacturing land uses.

There are no nearby multiple family residential structures that would be affected by project generated noise. The proposed Project will not violate the City's interior noise standard.

In general, increases in ambient noise along affected roadways due to project generated vehicle traffic is considered substantial if:

- Project-related traffic causes an increase in the CNEL at any noise-sensitive receptor by an audible amount of 3 dBA and also causes the noise level at the receiving land use to exceed the noise standards detailed in the Noise Element of the Palm Springs 2007 General Plan.

The technical analysis for proposed Project noise impacts are included in **Appendix E** and in **Section 410: Noise** of the Draft EIR. Roadway noise levels were calculated at roadways were based on the Federal Highway Administration (FHWA) Traffic Noise Prediction Model methodology. During operation, the proposed Project is expected to generate approximately 3,451 average daily trips with 286 trips during the AM peak-hour and 305 trips during the PM peak-hour. Roadway noise levels were calculated for the following scenario (see **Table 4.10-7** of the Draft EOR):

- Existing (without Project): This scenario refers to existing year traffic noise conditions.
- Existing Plus Project: This scenario refers to existing year plus project traffic noise conditions.

As shown in **Table 4.10-7** of the Noise section for the Draft EIR, modeled existing traffic noise levels range between 55-75 dBA CNEL and the modeled Existing Plus Project traffic noise levels range between 62-76 dBA CNEL at the right-of-way of each study roadway segment.

The addition of proposed Project trips is not expected to increase noise levels in excess of 3 dB along any of the modeled roadway segments except for the segment of 19th Avenue West of Indian Canyon Drive.

The roadway segment of 19th Avenue West of Indian Canyon Drive has a modeled existing noise level of 55 dBA CNEL with an existing plus project noise level of 62 dBA CNEL, resulting in an increase of 6.23 dB. Although this increase is above 3 dB, the land adjacent to this roadway segment is designated as Industrial to the north and Regional Business Center to the south in the City of Palm Springs General Plan on Figure 2-2 General Plan Land Use. According to the City's Land Use compatibility for community noise exposure (City of Palm Springs General Plan – Noise Element; 2007) noise levels of up to 70 dBA CNEL are considered normally acceptable for commercial uses and up to 75 dBA CNEL are considered normally acceptable for industrial uses. Therefore, the existing plus project noise level of 62 dBA CNEL does not exceed the land use compatibility standards identified in the Noise Element of the City of Palm Springs 2007 General Plan. In addition, the proposed Project would be required to comply with applicable goals and policies in the City of Palm Springs 2007 General Plan Noise Element.

Therefore, the proposed Project would not generate a substantial increase in ambient noise levels in excess of applicable standards, and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.10.2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels.**

Groundborne vibration and noise during proposed Project construction would be temporary in nature and would be limited only during hours of construction. The most substantial sources of groundborne vibration during post-construction site operations will include the movement of passenger vehicles and trucks on paved and generally smooth surfaces. Most groundborne vibration may be associated with vehicular traffic and construction activities. Groundborne vibration is often localized and intermittent, caused by the use of construction equipment and the circulation of trucks hauling construction

equipment or debris. The Noise Study conducted for the proposed Project (see **Appendix E** of the Draft EIR) analyzed the potential impacts of vibration created by the proposed development.

Although Section 11.74.043 of the City of Palm Springs Municipal Code concludes that it is unlawful to operate or permit any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or one hundred fifty feet from the source if on a public space or public right-of-way, the City of Palm Springs has not established specific numerical thresholds of significance concerning groundborne vibration.

### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not generate excessive groundborne vibration or groundborne noise levels. Therefore, the proposed Project's impact on ambient noise would be less than significant; no mitigation measures are necessary.

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

Since the development site borders the City of Desert Hot Springs at its eastern boundary, the Noise Study conducted for the proposed Project also evaluated Project noise impacts to the areas in the City of Desert Hot Springs. Section 17.40.300 of the City of Desert Hot Springs Municipal Code prohibits vibration that is discernible beyond the boundary line of the property. In the absence of City-established numerical thresholds, groundborne vibration impacts are based on guidance from the Transportation and Construction Vibration Guidance Manual. Accordingly, the proposed Project would result in a significant impact if:

- Groundborne vibration levels generated by the project have the potential to cause architectural damage at nearby buildings by exceeding the following PPV:
  - 0.08 in/sec at extremely fragile historic buildings, ruins, ancient monuments
  - 0.10 in/sec at fragile buildings
  - 0.25 in/sec at historic and some old buildings
  - 0.30 in/sec at older residential structures
  - 0.50 in/sec at new residential structures and modern industrial/commercial buildings.
  - Groundborne vibration levels generated by the project have the potential to be strongly perceptible to people living or working in nearby buildings by exceeding a PPV of 0.1 in/sec.

Based on the groundborne vibration modeling (**Table 16** of the Noise Impact Study included as **Appendix E** of the Draft EIR), use of a vibratory roller is expected to generate a PPV of 0.020 in/sec and use of a bulldozer is expected to generate a PPV of 0.008 in/sec at the closest off-site building, a commercial structure located approximately 120 feet south of the proposed Project site. Other equipment anticipated to be used during project construction generate lower PPV. Therefore, groundborne vibration generated by project construction would not exceed the levels necessary to cause architectural damage or severe annoyance to persons living or working in nearby buildings.

In addition, the proposed Project would be required to adhere to applicable goals and policies in the City of Palm Springs 2007 General Plan Safety Element. The proposed development would also be required to incorporate noise attenuating site design so that site operations do not create groundborne vibrations and noise.

Therefore, the proposed Project would not generate excessive groundborne vibration or groundborne noise levels and impacts would be less than significant; no mitigation measures are necessary.

**XIII.B.10 POPULATION AND HOUSING**

**Impact 4.11.1: The proposed Project would not directly or indirectly, induce population growth in an area.**

The proposed Project would develop a currently vacant site with light industrial and office uses related to two (2) warehouse facilities. Although there is no housing proposed for the site, it is anticipated that the Project would generate new employment opportunities in the City of Palm Springs, some of whom may be existing city residents while others may be new residents moving into the city from surrounding jurisdictions. When the site is fully operational by 2026, the proposed Project has the potential to generate additional sources of employment in the city.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not directly or indirectly induce substantial unplanned population growth in an area. Therefore, the proposed Project's impact on population and housing would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

According to the Department of Finance (DOF), the city currently has a total population of approximately 44,092 people and the City of Palm Springs 2007 General Plan has anticipated a total population of 94,950 people under build out of the General Plan. In comparison, SCAG estimates a total of approximately 61,600 people for the city of Palm Springs by 2045. Should all 700 new employees for the proposed Project be drawn from outside the city of Palm Springs, then the city's population may be estimated to increase by 1,238 residents based on the 2023 Department of Finance calculation of 1.77 persons per household for the city. This would be an approximate increase of 2.8% of the 2023 population in the city of Palm Springs but would still result in population buildout well within the City's estimate of 94,950 persons under its buildout scenario, and would be under the SCAG's 2045 population forecasts of 61,600 people. Since this increase would be consistent with City of Palm Springs and regional growth projections, the proposed Project would not result in a substantial unanticipated population increase in the city of Palm Springs.

The proposed Project's increase in the city of Palm Springs employment has the potential to require housing opportunities within the city which offers a variety of housing stock consisting of single-family homes, condominiums/townhomes, apartments, and mobile homes. According to the draft Housing Element, the City of Palm Springs has 36,012 housing units as of 2020, with 85% of these being single-family homes. From 2010 to 2020, the City has experienced modest housing growth, averaging 250 new units built annually (see **Section 4.11: Population and Housing** of the DEIR). In addition, the City has recently approved applications for housing units that total 2,262 single-family and condominium unit which would contribute to the housing availability in the City for new households created by the proposed Project's employees. Further, the city of Palm Springs vacancy rates average between 4% and 10%. Therefore, any potential increases in the City's population and therefore housing needs generated by the proposed Project, would be accommodated by the anticipated increase in housing units under the City's buildout.

Employment growth resulting from proposed Project implementation would not have significant impacts because the increase has been anticipated under the City's General Plan Land Use Element as well as by SCAG's Draft 2024 Regional Transportation Plan/Sustainable Communities Strategy. It is therefore reasonable to assume that unemployed residents in the Coachella Valley could be sufficient to fill the projected 700 positions under the proposed Project.

The proposed Project has the potential to create positive economic results under its development. The proposed Project would be developed in an area of the City of Palm Springs under an M-2 zoning and its General Plan designation of Industrial with wind overlay, that is appropriate for the development of a fulfillment center. This would be consistent with the City of Palm Springs 2007 General Plan. Since the proposed Project would be required to meet all City development standards, the proposed Project would not induce substantial unplanned population growth in an area and impacts would be less than significant; no mitigation measures are necessary.

**XIII.B.11 PUBLIC SERVICES**

**Impact 4.12.1: The proposed Project would not require new or altered fire protection services in the city of Palm Springs.**

According to CalFire’s State Responsibility Area FHSZ map the proposed Project site is located within Federal Risk Assessment (FRA), and Local Risk Assessment (LRA) areas. According to the City of Palm Springs 2007 General Plan Safety Element, this portion of the city of Palm Springs and its immediate surroundings are not located in Direct Fire Protection Areas.

The proposed Project site would be served by the City of Palm Springs Fire Station 3, located in close proximity to the site. The site is not located with a Very High Fire Hazard Severity Zone (VHFHSZ) or State Risk Assessment area (SRA).

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in adverse physical effects associated with the need for new or altered fire protection services in the City of Palm Springs. Therefore, the proposed Project’s impact on fire services and facilities would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The closest High FHSZ and Moderate FHSZ areas to the proposed Project site are located in the city of Desert Hot Springs, more than approximately six (6) miles to the northeast and over five (5) miles to the northwest of the site, and over seven (7) miles to the southwest in unincorporated Riverside County.

Although the proposed Project would develop a current 91.97 acres vacant lot with two (2) large industrial structures on a currently underutilized parcel, all buildings would be constructed according to the City of Palm Springs Municipal Code and fire safety requirements. Construction and operation of the Project would increase the number of structures and employees in the Project area thus increasing demand for fire protection and emergency medical services.

The proposed Project would also be required to follow all applicable City of Palm Springs fire safety regulations during construction and operation, including the development and utilization of a circulation plan with sufficient emergency access routes.

The proposed buildings would be required to include fire safe building materials, and to install water mains, laterals, and hydrants to provide fire flow to all areas of the site. The buildings would be equipped with fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the California Fire Code adopted under Chapter 14, Section 40 of the Municipal Code, CBC, and other existing regulations regarding fire safety. In addition, the proposed Project would be required to comply with all applicable City development standards and fire safety codes as they relate to concepts of defensible space

and having provisions of sufficient water pressures on site, as well as all applicable State and federal fire safety standards during proposed Project construction and operation.

The proposed Project would also have to conform to the City of Palm Springs' Emergency Operations Plan (EOP) for pre-emergency and emergency response actions as well as recovery and mitigation phases of natural disasters such as wildland fires.

The proposed Project would be required pay all mandatory fees to maintain acceptable fire service levels in the city. All final plans and designs would also be required to review and approval by the appropriate City of Palm Springs departments to ensure adequate fire protection is available on the site. The proposed Project would also be required to comply with the applicable goals and policies under the proposed development would also be required to adhere to all applicable guidelines and policies in the Safety Element of the City of Palm Springs General Plan, thereby ensuring that construction and operation activities would not substantially impede emergency vehicle access or impair an emergency response plan or evacuation plan.

Therefore, impacts under the proposed Project related to Fire Protection and Emergency Response Services would be less than significant; no mitigation measures are necessary.

**Impact 4.12.2: The proposed Project would not require new or altered police protection services within the City of Palm Springs.**

The proposed Project would be located within the jurisdiction of the Palm Springs Police Department, located at 200 S Civic Drive, approximately six and half (6.5) miles to the southeast of the proposed Project site. The Palm Springs Police Department maintains an officer-to-citizen ratio of 2.3 to 1000 residences. There are currently no plans for expansion of the existing police facility that would serve the proposed development. This police facility maintains approximately 163 staff of sworn police offices and nonsworn part-time or administrative staff. In addition, the city maintains a formal and informal mutual aid agreement with Riverside County and the cities of Indio, Palm Springs, and Desert Hot Springs, Cathedral City and other neighboring police departments for law enforcement and emergency services.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in adverse physical effects associated with the need for new or altered police protection services in the City of Palm Springs. Therefore, the proposed Project's impact on police services and facilities would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

According to the Department of Finance (DOF), the City of Palm Springs currently has a total population of approximately 44,092 people. Although the proposed Project is anticipated to generate 700 new employment opportunities in the city, the proposed Project is not expected to create excessive population growth in the city. This would be due to anticipated employee growth being generated from within the city in general, and from other areas within Riverside County. Although it is also anticipated that some of these employees will come from within the region and thus would not contribute to a large increase in population in the city of Palm Springs, there is the potential of proposed Project operations to draw additional residents into the city of Palm Springs. This may cause an incremental increase in demand for police services in the city. However, if the proposed Project build-out does result in an additional new 700 service population in the city, this would still be within the City of Palm Springs standard of 2.3 officers per 1,000 persons.

According to the City of Palm Springs 2007 General Plan EIR, future growth in the city in accordance with the General Plan is expected to increase demand for police services particularly in areas that are currently vacant, such as the proposed Project site and its proposed development. However, the City of Palm Springs anticipates that future development project such as the proposed Project will be supported by adequate police services supported through the City of Palm Springs Community Facilities Fund which provides the City with the financial resources to hire additional police officers. Also, the proposed Project would be required to pay development impact fees pursuant to City of Palm Springs Municipal Code such that the proposed Project's fair share of fees are sufficient to maintain adequate levels of police support at the site and within the city. Further, any sales tax revenue generated by the development and business ventures on the proposed Project site may potentially be utilized by the City of Palm Springs to contract for additional police officers and necessary equipment in order to maintain adequate levels of police service not only within the city but also at the proposed Project site.

Therefore, impacts under the proposed Project related to Police Protection Services would be less than significant; no mitigation measures are necessary.

**Impact 4.12.3: The proposed Project would not require new or altered school facilities in the City of Palm Springs.**

The proposed Project site would result in the development of two warehouses within the Palm Springs Unified School District (PSUSD) boundary. It is anticipated that most of these new employees would be drawn from existing city and area residents who may have school age children attending PSUSD facilities. Most of these employees would be utilizing schools in their areas of residence. As such, the proposed Project would not result in a direct demand for new or expanded school services within the area.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in adverse physical effects associated with the need for new or altered school facilities in the City. Therefore, the proposed Project's impact on school facilities would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Although the proposed Project is anticipated to employ 700 people, it is not anticipated to generate new population, as the employees needed to operate the Project are anticipated to come from within the city in general, and from other areas within Riverside County. As such, substantial in-migration of employees that could generate new students is not anticipated to occur. Should any of the new employees move to the city of Palm Springs and want to enroll their children in City schools, there are schools in the PSUSD with sufficient capacity to accept additional students.

Additionally, under state law, the proposed Project would be required to pay PSUSD developer impact fees, calculated on a square-footage basis for new commercial and industrial development. Payment of these fees would offset impacts from increased demand for school services associated with the proposed Project by providing the necessary finances to construct new and maintain existing school facilities in the city. In addition, the proposed Project would be required to comply with applicable goals and policies in the City of Palm Springs 2007 General Plan Land Use Element, as well as State guidelines and payment of impact fees such as the California Government Code Section 65995 under the School Facilities Act of 1986 and SB 50, which authorizes school districts to collect impact fees from developers of new industrial projects.

Therefore, impacts under the proposed Project related to school facilities would be less than significant; no mitigation measures are necessary.

**Impact 4.12.4: The proposed Project would not require new or altered public service facilities in the City of Palm Springs.**

The City of Palm Springs Public Library has sufficient meeting room and study area spaces to meet existing or immediate new resident needs. Similarly medical services within the City of Palm Springs are provided by local and regional healthcare facilities and hospitals.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in adverse physical effects associated with the need for new or altered public service facilities in the City. Therefore, the proposed Project's impact on public service facilities would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Development of the proposed Project is anticipated to primarily employ existing City residents who will be utilizing the existing library services at the city's Public Library. Other Project employees who may be residing in other areas of the County, or who may relocate to the city and surrounding areas, would be utilizing public libraries in their areas of residence.

Similarly, under OSHA standards the proposed Project would be required to provide basic safety training and aids during site construction activities, as well as provide on-site safety materials such as basic medical kits. In addition, employees would have access to area hospitals and emergency clinics in and around their neighborhoods or in Riverside County to be to access area healthcare facilities. Further, the construction and development at the site would be required to adhere to applicable goals and policies in the City's General Plan Land Use Element .

Therefore, impacts under the proposed Project related to public service facilities would be less than significant; no mitigation measures are necessary.

**XIII.B.12 RECREATION**

**Impact 4.13.1: The proposed Project would not require the construction or the expansion of existing neighborhood and regional facilities.**

The proposed Project would develop two (2) vacant parcels in the northern portion of the city of Palm Springs into two (2) large scale industrial business complexes. No residential development is proposed on the site and the majority, if not all, potential employees are anticipated to be drawn from existing city and Riverside County residents. New employees that would need to relocate to the city or County would access the existing neighborhood and regional recreational facilities. The nearest park areas and golf courses are located approximately more than two and half (2.5) miles to the south of the site.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not require the construction of new recreational facilities or the expansion of existing recreational facilities in the City. Therefore, the proposed Project's impact on recreational facilities would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The City of Palm Springs 2007 General Plan as well as its 2040 General Plan Update Land Use Element recognizes that there is a deficiency in sufficient parkland space in the city. Currently, recreation service areas in the city are clustered around the central and southern portions of the city, with a majority of Parkland Deficiency Areas or areas outside a one (1) mile radius from a residential community, located to in the southern portions of the city.

Typically, residential development increases the need for new parks and increases the use of existing community wide park facilities. The City of Palm Springs currently has a low jobs-to-housing ratio indicating unmet demand for jobs and therefore future needs for additional residential housing or recreation sites, as indicated in section 5.12: Population and Housing of the City of Palm Springs General Plan EIR. However, future residential development within the City of Palm Springs and its Sphere of Influence would be required to dedicate parkland space or to pay in-lieu fees, or a combination of both, to ensure the provision of adequate parks and recreational facilities for the City of Palm Springs future residents.

While the proposed Project may indirectly contribute to the city of Palm Springs' expected population growth between 2020 and 2045 as estimated by the Southern California Association of Governments (SCAG), the additional residential development planned under the City of Palm Springs existing General Plan and its 2040 General Plan Update will fund the needed parks and recreational facilities to serve these new residents through any area Park Improvement fees, and residential development required Quimby fees

Although the proposed warehouse development is anticipated to generate approximately 700 new employment opportunities in the city of Palm Springs, some of these employees would be existing residents in the city and surrounding communities and areas of Riverside County. These existing residents would have access to parks and recreational uses within and around their neighborhoods. Any potential new residents would increase the demand on parks and recreational facilities in their neighborhoods; however, such an increase in use would be limited and would not result in deterioration of facilities such that the construction or expansion of recreational facilities would be necessary. Since, as an industrial and commercial facility, the proposed Project would not require any associated recreational facilities the construction of which could have an adverse physical effect on the environment.

Therefore, the proposed Project would result in less than significant impacts in relation to the need for new or expanded recreational facilities; no mitigation measures are necessary.

**XIII.B.13 TRANSPORTATION**

**Impact 4.14.3: The proposed Project would not substantially increase hazards due to a geometric design feature.**

The proposed Project would develop the existing vacant site with industrial and office uses as allowed under the City's General Plan and Zoning Code. Roadway improvements in and around the proposed Project site would be designed and constructed to satisfy all City and Caltrans requirements for street widths, corner radii, intersection control as well as incorporate design standards tailored specifically to project access requirements that would result in the safe and efficient flow of traffic. Moreover, all internal roadways would access the site within established roadway geometric features and standards.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not increase

roadway hazards. Therefore, the proposed Project's impacts from substantial increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Impacts associated with the construction of the proposed Project may temporarily restrict vehicular traffic along N Indian Canyon Avenue and 19th Avenue. However, construction operations would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road or lane closures. During construction, worker vehicles, haul trucks, and other vendor trucks would be staged on a portion of the proposed Project site.

Access and circulation for the proposed Project would be provided through four (4) driveways from N. Indian Canyon Avenue, and additional driveways from 19th and 19th Avenues. These would be gated and constructed at a minimum street width required under the CA Fire Code. Driveway isles and internal sidewalks for the proposed Project would be of appropriate width according to the city of Palm Springs standards. Trucks accessing and leaving the proposed Project site would be routed primarily along N. Indian Canyon Avenue and all other existing City-designated truck routes to access I-10 and SR 65, which would limit potential safety conflicts between passenger vehicles and trucks.

The proposed Project would be required to be designed and constructed in accordance with the City of Palm Springs engineering standards, for roadway design, traffic signing, striping, pedestrian walkways/crossovers, and traffic control improvements. In addition, all proposed Project final grading, landscaping, and street improvement plans would be required to demonstrate that applicable sight distance requirements have been met and that adequate emergency vehicle access and circulation to and from the site has been provided to the satisfaction of the City of Palm Springs Public Works and Fire Departments. Additionally, all building frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with applicable City of Palm Springs regulations.

Therefore, impacts under the proposed Project related to public service facilities would be less than significant; no mitigation measures are necessary.

**Impact 4.14.4: The proposed Project would not result in inadequate emergency access at the site.**

The proposed Project would not result in inadequate emergency access since development at the site would have to provide for adequate access to and from the site particularly for emergency service responders during both site construction as well as operation.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would address emergency access to and from the site. Therefore, the proposed Project's impacts from potential inadequate emergency access would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Direct access to the proposed Project site would be from the major access points along N. Indian Canyon Avenue to the east of the site, and from secondary access off 18th Avenue and 19th Avenue. Construction activities would not restrict access of emergency vehicles to the site or adjacent areas. Travel along N. Indian Canyon Avenue and 19th Avenue would remain open even under site construction and would not interfere with emergency access to the site vicinity. However, any roadway improvements and installation

of driveways that would be implemented during construction may require the temporary closure of travel lanes along N. Indian Canyon Avenue.

The proposed Project would also be required to design and construct internal access, and size and location of fire suppression facilities to conform with the City's fire protection standards. The Fire District would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements of the California Fire Code (Title 24, California Code of Regulations, Part 9).

In addition, final project plans would be required to demonstrate adequate emergency vehicle access and circulation to the satisfaction of the City of Palm Springs Public Works and Fire Departments. Per the City of Palm Springs 2007 General Plan Safety Element, the final plans would also be required to show appropriate fire department approved emergency roadway design and facilities including fire hydrants and that the proposed Project is not located on any of the four main points of roadway access (lifelines) to the city. In addition, in accordance with the City of Palm Springs engineering standards, all on-site and off-site roadway design, signing/stripping, and traffic control improvements would be required to be submitted for review and constructed following applicable State/Federal engineering standards. The proposed Project would also be required to demonstrate compliance with the City of Palm Springs municipal parking requirements. Also, construction activities would be expected to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with the City of Palm Springs construction permitting process.

Therefore, impacts under the proposed Project related to public service facilities would be less than significant; no mitigation measures are necessary.

#### **XIII.B.14 UTILITIES**

**Impact 4.16.1: The proposed Project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.**

As a currently vacant area, the proposed Project would require the development of new utility service line that would connect to existing City utility lines for water, electric power, natural gas and telecommunications at N Indian Canyon Drive to the east, or 19th Avenue to the south of the site. The proposed development would connect to existing services in the surrounding development to the north, east and south of the development site, for water supply, wastewater treatment, stormwater drainage, electric power, natural gas, as well as telecommunication services.

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, the proposed Project's impact on utility service systems would be less than significant; no mitigation measures are necessary.

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

##### ***Water***

The Mission Springs Water District (MSWD) does not currently use or intend to use any local surface water as part of its urban potable water supply. Local runoff is captured and used for groundwater recharge. Water to the site would be provided by MSWD via site constructed connections or laterals to existing lines

located along N Indian Canyon Avenue and 19th Avenue. A new private water line would connect to the public 16-inch water main in order to provide water to the new development. A fire line at the site would connect the building fire hydrant and sprinkler system to existing city and County lines. The infrastructure and design components for the proposed Project would be required to be consistent with MSWD requirements and the RUWMP. The final plans for the proposed Project would be reviewed by City and MSWD staff to ensure compliance with all current and applicable water requirements.

In addition, the proposed Project would be required to adhere to the goals policies in the City of Palm Springs General Plan Circulation Element as well as the Recreation, Open Space and Recreation Element to ensure the availability of adequate water supply to the site.

No new off-site water facilities are required as a result of the proposed site development. Therefore, the proposed Project impact in relation to water would be less than significant; no mitigation measures are necessary.

***Wastewater***

MSWD provides water and wastewater service throughout the northern portion of the Coachella Valley and the city. MSWD would therefore provide wastewater to the proposed Project site. The proposed Project would utilize a new private sewer line that would collect flow from the site and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. Flows would then be delivered to the Horton WWTP, which has the capacity to meet the site's proposed Project needs for wastewater treatment. The proposed Project would also be required to submit final engineering plans for review by the City of Palm Springs and Mission Springs Water District to assure compliance with all current requirements for wastewater as well to determine that MSWD has adequate capacity to meet wastewater demands at the site.

In addition, the proposed Project would be required to adhere to the goals and policies in the City of Palm Springs General Plan Circulation Element

Therefore, the proposed Project impact in relation to wastewater would be less than significant; no mitigation measures are necessary.

***Storm Water Drainage***

There are no public storm water improvements in the area surrounding the proposed Project site which is located within the Coachella Valley drainage area. The Coachella Valley Water District (CVWD) has set up systems to capture significant amounts of local runoff at the WWGRF, the Mission Creek GRF, and in debris basins and unlined channels throughout the western Coachella Valley. Additional stormwater will be captured upon completion of the Thousand Palms Flood Control Project, and once flood control is built in the Oasis area.

As a standard requirement, the proposed Project site would incorporate stormwater management by conveying site runoff into on-site retention basins with a combined capacity to handle the water quality management plan design capture volume and controlling 100-year storm event volume.

Stormwater drainage for the proposed Project would be provided along the eastern and western boundaries of Building 1. Though the proposed Project would involve the creation of stormwater drainage systems, these would be a part of the final Project design. As such, the proposed Project would be required to submit final engineering and design plans for review by the City of Palm Springs and Mission Springs Water District to assure compliance with all current requirements for stormwater retention at the site. In addition, the proposed Project would be required to adhere to the goals and policies in the City of Palm Springs General Plan Circulation Element as well as the Recreation, Open Space and Recreation Element.

This would ensure that the appropriate payment of the required connections and expansion to the existing stormwater infrastructure so to adequately serve the proposed development.

Therefore, the proposed Project impact in relation to stormwater would be less than significant; no mitigation measures are necessary.

***Electric Power***

The proposed Project site is within the SCE service area for electric service and would be required to connect to the existing off-site SCE electrical infrastructure to provide electricity to the site. Development at the site would also be required to comply with the appropriate City General Plan Circulation Element goals and policies. Buildout of the proposed Project, and additional forecasted growth in SCE's service area would cumulatively increase the demand for electricity supplies and infrastructure capacity. SCE's service area consumed approximately 103,045 GWh electricity in 2021 and this is anticipated to increase to approximately 129,000 GigaWatt hours GWh annually by 2030. The City of Palm Springs, along with SCE, 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. SCE has met or exceeded all State required Renewable Portfolio Standard requirements to date, procuring renewable energy from diverse renewable sources.

It was estimated that the electricity demand under site operation to be at 10,094,252 kilo watt hours/year (please see **Appendix I** of the Draft EIR). The electricity demand on the site, at any given time would vary throughout the construction period based on construction activities being performed and would cease upon completion of construction. Energy codes established by the State would be implemented as an effort to reduce energy consumption and increase energy efficiency at the site.

Therefore, impacts under the proposed Project related to energy consumption would be less than significant; no mitigation measures are necessary.

***Natural Gas***

Natural gas will be provided to the proposed Project site by Southern California Gas Company through the extension of existing natural gas infrastructure located in the existing rights-of-way. At present there are existing 4-inch underground natural gas lines located approximately a half-mile west, in 19th Avenue.

The proposed Project's operational consumption of natural gas is estimated to be 36,405,430, kBtu (approximately 36,35,400 cf) of natural gas. Based on the 2018 California Gas Report, the California Energy and Electric Utilities estimates the proposed Project would consume less than 0.1% of forecasted consumption of natural gas within the planning area. The proposed development would also be required to adhere to the City's General Plan Circulation Element goals and policies.

Therefore, impacts under the proposed Project related to natural gas would be less than significant; no mitigation measures are necessary.

***Telecommunications***

The proposed Project site is located within Frontier's and Charter Communications' service area for telecommunication services. In addition, the proposed development would be able to connect to existing cable, telecommunications lines located along N Indian Canyon Drive and 18th Avenue. All site improvements would also be required to comply with the City's Circulation Element in its General Plan. The proposed Project would not require or result in the relocation or construction of new or expanded telecommunication facilities.

Therefore, impacts under the proposed Project related to telecommunication facilities would be less than significant; no mitigation measures are necessary.

**Impact 4.16.2: The proposed Project would have sufficient water supplies available to serve the Project and reasonable foreseeable future development during normal, dry, and multiple dry years.**

As a currently vacant area, the proposed Project would require sufficient water supplies to maintain site operations. Groundwater is the primary source of domestic water supply in the city of Palm Springs and the surrounding areas in Riverside County. The MSWD provides potable water to this portion of the City of Palm Springs. MSWD's Regional Urban Water Management Plan (RUWMP) guides the District's efforts to eliminate overdraft, prevent groundwater level decline, protect water quality, and prevent land subsidence. MSWD currently receives 100 percent of its water supply from groundwater production and does not purchase imported water from a water wholesaler.

Domestic water supplies and associated landscape irrigation supplies for the proposed Project will be provided by groundwater from the Mission Creek Subbasin in the Coachella Valley Groundwater Basin, provided by SWD's potable water distribution system. Groundwater storage would be used in dry years to make up the difference between the demand and the supply. According to the 2020 RUWQMP, during normal years, MSWD will be able to meet current and future urban water demand needs projected in the 2020 Regional UWMP. During single-dry years, MSWD will be able to meet current and future urban water demand. During normal years, MSWD will be able to meet current and future urban water demand needs projected in the 2020 Regional UWMP.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would have sufficient water supplies to serve the Project as well as reasonable foreseeable development under normal, dry, as well as multiple dry years. Therefore, the proposed Project's impacts on water supplies would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Development of the proposed Project would result in an overall increase in water demand to the currently vacant site. The Water Supply Assessment and Water Supply Verification (WSA/WSV) conducted for the proposed Project (see **Appendix I** of the Draft EIR) concluded that the proposed Project will need 254.5 acre-feet of water per year (AFY), or about 2.51 acre-feet (AF) per acre. This means that based on current water planning estimates, there will be enough water to meet this demand. The WSA also determined that MSWD's published water supply estimates are adequate for the Project's needs, along with the existing and future demands in the district's service area, even in normal, single-dry, and multiple-dry years for the next twenty years.

The WSA calculated that the proposed Project would generate a total industrial water need of 254.5 Acre Feet per Year (AFY), an indoor residential water demand of 0 AFY, indoor commercial and industrial water demand of 204.9 AFY. The proposed development's outdoor irrigation water demand was estimated to be 49.6 AFY, while its projected outdoor water features demand was estimated to be 0 AFY since there are no outdoor water features proposed at the site (see **Table 4.16-1** and **Table 4.16-2** of the Draft EIR)

However, in order to ensure continued water service at the site, the proposed Project would need to enter into an agreement with the MSWD. This agreement would also require payment of any fees or charges, submission of plans and specifications, and compliance with any other requirements MSWD has in place. The proposed Project would also be required to abide by Mission Spring Water District Water Efficient

Landscaping Guidelines as well as 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 enhance the appearance of the community, establish buffers between abutting land uses and public rights-of-way, reduce heat and glare, control soil erosion, 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 proposed Project would therefore be required to implement water conservation measures to reduce impacts to the public water supply per existing requirements.

The proposed Project would also be required to comply with the appropriate goals and policies of the City of Palm Springs General Plan Circulation Element and the Recreation, Open Space and Conservation Element.

Therefore, the proposed Project impacts to water supplies would be less than significant; no mitigation measures are necessary.

**Impact 4.16.3: The proposed Project would not result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.**

The MSWD operates two (2) wastewater treatment plants and provides service to the city of Palm Springs and this portion of Riverside County. These include the Horton Wastewater Treatment Plant (Horton WWTP) and the Desert Crest Wastewater Treatment Plant (Desert Crest WWTP). Both treatment plants use an extended aeration process and dispose of non-disinfected secondary wastewater in ponds on the southwest (potable water) side of the Mission Creek Faults. Some of the effluent is also used for irrigation and maintenance at the treatment plants.

The Horton WWTP has a treatment capacity of 2.3 million gallons per day (MGD) which is sufficient to meet additional wastewater needs within the city and SOI areas. The plant’s average daily flow into Horton WWTP in 2020 was approximately 2.0 MGD (see **Appendix I** of the Draft EIR).

The Desert Crest WWTP has a smaller capacity of 0.18 MGD, serving a country club development and a mobile home park. The average daily flow at this plant in 2020 was about 0.05 MGD (see **Appendix I** of the Draft EIR).

MSWD is also constructing the Nancy Wright Regional Water Reclamation Facility (NWRWRF) to meet growing wastewater demands within its service area. This new facility will treat an additional 1.5 million gallons of wastewater per day. In a later phase, the District plans to implement tertiary treatment facilities to produce recycled water meeting Title 22 standards. This recycled water can then be used for replenishing the Mission Creek Subbasin and irrigating public green areas, golf courses, and playing fields.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project site had adequate capacity to serve the Project’s projected demand, in addition to the provider’s existing commitments and capacity. Therefore, the proposed Project’s impacts on wastewater capacities and services would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The proposed Project would utilize a system of new private sewer line that would collect flow from the site and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. Flows would then be delivered to the Horton WWTP. The proposed Project’s would also be required to submit final

engineering plans for review by the City of Palm Springs and the Mission Springs Water District to assure compliance with all current requirements for wastewater as well to determine that MSWD has adequate capacity to meet wastewater demands at the site.

The proposed development would be required to comply with the appropriate goals and policies of the City of Palm Springs General's Circulation Element and is not anticipated to exceed the City's wastewater capacity demand and impacts would be less than significant.

Therefore, the proposed Project impacts to wastewater collection and treatment capacities would be less than significant; no mitigation measures are necessary.

**Impact 4.16.4: The proposed Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

Solid waste would be generated by the proposed Project construction as well as operation activities. Solid waste generated by the proposed Project would be transferred to the Edom Hill Transfer station.

#### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project's generation of solid waste would not be in excess of state or local standards. The Planning Commission also finds that the proposed Project's generation of solid water would not be in excess of local infrastructure capacities such as to impact the attainment of solid waste reduction goals. Therefore, the proposed Project's impacts on solid waste generation and treatment capacities would be less than significant; no mitigation measures are necessary.

#### ***Facts in support of Findings***

The proposed Project is a fulfillment center with primarily warehouse uses in addition to office spaces and would employ approximately 700 on-site employees. Solid waste generated by the proposed Project would be transferred to the Edom Hill Transfer station which can receive a maximum of 3,500 tons per day and processes about 2,000 pounds per day. Based on CalRecycle's Estimated Solid Waste Generation rates typically created by industrial uses such as the proposed Project, solid waste generation for the proposed Project was calculated to be approximately 9,674 pounds (lbs)/per/employee per day, or approximately 4.84 tons per day.

The Riverside County Department of Waste Resources (RCDWR) also provides services to the landfilling of non-hazardous county waste in accordance with applicable federal, State and local regulations and ordinances. RCDWR has projected to have current landfill capacity for 15 years, and its facilities would be available to serve the landfill needs under the proposed Project. All waste from the proposed Project site would be delivered to Lambs Canyon Landfill that serves the city of Palm Springs. This landfill has a permitted capacity of 5,000 tons per day and 19,242,950 cubic yards of remaining capacity over a 703 acre site, with a closure date of 2032.

Therefore, the proposed Project impacts to solid waste generation and treatment capacities would be less than significant; no mitigation measures are necessary.

**Impact 4.16.5: The proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.**

The proposed Project would develop two (2) new warehouse and office facilities on a currently vacant site. This, in turn, would result in the generation of solid waste at the site which would be subject to the

solid waste generation and disposal requirements set forth under the California Green Building Standards Code which requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste from landfills.

The proposed Project would also be required to conform to requirements under AB 341 that stipulates diversion of a minimum of 75 percent of construction and operational solid waste, through recycling and/or reuse.

### **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would be in compliance with federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, the proposed Project's impacts on solid waste regulations would be less than significant; no mitigation measures are necessary.

#### ***Facts in support of Findings***

Implementation of the proposed Project would be required to be consistent with all state regulations, as ensured through the City's development project permitting process. Therefore, according to the City of Palm Springs Municipal Code (Chapter 6.04), the proposed Project would be required to coordinate with Palm Springs Disposal Services (PSDS) and to arrange for collection of recycled material and supply, as well as to provide an adequate number, size and location of collection containers with sufficient labels or colors for all construction and operation uses at the site.

In addition, the proposed Project would be required to comply with the appropriate goals and policies of the City of Palm Springs and the Riverside County's Climate Action Plans (CAPs) as well as the City of Palm Springs 2019 Climate Action roadmap such that all solid waste and landfill materials are disposed of in accordance with the City of Palm Springs waste management systems. This would ensure that the proposed development provides the appropriate trash collection services and strive for reduced (through recycling) or zero waste to landfills, practice recycling and composting of green waste.

The proposed Project would also be required to be consistent with the appropriate requirements under the goals and policies of the Circulation Element of the City of Palm Springs 2007 General Plan and to pay the appropriate fees for improvements to the city's to existing solid waste system in order to accommodate the needs under the proposed development.

Therefore, the proposed Project impacts regarding compliance with all local, State and federal statutes and regulations for the disposal of solid waste would be less than significant; no mitigation measure are necessary.

### **XIII.B.15 WILDFIRE**

#### **Impact 4.17.1: The proposed Project would not substantially impair an adopted emergency response or evaluation plan.**

The proposed Project site is not located in a State Risk Assessment (SRA) area. It is bounded by N Indian Canyon Road to the east and Interstate 10 (I-10) is located less than half a mile to the south of the site, both of which roadways have the standard widths to serve as emergency access. Site development would be required to follow established Emergency Operations Plans (EOPs) for emergency response. The proposed Project would not therefore substantially impair any adopted emergency responses or adopted emergency plans.

The proposed Project site is not located within a VHFHSZ or SRA area or within Direct Fire Protection Area. Nor is the site located in a VHFHSZ, or a FHSZ in a State Responsibility Area. The closest High FHSZ and Moderate FHSZ areas to the proposed Project site are located in the city of Desert Hot Springs, more than approximately six (6) miles to the northeast and over five (5) miles to the northwest of the site, and over seven (7) miles to the southwest in unincorporated Riverside County. According to CalFire's State Responsibility Area FHSZ map the proposed Project site is located within Federal Risk Assessment (FRA), and Local Risk Assessment (LRA) areas.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not impair any adopted emergency response or emergency evacuation plan. Therefore, the proposed Project's impacts on emergency response and emergency evacuation plans would be less than significant; no mitigation measures are necessary.

***Facts in support of Findings***

The proposed Project site is surrounded primarily by vacant land with no tree coverage, low shrub vegetation and minimal development. Some residential and commercial properties are located approximately between 1,900 feet to 2,800 feet to the north of the site, a few industrial uses are located 1,600 feet to the east of N. Indian Canyon Avenue, some retail and warehouse properties, are located south of 19th Avenue, approximately between 1,500 feet to 3,400 feet to the south. An electric substation is situated approximately 1,600 feet to the southwest of the site, while solar farm and wind turbines are located approximately 4,000 feet and 3,500 feet to the southwest and west of the proposed Project site.

The City of Palm Springs Fire Station 3, located at 590 E Racquet Club Road, is the closest fire station in proximity to the proposed Project site, about approximately five and a half (5.5) miles to the southeast. Fire Station 3's response time is approximately five (5) minutes or less to majority of the areas of the city, including the proposed Project site and its surroundings. Additional fire support services to the proposed Project site would be provided by the RCFD which has two (2) fire stations located over approximately three and a half (3.5) miles to the northeast (Riverside County Fire Station 36) and northwest (Riverside County Fire Station 37) of the site.

The proposed Project would be required to follow all applicable City of Palm Springs fire safety regulations during construction and operation, including the development and utilization of a circulation plan with sufficient emergency access routes that can access I-10, a designated evacuation route. Therefore, construction and operation activities would not substantially impede emergency vehicle access or impair an emergency response plan or evacuation plan.

The proposed Project would also have to conform to the City's Emergency Operations Plan (EOP) for pre-emergency and emergency response actions as well as recovery and mitigation phases of a natural disaster, such as wildland fires.

The proposed Project would also be required to comply with the applicable goals and policies under the City's General Plan Safety Element.

Therefore, the proposed Project would result in less than significant impacts in relation to the potential impairments to existing City emergency response or emergency evacuation plans. No mitigation measures are necessary.

**Impact 4.17.2: The proposed Project would not expose site occupants to uncontrolled spread of wildfire or to pollutant concentrations from wildfires.**

The proposed Project would be subject to the California Building Code (CBC) regulations governing fire protection as well as the City's Code of Ordinances and EOP. In addition, the proposed Project would employ best management practices during site construction and Project operations. Previously in use as a wind farm, the proposed Project site is relatively flat and scattered with low lying shrubs; no trees exist on the site. The proposed Project site is located between three and half (3.5) to 10 miles from any of the city's surrounding mountain ranges. Therefore, wildfire risk due to slope or vegetation is considered to be low at the site, and the proposed Project would not be expected to expose site occupants to the uncontrolled spread of wildfire or to pollutant concentrations from wildfires.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would expose site occupants to wildfires or to uncontrolled spread of wildfires or from exposure to pollutant concentrations from wildfires and associated risks. Therefore, the proposed Project's impacts from wildfires would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Construction and operation of the proposed Project may utilize the use of hazardous materials such as petroleum products (see **Section 4.8 Hazards and Hazardous Materials** of the Draft EIR). The improper use, storage, or transportation of hazardous materials have the potential to result in accidental releases or spills, potentially posing health risks from pollutant concentrations or from the start of a wildfire. However, all hazardous materials used at the site would be subject to applicable federal and State laws and regulations related to the proper use, storage, and transport of hazardous materials. Construction equipment would be subject to standard operating procedures that would limit sources of ignition that could generate a wildfire. All construction and operational activities on the site would be required to have all equipment use and worker tasks conform to best management practices (BMPs) as well as fire safety protocols, including, but not limited to, on-site fire extinguishing equipment.

Although the majority of the city is not located in a VHFSHA, HFSHA, or MFSHA under SRA or VHFSHA under LRA, there are some areas in the southern and southeastern portions of the city that are VHFSHA under LRA and SRA. However, the proposed Project site is not located within a VHFHSZ or FHSZ in a SRA area, although, according to CalFire's State Responsibility Area FHSZ map, the site is located within areas designated as a FRA and a LRA. The closest High FHSZ and Moderate FHSZ areas are located in the city of Desert Hot Springs, more than approximately six (6) miles to the northeast and over five (5) miles to the northwest of the site, and over seven (7) miles to the southwest in unincorporated Riverside County.

According to the City of Palm Springs 2007 General Plan EIR, the proposed Project site and the majority of the city's geographic areas are located in a High Slope Erodibility area or have a higher potential for high wind, and are therefore at a higher risk of the spread of wildfire. As mentioned previously, the proposed Project site itself is relatively flat with a site elevation between 780 to 820 msl, and is located approximately five (5) miles away from steep slopes of the various mountain ranges in and around Riverside County. Further, all components associated with the proposed Project would be subject to the California Building Code (CBC) regulations governing fire protection as well as the City of Palm Springs Code of Ordinances and EOP. Activities on the site would be subject to local and regional restrictions on use or operation during high fire-risk conditions. The proposed buildings on the site would be required to have all the buildings being equipped with fire-sprinklers and other fire safety equipment. All of this would assure risks associated with development catching and spreading fire, with the potential to expose site

occupants to the pollutant concentrations of a wildfire, would be reduced. Additionally, all landscape for the proposed Project would be required to be reviewed by the Riverside County Fire Department (RCFD) as well as the City of Palm Springs Fire Chief. Furthermore, proposed landscaping would be required to meet the City and State fire safety requirements for defensible space and be routinely maintained and not allowed to become dry or overgrown such that it would create a fire hazard, based on proposed Project design plans.

In addition, the proposed Project would be required to comply with the City of Palm Spring General Plan Safety Element goals and policies.

Therefore, the proposed Project's impacts from the uncontrolled spread of wildfires or from exposure to pollutant concentrations from wildfires would be less than significant; no mitigation measures are necessary.

**Impact 4.17.3: The proposed Project would not exacerbate fire risks at the site.**

The proposed Project site is relatively flat with primarily open, vacant land and low vegetation. It is surrounded primarily by vacant land with no tree coverage, low shrub vegetation. N. Indian Canyon Road forms the site's eastern boundary, and 18th Avenue and 19th Avenue form the sites, northern and southern boundaries, respectively. Any development around the site is scattered with large areas of vacant land. Residential and commercial uses are located primarily to the north, while light industrial and commercial uses are located south of 19th Avenue. A primarily vacant business park use is situated to the east of N Indian Canyon Avenue, and open lands with a line of wind turbines and a solar facility if located to the west of the proposed Project site. Although the proposed Project would require development of infrastructure relative to power, water, sewer, stormwater drainage and an internal roadway system - Noble Drive and Indigo Drive, - such improvements under site development would decrease fire risks relative to existing conditions.

The site is not located in or near a SRA and does not contain any land classified as very high fire hazard severity zones.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would not exacerbate fire risks or result in or temporary or ongoing impacts to the environment through the installation or maintenance of associated infrastructure. Therefore, the proposed Project's impacts on exacerbated fire risks or temporary or ongoing impacts to the environment would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

The site is not located in or near a SRA and does not contain any land classified as very high fire hazard severity zones. Power would be provided to the site through a new underground distribution line that would extend from 18th Street, 19th Street and North Indian Canyon Drive and also connect to existing power lines and infrastructure located along these roadways. No new power poles would be located on the site. Future maintenance of the proposed Project facilities would not increase the risk of fire because the proposed uses on-site would not include any features that would have the potential to exacerbate fire risk or result in temporary or ongoing impacts to the environment.

The proposed Project site would also provide suitable access for emergency vehicles from 18th Street, 19th Street and North Indian Canyon Drive. Moreover, the proposed Project would not only be required to comply with the City Codes relative to site design, building construction, and the installation and

maintenance of infrastructure, but would also be required to obtain all applicable permits upon final approval under City Codes. The proposed Project would also be required to comply with the City's General Plan Safety Element.

Therefore, the proposed Project would not exacerbate fire risks and impacts would be less than significant; no mitigation measures are necessary.

**Impact 4.17.4: The proposed Project would not expose people or structures to significant wildfire risks.**

The proposed Project would include the construction and operation of two large fulfillment warehouses with limited pervious surfaces, the use of fire resistant building materials. As creating defensible spaces between the structure and other such conditions as required under the City's Code of Regulation and EOC. The site is approximately over one (1) mile to the north of the Whitewater River and over one (1) mile to a Whitewater River Channel to the east. The Colorado River Channel is located over approximately five (5) miles to the north of the site. However, these are primarily dry river channels that may temporarily retain some water during the wet season in the Coachella Valley.

The proposed Project site is surrounded primarily by vacant land with no tree coverage, low shrub vegetation. The site, however, is located within a Wildfire Influence Zone, and the site and its vicinity consist of wildfire susceptible vegetation within one and a half (1.5) miles from the wildland-urban interface or wildland-urban intermix zones. However, even in such areas, efforts can be made to prevent ignitions and limit wildfire loss by limiting vast areas of landscaping, using more impervious surfaces and fire resistant building materials, and creating defensible spaces so as to limit the spread of fire and reduce the risk to people and property.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that the proposed Project would not expose people or structures to significant wildfire risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the proposed Project's impacts on exposure of people or structures would be less than significant; no mitigation measures are necessary.

***Facts in Support of Findings***

Site development under the proposed Project would include the construction and operation of a warehouse distribution center with minimal office space. However, the proposed development would be required to be constructed in compliance with all required fire safety regulations.

The proposed Project site is not located in proximity to any mountain ranges nor is the site located within a Fire Hazard Safety Zone. Landslides that include rockfalls, deep slope failure, and shallow slope failure are not likely to occur at the site due to the absence of steep slopes. The site is relatively flat with a site elevation between 780 and 820 feet msl; therefore, the potential for a landslide on the proposed Project site is essentially non-existent. As a result, the proposed Project is not expected to 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. Moreover, the proposed Project would be required to adhere to applicable Goals and Policies in the Safety Element of the City of Palm Springs General Plan, and this would further ensure that the proposed Project construction and operation include fire resistant building materials, fire sprinklers, comply with all fire safety codes and regulations, provide for the adequate storage and supply of on site water resources for fire fighting needs, and provide for adequate access to fire and emergency vehicles and personnel.

Therefore, the proposed 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. Impacts would be less than significant; no mitigation measures are necessary.

**XIII.C FINDINGS REGARDING IMPACTS DETERMINED TO HAVE LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED UNDER DEVELOPMENT OF THE PROPOSED PROJECT**

The Draft EIR for the proposed First Palm Springs Commerce Center Project determined that the proposed Project would have Less than Significant Impact with Mitigation Incorporated on the issue areas discussed below. Pursuant to Section §21081(a)(1) of the Public Resources Code and Section §15091(a)(1) of the State CEQA Guidelines, the City of Palm Springs 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. The City of Palm Springs therefore hereby adopts the analysis, conclusions and findings regarding these following impacts and incorporates the same herein with respect to:

**XIII.C.1 AESTHETICS**

**Impact 4.1.1: With the incorporation of appropriate mitigation measures, the proposed Project would not result in an adverse effects on daytime or nighttime views as well as light and glare.**

The proposed Project site is an approximate 91.97 acre vacant parcel in a primarily undeveloped portion of the City. The site has grass, scattered shrubs and bush coverage over a major portion of the area. Some tree coverage and light scale industrial development are located along the eastern and southern sides of the property. In its present condition, the site does not generate any light and glare sources from the property. However, the existing light industrial and commercial uses to the south of the site do generate existing sources of daytime glare and nighttime lighting in the immediate vicinity.

The site currently does not have sources of lighting, with all lighting into the site being generated by light posts and building signage and lighting at the sparse surrounding industrial and commercial businesses located in the vicinity of the site. Vehicles travelling along Indian Canyon to the east and 19th Avenue to the south, do generate passing vehicular sources of daytime glare and nighttime lighting in the immediate vicinity of the site. Development of the proposed Project site would include new sources of daytime glare from reflections off truck windows and this has the potential to result in significant impacts under daytime glare and nighttime light. Therefore, the following mitigation measures would be required to minimize impacts to a less than significant level.

**Mitigation Measure AES-1:** *Throughout construction and the lifetime operations of the Project, the City of Palm Springs and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Palm Springs and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Palm Springs and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project

related potentially significant impacts associated with nighttime light and daytime glare would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measure AES-1** has been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

### *Facts in Support of Findings*

Development under the proposed Project has the potential to generate new sources of daytime glare and nighttime lighting onto and from the Project site. During site construction activities, sunlight would reflect off construction equipment and the site would utilize temporary light poles, temporary storage units and construction trailers in order to aid in nighttime site safety during construction. However, these sources of daytime glare and nighttime lighting would be temporary and would be required to comply with all applicable City regulations such as, but not limited to, downward orientation of nighttime construction lighting and use of perimeter fencing, would minimize glare and light spillage.

During site operations, the proposed Project has the potential to generate glare from the glass interposed facades, as well as nighttime light from proposed building lighting and signage, parking areas and internal roadways and walkways. However, the use of building materials such as concrete and anodized aluminum, building colors, articulated facades, and building finishes in accordance with the requirements by the City's Municipal Code would ensure that daytime glare from building on site would result in less than significant impacts. However, all new development in the City is required to adhere to lighting requirements contained in the City's Municipal Code §93.21.00 which is intended to maintain ambient lighting levels as low as possible in order to enhance the city's community character and charm and maintain dark skies. Therefore, site lighting on buildings, parking areas and internal roadway would be required to adhere to standards such as, but not limited to, the height of outdoor light poles, downward orientation of light fixtures, the size of luminaries and the use of Light Emitting Diodes or LED lighting, so as to reduce amount of light spillage on adjoining properties. In addition, all light sources in the site's parking areas, walkway and on the exterior of proposed buildings would be shielded downward. Adherence to General Plan policies and City lighting and signage standards would minimize potential light spillover through shielding, screening and landscaping.

The proposed development would also be required to adhere to the City of Palm Springs General Plan goals and policies thereby ensuring that building design and architectural quality utilize design appropriate to the area, and be sensitive to existing natural features while attracting industrial development designed so as not to be visually obtrusive to surrounding development by screening loading and outdoor storage areas.

Therefore, adherence to these policies in addition to **Mitigation Measure AES-1** would result in less than significant impacts in relation to light and glare.

## XIII.B AIR QUALITY

**Impact 4.2.3 With the incorporation of appropriate mitigation measures, the proposed Project would not expose sensitive receptors to substantial air pollutant concentrations.**

The incorporation of applicable significance thresholds for construction related health impact from pollutant concentrations, as established in compliance with the state and federal ambient air quality

standards, would ensure that public health at the proposed Project site is protected from both acute and long-term health impacts, depending on the potential effects of the pollutant.

The nearest sensitive receptors are existing single-family residential uses with the nearest property lines located approximately 563 feet to the northeast of the site boundaries (see **Appendix B** of the Draft EIR).

Therefore, the proposed Project's potential impacts from substantial air pollutant contaminants may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure AIR-1:** *The proposed Project shall adhere to SCAQMD Rules 403 and 403.1 and shall be required to obtain and prepare a Fugitive Dust Control Plan prior to Project approval.*

**Mitigation Measure AIR-2:** *Architectural coatings shall be applied to project buildings are to be limited to 20 grams per liter VOC and traffic paints shall be limited to 100g/L VOC content.*

**Mitigation Measure AIR-4:** *Under both construction and operation activities, the proposed Project shall utilize low flow water fixtures in all areas that would require water at the site.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with substantial air pollution concentrations would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures AIR-1, AIR-2 and AIR-4** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

Since regional and local emissions of criteria pollutants during construction of the proposed Project would be below the applicable thresholds, it would not contribute to long-term health impacts related to nonattainment of the ambient air quality standards. In addition, the proposed Project would incorporate mitigation measures so as to lessen adverse acute health impacts.

Given the temporary and short-term construction schedule (approximately 18 months), the proposed Project would not result in a long-term (i.e., lifetime or 30-year) exposure to pollutant concentrations as a result of Project construction. Furthermore, with incorporation of mitigation measures, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) would not exceed any local or regional thresholds.

During site operations under the proposed Project, compliance with state and federal ambient air quality standards would ensure that public health is protected from both acute and long-term health impacts, depending on the potential effects of the pollutant. The technical analysis for air quality impacts under the proposed Project have been evaluated and have been provided under **Appendix B** of this Draft EIR, which found that regional and local emissions of criteria pollutants during construction of the proposed Project would be below the applicable thresholds. Therefore,, it would not contribute to long-term health impacts related to nonattainment of the ambient air quality standards.

SCAQMD's Health Risk Assessment Guidance for analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis was utilized to determine if the proposed Project would have a significant impact related to hazardous air pollutants (HAP). Typically, the greatest potential for TAC emissions is related to diesel particulate emissions associated with heavy equipment operations during

construction of a project. According to the SCAQMD CEQA Handbook, any project that has the potential to expose the public to TACs in excess of the following thresholds would be considered to have a significant air quality impact, if the Maximum Incremental Cancer Risk is 10 in one million or greater; or TACs from the proposed project would result in a Hazard Index increase of 1 or greater. The proposed Project therefore conducted a health risk assessment in order to quantify project-generated TAC emission and to identify nearby ground-level receptor locations that may be affected by the emissions (including any special sensitive receptor locations such as residences, schools, hospitals, convalescent homes, and daycare centers).

The air quality and health risk assessment for the proposed Project also performed an air dispersion modeling analyses to estimate ambient pollutant concentrations at each receptor location as well as to characterize and compare the proposed Project's calculated health risks with the applicable health risk significance thresholds. It was found that, since regional and local emissions of criteria pollutants during operation of the proposed Project would exceed the applicable thresholds, it would contribute to long-term health impacts related to nonattainment of the ambient air quality standards, as well as the generation of toxic air contaminant emissions from diesel trucks at the site. Therefore, a Health Risk Assessment (HRA) for the closest sensitive receptors (located less than a mile to the northeast of the site) was conducted for the proposed Project (see **Appendix B** of the Draft EIR). The HRA found that the maximum incremental cancer risk (MICR) under the proposed development would not exceed 10 in a million at any sensitive receptor location.

Therefore, adherence to **Mitigation Measures AIR-1, AIR-2 and AIR-4** would result in less than significant impacts in relation to proposed Project effects from diesel emissions related cancer risks.

### **XIII.C BIOLOGICAL RESOURCES**

#### **Impact 4.3.1 With the incorporation of appropriate mitigation measures, the proposed Project would not have an adverse effect on candidate, sensitive, or special status species.**

The proposed Project site is currently vacant and undeveloped. The proposed Project would develop the site with light industrial and office uses related to two (2) warehouse facilities. Due to the vacant and disturbed site conditions, the proposed Project site shows no support for sensitive and special plant and animal species common to this area of Riverside County (see **Appendix C** of the Draft EIR).

The California Department of Fish and Wildlife defines "special-status species" as species that meet at least one of the following conditions:

- Species listed as threatened or endangered under the ESA or under consideration for possible future listing under the ESA;
- Species listed or under consideration for listing by the State of California as threatened or endangered under the California ESA;
- Plant species designated as rare under the California Native Plant Protection Act;
- Species meeting the criteria of endangered, rare, or threatened species as outlined in CEQA Guidelines section 15380, subdivision (b) and (d); and,
- Plants deemed locally significant due to their rarity within a specific local context, such as a county or region.

Although the proposed Project site is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the site is not located within any CVMSHCP designed Criteria Areas or Subunits. However, several sensitive plant species and burrowing owls may potentially exist on the site.

Therefore, the proposed Project's potential impacts on candidate, sensitive, or special status species may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure BIO-1:** *Prior to Project construction activities, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see <https://wildlife.ca.gov/Conservation/Plants>) shall be performed by a qualified biologist. Should any state-listed plant species (excluding CVMSHCP Covered Species) be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should any species of native plants designated as rare, threatened, or endangered by state law (excluding CVMSHCP Covered Species) be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation shall be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation shall be evaluated.*

**Mitigation Measure BIO-2:** *To the greatest extent feasible, Project construction activities shall avoid the peak nesting season (February 1 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer shall be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.*

**Mitigation Measure BIO-3:** *Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) prior to all vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that shall be implemented.*

*Proposed implementation of burrow exclusion and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory*

*mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the “Mitigating Impacts” section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls and the conservation status of adjacent or nearby suitable habitat, along with proposed relocation actions. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization shall be obtained prior to commencement of Project activities.*

*Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version). Preconstruction surveys shall be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities*

**Mitigation Measure BIO-4:** *Prior to vegetation removal or ground-disturbing activities, the City of Palm Springs shall collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.*

**Mitigation Measure BIO-5:** *Throughout construction and the lifetime operations of the Project, the City of Palm Springs and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Palm Springs and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Palm Springs and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with candidate, sensitive, or special status species as identified in local or regional plans, policies or regulations would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4** and **BIO-5** have been adopted by the City of Palm Springs and is enforceable through the proposed Project’s Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

The Biological Assessment Report (BAR) for the First Palm Springs Commerce Center Project determined that the proposed Project site does not support any sensitive and/or special status habitats for wildlife and plants species. Sonoran creosote bush scrub is the only dominant plant type on site.

Several sensitive plant species may potentially exist on the site. As per the U.S. Fish and Wildlife Service, "special-status species" encompass any species that has been officially designated as threatened or endangered by the U.S. Fish and Wildlife Service under the regulations of the Endangered Species Act (ESA) or is in the process of being considered for such listing. Additionally, special-status species include any species protected by state statute in a manner indicating potential vulnerability or risk of extinction.

The State of California Natural Resources Agency Department of Fish and Wildlife, Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities requires that botanical surveys be conducted in a manner that maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. The general field surveys conducted for the proposed Project were completed during a time when many sensitive plant species that could occur on the site could be detected.

The species and the likelihood of the species to occur onsite include:

***Special-Status Plants***

The Glandular ditaxis (*Ditaxis clariana*) is a species that is a perennial herb that blooms from December through March. The site can be considered a suitable habitat for this species. The Glandular ditaxis is a perennial but was not detected during site surveys that were conducted in the Fall season, and therefore is presumed to not occur onsite. The Glandular ditaxis is not listed as rare, threatened, or endangered by either the state or federal governments nor is it proposed to be listed at this time.

Ribbed cryptantha (*Johnstonella costata*) is a species that is an uncommon ephemeral known to occur on sandy soils in the Coachella Valley. Although the proposed Project site can be considered suitable habitat for this species, it was not detected on site. However, the surveys were conducted in November and early December when it is unlikely that this winter- and spring-blooming species would be detected. The ribbed cryptantha is not listed as rare, threatened, or endangered by either the state or federal governments nor is it proposed to be listed at this time. Additionally, no records exist on or near the proposed Project site.

Flat-seeded spurge (*Chamaesyce platysperma*), a species that is an uncommon ephemeral herb known to occur on sandy soils in the Sonoran Desert. There has been at least one specimen found in the Coachella Valley. The species was not detected on or near the proposed Project site, but the surveys were done in November when many ephemerals would not be in evidence. The flat-seeded spurge is not listed as rare, threatened, or endangered by state or federal governments nor is it proposed to be listed. Additionally, there are no records of its presence on or adjacent to the proposed Project site.

The Coachella Valley milk vetch (*Astragalus lentiginosus coachellae*) is a species that is an uncommon, spring blooming perennial herb that is known to occur on sandy soils in the Coachella Valley. No individuals were detected on or near the project site. This subspecies has been found less than a mile from the proposed Project site in similar habitat. Seeds of this species may, therefore, occur on the project site. The milk vetch is listed as endangered by the U.S. Fish & Wildlife.

White-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*): This species is a small ephemeral found on sand or gravel plains at middle elevations primarily west of SR 62. A handful of specimens have been found in the northwestern Coachella Valley. It was not detected during surveys at the site, but would not be in bloom and unlikely to be detected in November or early December.

The Slender cottonheads (*Nemacaulis denudate gracilis*) is a small ephemeral found primarily in the northwestern Coachella Valley. It is not known to be in bloom and was not in evidence at the proposed Project site in November and early December when the field surveys were conducted. It is a covered species under the CVMSHCP.

The Little San Bernardino Mountains Linanthus (*Linanthus maculatus*) is a small ephemeral found across the Sonoran Desert of California. Several individuals have been found in the Coachella Valley though all were found south of the proposed Project site. No records exist for its presence on, or immediately adjacent to the site boundaries.

***Arthropods***

Two (2) insect species known to occur within the Coachella Valley have been placed on the California Department of Fish and Game's Special Animals list. These species are the Coachella giant sand treader cricket (*Macrobaenetes valgum*) and Coachella Valley Jerusalem cricket (*Stenopelmatus calhouni*).

The USFWS has listed as endangered a third insect species, Casey's June beetle, (*Dinacoma caseyi*). However, none of these three insect species were found during the surveys. Casey's June beetle is a federally listed species but has never been found north of Vista Chino Road in the city of Palm Springs. Therefore, no further action is necessary, and no impact to special-status arthropod species would occur.

***Reptiles***

No special-status amphibian species were found during the surveys conducted for the proposed Project, and none are expected.

No individuals of the officially threatened Coachella Valley fringe-toed lizard (*Uma inornata*) were observed, detected, or expected due to the absence of areas of loose, windblown sand. Therefore, no impact would occur to Coachella Valley fringe-toed lizards.

No flat-tailed horned lizard (*Phrynosoma mcallii*) was observed, and no evidence or sign (scat, tracks) was found. Therefore, no further action is necessary, and there would be no impact to special-status reptile species.

No desert tortoise (*Gopherus agassizi*) was observed, and no evidence of any kind (shell fragments, scat, tracks, burrows) was found nor direct observations made. It is concluded this species does not occur within the proposed Project site and immediate vicinity at this time and no additional surveys for this species are recommended since the proposed Project would have no impact to desert tortoise.

***Birds***

With regard to special-status bird species, no observations or calls of LeConte's thrasher (*Toxostoma lecontei*) were recorded during the surveys. In the Coachella Valley, this resident species is strongly associated with golden cholla in which it nests. The golden cholla cacti within the proposed Project boundaries are considered too small (less than two [2] feet in height) to provide nesting or roosting sites for the thrasher. The LeConte's thrasher is a covered species under the CVMSHCP.

Two (2) special-status, avian species potentially occurring within the project boundaries are the loggerhead shrike (*Lanius ludovicianus*) and burrowing owl (*Athene cunicularia*). Loggerhead Shrike (*Lanius ludovicianus*) nest in dense shrubs or trees that are at least three to four feet in height. No such plants exist within or immediately adjacent to the proposed Project site. The shrike is a non-covered species and considered a Species of Special Concern by the state of California. No shrikes were observed at the project site.

Although no burrowing owls were observed at the site during the field surveys, the site has the potential to attract and provide habitat for burrowing owls.

No evidence of habitat or occurrence for the LeConte's thrasher (*Toxostoma lecontei*) were found at the proposed Project site or its immediate vicinity due to the lack of appropriate habitat. Casey's June beetle, (*Dinacoma caseyi*) is a federally listed species but has never been found north of Vista Chino Road in the

city of Palm Springs and therefore on or adjacent to the proposed Project site. Therefore, no impacts would occur to this species. The Palm Springs Ground Squirrel, a covered species under the CVMSHCP, has the potential to occur on site due to burrows being detected within the site boundaries during the biological field survey. However, no Palm Springs Ground Squirrels were observed at the site during the field surveys.

Migratory birds occurring in the project area are covered by the MBTA. Pre-construction nesting bird surveys in compliance with the MBTA would mitigate any potential project-related impacts to these species; therefore, a pre-construction survey for nesting birds would be required.

Although the site does not currently indicate the presence burrowing owls, the area does provide suitable habitat for burrowing owls. Therefore, adherence to **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-5** would result in less than significant impacts in relation to nesting birds.

**Impact 4.3.4 With the incorporation of appropriate mitigation measures, the proposed Project would not result in the substantial interference with the movement of any native resident or migratory wildlife species or with wildlife corridors, or wildlife nursery sites.**

According to the BAR conducted for the proposed Project, no special animal or plant species have been identified on the site. No wildlife movement corridors or native wildlife nursery sites were observed on the site. However, here is a potential for burrowing owls to occur at the site. Therefore, mitigation measures would be required to minimize impacts to a less than significant level.

**Mitigation Measure BIO-1:** *Prior to Project construction activities, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see <https://wildlife.ca.gov/Conservation/Plants>) shall be performed by a qualified biologist. Should any state-listed plant species (excluding CVMSHCP Covered Species) be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should any species of native plants designated as rare, threatened, or endangered by state law (excluding CVMSHCP Covered Species) be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation shall be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation shall be evaluated.*

**Mitigation Measure BIO-2:** *To the greatest extent feasible, Project construction activities shall avoid the peak nesting season (February 1 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre- construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer shall be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.*

**Mitigation Measure BIO-3:** *Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) prior to all vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that shall be implemented.*

*Proposed implementation of burrow exclusion and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigating Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls and the conservation status of adjacent or nearby suitable habitat, along with proposed relocation actions. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization shall be obtained prior to commencement of Project activities.*

*Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version). Preconstruction surveys shall be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities*

**Mitigation Measure BIO-4:** *Prior to vegetation removal or ground-disturbing activities, the City of Palm Springs shall collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with wildlife movement, wildlife corridors or wildlife nursery sites would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures BIO-1, BIO-2, BIO-3 and BIO-4** have been adopted by the City of Palm

Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

***Facts in Support of Findings***

The proposed Project site is currently vacant but had been utilized as an energy wind power generation farm site in the past. According to the BAR (please see Appendix C of the Draft EIR), no special animal or plant species have been identified on the site. No wildlife movement corridors or native wildlife nursery sites were observed on the site. There are no water bodies on the site or on the immediate properties surrounding the site; therefore no fish species or aquatic flora and fauna exist on the proposed Project site.

However, the site does have some Sonoran creosote shrub and provides suitable nesting habitat for the breeding, foraging and dispersing of nesting birds and burrowing owls. Although no burrowing owls were observed at the site and its immediate environs, there is a potential for burrowing owls to occur at the site.

Therefore, adherence to **Mitigation Measures BIO-1, BIO-2, BIO-3 and BIO-4** would result in less than significant impacts in relation to the movement of any native resident or wildlife species or with wildlife corridors, or wildlife nursery sites.

**XIII.D CULTURAL RESOURCES**

**Impact 4.4.1 With the incorporation of appropriate mitigation measures, the proposed Project would not have adverse changes in the significance of historical and archeological resources pursuant to §15064.5.**

Historic resources may be defined as structures, objects and sites of historical significance to an area. Such resources are typically over 50 years or more of age. Archaeological resources, often located along ridgelines and creek areas, are usually the artifacts of past human settlements and activities that may be historic or prehistoric in origin.

While the City of Palm Springs lists numerous historical and archeological resources within the broader city limits, records searches for the proposed Project site does not indicate the presence of such resources on the site itself. However, a records search for the surrounding one (1) mile area around the Project site, identified 54 resources (see **Appendix D** of the Draft EIR).

Therefore, the proposed Project's potential impacts on the significance of historical and archeological resources pursuant to §15064.5 may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

***Mitigation Measure CUL-1: Initial grubbing and grading of the property (first five feet) shall be monitored by a qualified archeologist and Native American monitor from either the Agua Caliente Band of Cahuilla Indians or other consulting tribe. Prior to any ground-disturbing activities the project archeologist shall develop an Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The AMTP shall also include the process for handling of and mitigating impacts to potentially significant Inadvertent Discoveries in accordance with CEQA requirements, including but not limited to the potential for avoidance or reburial within an open space area of the project as potential treatment.***

***Mitigation Measure CUL-2: The consulting archaeologist shall have the authority to modify and reduce the monitoring program to either periodic spot-checks or suspension of the monitoring program should the potential for cultural resources appear to be less than anticipated. In the event resources are identified***

archaeological and Native American monitoring shall continue until the soil conditions no longer retain the potential to contain cultural deposits.

**Mitigation Measure CUL-3:** *The retained archeologist and Native American monitor shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan. In the event that previously unidentified cultural resources are discovered, the archaeologist and Native American monitor shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources and handling in accordance with CEQA and the AMTP. A final report[s] created as a part of the project (including all associated records) shall be submitted to the Lead Agency by the archaeologist at the end of the*

*monitoring program.*

**Mitigation Measure CUL-4:** *Should grading and construction activities at the Project site reveal the presence of human remains, all work at the site shall be stopped and all remains shall be handled in accordance with the California Public Resources Code Section §5097.98.*

**Mitigation Measure CUL-5:** *In the event paleontological resources be discovered at the proposed Project site during development, the area of the discovery shall be cordoned off and a Riverside County qualified paleontologist shall be consulted to determine the significance of the finds and appropriate treatment. If the discovery is determined to be significant by the qualified paleontologist, a Paleontological Resource Impact Program (PRIMP) shall be prepared and approved by the City of Palm Springs required for the proposed Project prior to approval by the City of Palm Springs to reduce adverse impacts to paleontological resources to a level below significant. The PRIMP shall follow the guidelines of the City of Palm Springs, the County of Riverside, and the recommendations of the Society of Vertebrate Paleontology (2010) and ). The PRIMP shall include methods for:*

- *The paleontologist to review the potential for more discoveries with Attendance by a qualified paleontologist at the preconstruction meeting to consult with the grading and excavation contractors.*
- *On-site presence of a paleontological monitor to inspect for paleontological resources during the remaining excavation of previously undisturbed deposits.*
- *Salvage and recovery of paleontological resources by a qualified paleontologist or paleontological monitor.*
- *Preparation (repair and cleaning), sorting, and cataloguing recovered paleontological resources.*
- *Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.*
- *Completion of a final summary report that outlines the results of the mitigation*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with historical and archeological resources pursuant to §15064.5 would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures CUL-1, CUL-2, CUL-3, CUL-4, and CUL-5** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

***Facts in Support of Findings***

While no California Register of Historical Resources (CRHR) eligible historic, paleontological, or archaeological resources were identified on the site, since such resources have been found within one (1) mile of the site, the potential exists that site clearing and grading activities at the proposed Project site may unearth previously undiscovered resources. Also, the City of Palm Springs General Plan Environmental Impact Report (EIR) acknowledges that all areas within the city and its Sphere of Influence (SOI) have the potential for historic and prehistoric archeological resources. The proposed Project would therefore be required to adhere applicable policies in the City of Palm Springs Recreation, Open Space and Conservation Element of its General Plan. Adherence to these policies would ensure that the development at the proposed Project site having to coordinate with the Tribal Historic Preservation Officer (THPO) and other historic preservation entities during site construction and Project operation.

Therefore, adherence to **Mitigation Measures CUL-1, CUL-2, CUL-3, CUL-4, and CUL-5** would result in less than significant impacts in relation to adverse changes in the significance of historical and archeological resources pursuant to §15064.5.

**Impact 4.4.2 With the incorporation of appropriate mitigation measures, the proposed Project would not result in the disturbance of human remains.**

The city of Palm Springs and its Sphere of Influence (SOI) areas are located in an area determined to have high cultural sensitivity for the Agua Caliente Band of Cahuilla Indians Traditional Use Area. Therefore, the potential does exist for the discovery of human remains during site clearing and construction activities associated with the proposed Project.

Therefore, the proposed Project's potential impacts on the discovery and disturbance of previously undiscovered human remains in relation to site clearance resulting may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

***Mitigation Measure CUL-1:*** *Initial grubbing and grading of the property (first five feet) shall be monitored by a qualified archeologist and Native American monitor from either the Agua Caliente Band of Cahuilla Indians or other consulting tribe. Prior to any ground-disturbing activities the project archaeologist shall develop an Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The AMTP shall also include the process for handling of and mitigating impacts to potentially significant Inadvertent Discoveries in accordance with CEQA requirements, including but not limited to the potential for avoidance or reburial within an open space area of the project as potential treatment.*

***Mitigation Measure CUL-2:*** *The consulting archaeologist shall have the authority to modify and reduce the monitoring program to either periodic spot-checks or suspension of the monitoring program should the potential for cultural resources appear to be less than anticipated. In the event resources are identified archaeological and Native American monitoring shall continue until the soil conditions no longer retain the potential to contain cultural deposits.*

***Mitigation Measure CUL-3:*** *The retained archeologist and Native American monitor shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan. In the event that previously unidentified cultural resources are discovered, the archaeologist and Native American monitor shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources and handling in accordance with CEQA and the AMTP. A final report[s] created as a part of the project*

*(including all associated records) shall be submitted to the Lead Agency by the archaeologist at the end of the monitoring program.*

**Mitigation Measure CUL-4:** *Should grading and construction activities at the Project site reveal the presence of human remains, all work at the site shall be stopped and all remains shall be handled in accordance with the California Public Resources Code Section §5097.98.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with site clearance resulting in discovery of previously undiscovered human remains would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures CUL-1, CUL-2, CUL-3, and CUL-4** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

Records searches conducted for the proposed Project site did not reveal any known human remains at the site. However, the city of Palm Springs and its SOI areas are located in an area determined to have high cultural sensitivity for the Agua Caliente Band of Cahuilla Indians Traditional Use Area. Therefore, the potential does exist for the discovery of human remains during site clearing and construction activities associated with the proposed Project. However, development under the proposed Project would be required to conform to the goals and policies of the City General Plan's Recreation, Open Space and Conservation Element.

Therefore, adherence to **Mitigation Measures CUL-1, CUL-2, CUL-3, and CUL-4** would result in less than significant impacts in relation to site clearance resulting in the discovery and disturbance of previously undiscovered human remains.

## XIII.E GEOLOGY AND SOILS

**Impact 4.6.1** **With the incorporation of appropriate mitigation measures, the proposed Project would not directly or indirectly cause potential substantial adverse geologic effects at the development site.**

The city of Palm Springs and its Sphere of Influence (SOI) areas have numerous active faults present in the area, and there are two active faults, the Banning Pass and the Garnet Hill fault, that extend throughout portions of the city. Historically, the proposed Project site and its vicinity have been subjected to past ground shaking, with three major earthquakes of magnitude 6.0 to 6.8 occurring between 1918 and 1948.

Therefore, the proposed Project's potential impacts from adverse geologic effects may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure GEO-1:** *The proposed Project shall comply with all the applicable grading and excavation codes of the City of Palm Springs and shall be in compliance with all applicable provisions of the 2022 California Building Code (2022 CBC), as reviewed and approved by the City Engineer.*

**Mitigation Measure GEO-2:** *The proposed Project shall be required to conduct a Geotechnical Investigation for the submittal of grading and building plans. The proposed Project shall also be required to conduct an on-site meeting with the proposed Project applicant(s), the geotechnical consultant, and the City Engineer to review construction work schedule, identify milestone construction activities and*

*associated reviews by the Geotechnical and the City Engineers, ascertain geotechnical aspects of site grading,*

**Mitigation Measure GEO-3:** *Prior to the issuance of any building permits, a licensed geotechnical engineer shall evaluate the site for the presence of undocumented fill and unsuitable native soils. Any unsuitable materials identified shall be removed to a depth of at least 6 feet or until competent alluvial materials are found. The geotechnical consultant must provide written approval to the City Engineer certifying the removal of unsuitable soils prior to the placement of any fill or construction of foundations. Removal activities shall be monitored by the City Engineer or designated inspector during construction.*

**Mitigation Measure GEO-4:** *Site clearing and grading activities shall involve the removal of all trash, debris, vegetation, rocks, and boulders at the site. Any voids created by such removals shall be backfilled with engineered fill. Any buried deleterious materials from past site usage, encountered during site excavation activities, shall be removed by hand (such as with the use of a root picker) during site grading operations.*

**Mitigation Measure GEO-5:** *A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:*

- *Review final grading, foundation, and drainage plans;*
- *Review of soil type and soil expansion potential,*
- *Observe and advise during all grading activities, including site preparation, foundation and retaining wall excavation, and placement of fill, to confirm that suitable fill materials are placed.*
- *All final plans shall be reviewed and approved by the City Engineer. The City Engineer or his/her City of Palm Springs staff representative shall be present during all excavation, grading and site fill activities.*

## **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with adverse geological effects would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures GEO-1, GEO-2, GEO-3, GEO-4, and GEO-5** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

The City of Palm Springs has numerous active faults present in the area, with the potential to generate strong ground shaking in the city and surrounding area. The Banning Pass and the Garnet Hill faults extend throughout portions of the city. The Banning Pass fault runs through the city touching the most norther corner of the proposed Project site at 18th Avenue and North Indian Canyon Drive and the Garnet Hill fault is located approximately one (1) mile to the south of the proposed Project site and Interstate 10 (I-10). These two faults are part of an Alquist-Priolo Earthquake Fault Zone and if rupture of these faults occurs there is a potential risk of damage injury, or death involving earthquake fault ruptures, strong seismic ground shaking and ground failure.

Historically, the proposed Project site and its vicinity have been subjected to past ground shaking, with three major earthquakes of magnitude 6.0 to 6.8 occurring between 1918 and 1948. Based on USGS seismic hazard mapping, the expected peak ground acceleration (PGA) for the site is 0.6g, which is associated with a 10% probability of exceedance in 50 years. It is expected that the proposed Project site

will experience seismic ground shaking in the future. However, structures on the site and offsite improvements will be designed and constructed to resist the effects of strong ground motion in accordance with the 2022 California Building Code. The buildings on the site would be required to be constructed in a manner that reduces the risk of seismic hazards consistent with Title 24, California Code of Regulations. Therefore, through compliance with the applicable building codes, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. In addition, the proposed Project would be required to comply with the City of Palm Springs General Plan goals policies in the Safety Element.

Therefore, adherence to **Mitigation Measures GEO-1, GEO-2, GEO-3, GEO-4, and GEO-5** would result in less than significant impacts in relation to adverse geological effects.

**Impact 4.6.2 With the incorporation of appropriate mitigation measures, the proposed Project would not result in the erosion of soil and topsoil at the development site.**

Implementation of the proposed Project would consist of construction activities such as, excavating, grading, and filling of soils, activities that have the potential to temporarily expose loose soil increasing the possibility for wind or water related erosion and/or sedimentation transported through wind shearing or stormwater runoff.

Therefore, the proposed Project's potential impacts from erosion of soil and topsoil may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure GEO-4:** *Site clearing and grading activities shall involve the removal of all trash, debris, vegetation, rocks, and boulders at the site. Any voids created by such removals shall be backfilled with engineered fill. Any buried deleterious materials from past site usage, encountered during site excavation activities, shall be removed by hand (such as with the use of a root picker) during site grading operations.*

**Mitigation Measure GEO-6:** *Prior to any site grading, all trash, debris, vegetation, and deleterious materials, including tree root balls, shall be removed from the site. The Geotechnical Engineer shall oversee and document the removal of unsuitable soils and certify that backfilling with engineered fill is completed in accordance with project specifications. Certification documents shall be submitted to the City Engineer for approval prior to any building construction.*

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with erosion of soil and topsoil would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures GEO-4 and GEO-6** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

***Facts in Support of Findings***

Site development activities such as site clearing and grading often increases the potential for erosion and sedimentation by removing protective vegetation, altering natural drainage patterns, compacting the soil, and constructing cut-and-fill slopes, which may be more susceptible to erosion than the natural condition.

Construction of the proposed Project would require grading and excavation. Grading and excavation activities would temporarily expose bare soils, which could be removed from the site and transported through wind shearing or stormwater runoff. Construction and grading activities would disturb

approximately 91.97 acres of land. Given the site's slope range of 0% to 5%, the erosion potential is moderate, particularly in areas with Caristas fine sand soils, which have an erosion factor (K) of 0.15. The National Pollution Discharge Elimination System (NPDES)-compliant Stormwater Pollution Prevention Plan (SWPPP) will include Best Management Practices (BMPs), as required by the City of Palm Springs grading permit. Additionally, because grading would exceed 50 cubic yards, a grading permit would be required. Therefore, a grading permit and inclusion of appropriate conditions, including, but not limited to, dust and rodent control, conducting pre-construction meetings with neighbors, traffic control plan, amongst other measures, would ensure that the proposed grading will have minimal impact. The proposed Project would also be required to develop and maintain a Fugitive Dust Control Plan which would require the implementation of best available control measures (BACMs), as mandated under the Palm Springs Municipal Code Section 8.50.022 for disturbance of any area of more than five thousand square feet.

Implementation of the proposed Project would consist of construction activities that have the potential to temporarily expose loose soil increasing the possibility for wind or water related erosion and/or sedimentation transported through wind shearing or stormwater runoff. Pursuant with the State Water Resources Control Board requirements, the proposed project is required by law to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities, which involves preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Since construction activities at the proposed Project site would also require a grading permit, all construction activities would have to be reviewed and approved by the City prior to issuance of the grading permit and thereafter the enforcement of standard conditions and measures. These conditions would ensure that the proposed grading activities have minimal impact and adhere to established guidelines and regulations. Implementation of a SWPPP for the site would reduce soil erosion or the loss of topsoil during construction resulting from stormwater.

The proposed Project would also be required to adhere to the South Coast Air Quality Management District (SCAQMD) Rule 403, as well as being required to develop and execute a Water Quality Management Plan (WQMP). This plan would serve as a post-construction water quality management program aimed at minimizing the release of waterborne pollutants, particularly those concerning downstream receiving waters, under long-term conditions. Compliance with the Stormwater Pollution Prevention Plan (SWPPP), WQMP, and associated erosion control measures, along with established policies, is mandatory. This will be done through mandatory on-site retention basin as 100 percent of water runoff must be contained on-site.

Although the proposed Project would introduce impervious, paved areas throughout the site, the addition of roof which would reduce the potential for erosion during operation by stabilizing the ground surface and minimizing the amount of exposed soil, thereby decreasing the likelihood of onsite windborne and waterborne erosion during project operation, the proposed development still has the potential for loss of soil and topsoil.

Therefore, adherence to **Mitigation Measures GEO-4** and **GEO-6** would result in less than significant impacts in relation to soil and topsoil erosion.

**Impact 4.6.3 With the incorporation of appropriate mitigation measures, the proposed Project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the site's location on an unstable geologic unit or soil.**

Soils in Riverside County has documented subsidence in various deep, alluvium-filled valleys, primarily attributed to declining groundwater levels. In addition, soils on the proposed Project site are not suited for load bearing structures and has the potential to lead to soil instability, collapse and liquefaction.

Therefore, the proposed Project's potential impacts from unstable soil, landslide, lateral spreading, liquefaction or collapse, may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure GEO-7:** *If during excavation, soils with a blow count less than 5 per ASTM D1586 or other indications of instability are encountered, the soil shall be stabilized as recommended by a licensed geotechnical engineer. The stabilization plan, including methods such as compaction or soil replacement, shall be submitted to the City Engineer for approval before any further construction occurs. All stabilization work shall be monitored and certified by the geotechnical engineer.*

**Mitigation Measure GEO-8:** *The proposed Project shall comply with all grading and excavation codes of the City of Palm Desert, as well as the applicable provisions of the 2022 California Building Code (2022 CBC). At the discretion of the City Engineer, the proposed Project shall be required to periodic inspections or reports, as by the City Engineer, over all site construction activities. Compliance shall be confirmed by the City Engineer through periodic inspections, including during rough grading, final grading, and prior to foundation placement. Compliance milestones shall be set at the discretion of the City Engineer. No permits for vertical construction shall be issued until all required grading inspections have been passed.*

## **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with unstable soils, landslides, lateral spreading, liquefaction or collapse would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures GEO-7** and **GEO-8** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

The City of Palm Springs has numerous active faults present in the area, with the potential to generate strong ground shaking in the city and surrounding area. Historically, the proposed Project site and its vicinity have been subjected to past ground shaking. Liquefaction occurs when ground shaking of relatively long duration and intensity causes loose, unconsolidated soils to act like a liquid and lose strength. Excessive groundwater withdrawal typically results in subsidence, which is the process of gradual sinking or settling of the earth's surface with minimal or no horizontal movement, and may also be caused by liquefaction, groundwater withdrawal, or oil withdrawal and appear in the form of earth fissures, sinkholes or depressions, and disruption of surface drainage. Although the proposed Project site has low potential for liquefaction, Riverside County has documented subsidence in various deep, alluvium-filled valleys, primarily attributed to declining groundwater levels. Subsidence tends to be widespread in over-drafted valleys, with noticeable differential displacement and fissures occurring predominantly at or near the valley margins, such as the proposed Project site.

Lateral spreading is the horizontal movement or spreading of soil, which typically happens in areas where the groundwater table is high and where relatively soft and recent alluvial deposits exist. Lateral spreading is primarily associated with liquefaction which has the potential to turn subsurface soils softer and more fluid-like in mass.

Landslides involve the movement of relatively large landmasses, either as nearly intact bedrock blocks or as jumbled mixes of bedrock blocks, fragments, debris, and soils. The materials involved in landslides are often porous and highly weathered in the upper portions and along the margins of the slide, frequently exhibiting open fractures and joints. Areas with high topographic relief, such as steep canyon walls, are

most prone to experiencing rockfalls, rockslides, soil slips, and, to a lesser extent, large landslides. In the vicinity of the city of Palm Springs, the foothills and mountains with steep slopes are susceptible to slope failures, particularly during or after periods of intense rainfall or in response to strong seismic shaking. Although the proposed Project site is relatively flat, with a slight slope from , it is surrounded by mountain ranges that have the potential to be affected by fault ruptures that cause landslides.

Soil collapse occurs in Holocene-age soil sediments that accumulate in an arid or semi-arid environment. Such soils are typically dry with minutes pores and voids often seen in boulder, cobble, gravel, sand, and silt deposits. Soils such as these are not typically suited for load bearing structures. However, the proposed Project would be required to adhere to the City of Palm Springs Safety Element under its General Plan that would ensure that the proposed Project development includes wind barriers, architectural design features that account for site stability, ground shaking or landslides and related geological hazards.

Therefore, adherence to **Mitigation Measures GEO-7** and **GEO-8** would result in less than significant impacts in relation to unstable geologic units or soils, landslides, lateral spreading, subsidence, liquefaction or collapse.

**Impact 4.6.6 With the incorporation of appropriate mitigation measures, the proposed Project would not directly or indirectly disturb or destroy unique paleontological resources or sites or unique geologic features.**

Although there is a low potential for the presence of paleontological resources in this area, and the absence of known paleontological localities nearby, in the event that site grading is conducted deeper than 10 feet and paleontological resources are unexpectedly discovered, this has the potential to result in disturbance of unique paleontological resources, sites or geologic features.

Therefore, the proposed Project's potential impacts from disturbance and destruction of unique paleontological resources or sites, or unique geological features may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

***Mitigation Measure GEO-9: Should paleontological resources be discovered at the proposed Project site, the area of the discovery shall be cordoned off and a Riverside County qualified paleontologist shall be consulted to determine the significance of the finds. If the discovery is determined to be significant by the qualified paleontologist, a Paleontological Resource Impact Program (PRIMP) shall be required for the proposed Project prior to approval by the City of Palm Springs to reduce adverse impacts to paleontological resources to a level below significant. The PRIMP shall follow the guidelines of the City of Palm Springs, the County of Riverside, and the recommendations of the Society of Vertebrate Paleontology (2010). The PRIMP shall include methods for:***

- *Attendance by a qualified paleontologist at the preconstruction meeting to consult with the grading and excavation contractors.*
- *On-site presence of a paleontological monitor to inspect for paleontological resources during the excavation of previously undisturbed deposits.*
- *Salvage and recovery of paleontological resources by the qualified paleontologist or paleontological monitor.*
- *Preparation (repair and cleaning), sorting, and cataloguing of recovered paleontological resources.*

- *Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.*
- *Completion of a final summary report that outlines the results of the mitigation*

**Mitigation Measure GEO-10:** *Should site grading activities go below 10 feet, a qualified paleontological monitor shall be retained by the proposed Project applicants(s) to check for fossils. Should site grading activities lead to the discovery of paleontological resources, the proposed Project site shall be cordoned off, all work shall be halted in that area and a qualified paleontologist from Riverside County shall be consulted to assess the significance of the findings. The paleontologist shall have authority to divert grading away from exposed fossils temporarily in order to recover the fossil specimens.*

**Mitigation Measure GEO-11:** *Should site grading activities below 10 feet lead to the discovery of paleontological resources, the proposed Project site shall be cordoned off, and a qualified paleontologist from Riverside County shall be consulted to assess the significance of the findings. If the qualified paleontologist deems the discovery to be significant, a Paleontological Resource Impact Program (PRIMP) shall be implemented by a qualified paleontological monitor. If paleontological resources are discovered, construction shall be halted in the area and moved to other parts of the site while the monitor determines 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.*

*The PRIMP, shall include methods for:*

- *Attendance by a qualified paleontologist at the preconstruction meeting to consult with the grading and excavation contractors.*
- *On-site presence of a paleontological monitor to inspect for paleontological resources during the excavation of previously undisturbed deposits.*
- *Salvage and recovery of paleontological resources by the qualified paleontologist or paleontological monitor.*
- *Preparation (repair and cleaning), sorting, and cataloguing of recovered paleontological resources.*
- *Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.*
- *Completion of a final summary report that outlines the results of the mitigation program.*

*The PRIMP shall be submitted for approval by the City of Palm Springs.*

*All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other curation facility based upon the specific resource recovered and recommendations from the paleontological consultant.*

**Mitigation Measure CUL-1:** *Initial grubbing and grading of the property (first five feet) shall be monitored by a qualified archeologist and Native American monitor from either the Agua Caliente Band of Cahuilla Indians or other consulting tribe. Prior to any ground-disturbing activities the project archaeologist shall develop an Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The AMTP shall also include the process for handling of and mitigating impacts to potentially significant*

*Inadvertent Discoveries in accordance with CEQA requirements, including but not limited to the potential for avoidance or reburial within an open space area of the project as potential treatment.*

**Mitigation Measure CUL-2:** *The consulting archaeologist shall have the authority to modify and reduce the monitoring program to either periodic spot-checks or suspension of the monitoring program should the potential for cultural resources appear to be less than anticipated. In the event resources are identified archaeological and Native American monitoring shall continue until the soil conditions no longer retain the potential to contain cultural deposits.*

**Mitigation Measure CUL-3:** *The retained archeologist and Native American monitor shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan. In the event that previously unidentified cultural resources are discovered, the archaeologist and Native American monitor shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources and handling in accordance with CEQA and the AMTP. A final report[s] created as a part of the project (including all associated records) shall be submitted to the Lead Agency by the archaeologist at the end of the monitoring program.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with the discovery of unique paleontological resources or sites or unique geologic features, would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measures GEO-9, GEO-10, GEO-11**, in addition to **CUL-1, CUL-2** and **CUL-3** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

The approximate 91.97 acre proposed Project site was visually examined by walking in evenly spaced survey transects set approximately 15 meters apart by the technical specialist team. Thorough inspection of potentially sensitive areas where paleontological resources might be found was conducted, including close examination of rodent spoils piles for fossil evidence. Surface visibility was approximately 85%, and no fossils or significant paleontological resources were observed at the site itself or its immediate surroundings. Additionally, based on the Riverside County Land Information System, the site is classified as having a 'low sensitivity' for paleontological resources, with a probability of fossil discovery during excavation below 5%. The site mainly consists of alluvial sands, which are recent deposits and not conducive to the preservation of paleontological resources. In addition, the Riverside County General Plan EIR designates the city in general, as a low sensitivity area for paleontological resources, which are typically classified as lands for which previous field surveys have found a low potential for containing significant paleontological resources. Therefore, although it is not recommended to conduct paleontological monitoring during earth disturbance activities, in the event that site grading is conducted deeper than 10 feet, there is the potential to unearth previously undiscovered paleontological resources. However, the proposed Project would be required to adhere applicable City of Palm Springs General Plan Recreation, Conservation and Open Space Element goals and policies as well as mitigation measures referenced hereto.

Therefore, adherence to **Mitigation Measures CUL-1, CUL-2, CUL-3, GEO-9, GEO-10** and **GEO-11** would result in less than significant impacts in relation to the disturbance and destruction of unique paleontological resources or sites, or unique geological features.

**XIII.F GREENHOUSE GAS**

**Impact 4.7.1: With the incorporation of appropriate mitigation measures, the proposed Project would not result in significant generation of greenhouse gas emissions.**

The proposed Project is anticipated to generate Greenhouse Gas (GHG) emissions from area sources, energy usage, mobile sources, waste, water, and construction equipment. The City of Palm Springs determined that the County of Riverside Climate Action Plan (CAP) provided the appropriate threshold standard for determining GHG impacts since the City of Palm Springs 2013 CAP does not allow for project-specific analysis. Since the proposed Project exceeds the 3,000 MTCO<sub>2e</sub> year threshold, the proposed development would be required to demonstrate compliance with the County’s CAP Screening Tables. The proposed Project fails to do so since it would generate over 100 points, as required under the County CAP.

Therefore, the proposed Project’s potential impacts from greenhouse gas emissions may be potentially significant and require the implementation of the following mitigation measure to minimize impacts to a less than significant level.

**Mitigation Measure GHG-1:** *The Project shall be required to provide a minimum of 101 points per the County Screening Tables. The City of Palm Springs 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 of Palm Springs shall verify implementation of the identified Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.*

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with the generation of greenhouse gas would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measure GHG-1** has been adopted by the City of Palm Springs and is enforceable through the proposed Project’s Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

***Facts in Support of Findings***

Since the City of Palm Springs 2013 CAP does not allow for project-specific analysis, the City of Palm Springs determined that the County of Riverside CAP Update provided the better threshold standard for determining GHG impacts. The Riverside County’s CAP Update was developed with the goal of reducing GHG emissions within Riverside County by 49 percent below “existing” 2008 levels by the year 2030. This is consistent with GHG target reductions under the Assembly Bill (AB) 32 as well as State Bill (SB) 32 targets that strive to reduce GHG emissions to 40 percent below 1990 levels by 2030.

Utilizing the County of Riverside CAP Update as a threshold also provided the proposed Project with a menu of options for energy efficiency, renewable energy, water conservation measures, and additional measures that provide predictable GHG reductions. Each option within the screening tables is associated with point values based upon the GHG reduction that each measure can achieve under a project construction and operation. These values are then used to determine whether the proposed Project would provide a fair-share contribution of GHG reductions and, therefore, be consistent with the County of Riverside CAP Update. Since 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, projects that comply with the CAP Update are assumed to have a less than significant GHG impact. The proposed Project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste, water, and construction equipment. CalEEMod Version 2022.1.1.22 was used to calculate the GHG emissions from the proposed Project (see **Appendix A** of the Draft EIR).

A summary of the GHG emissions for the proposed Project is provided in **Table 4.7-2: Unmitigated proposed Project related GHG emissions**, of **Section 4.8: Greenhouse Gases** of the Draft EIR. **Table 4.7-2** shows that the total for the proposed project's emissions (without credit for any reductions from sustainable design and/or regulatory requirements) would be 23,732.06 MTCO<sub>2</sub>e per year. **Table 4.7-3: Mitigated proposed Project related GHG emissions**, of the Draft EIR shows that even with incorporation of mitigation required for the air quality analysis, the proposed Project's emissions (without credit for any reductions from sustainable design and/or regulatory requirements) would be 23,623.06 MTCO<sub>2</sub>e per year. Since these are both higher than the typical screening threshold of 3,000 MTCO<sub>2</sub>e per year, the proposed Project would exceed the County of Riverside's screening threshold and therefore has the potential to result in a cumulatively considerable impact with respect to GHG emissions. Moreover, the proposed Project does not meet the minimum requirements of 100 points under the Riverside County's CAP Screening Tables, which would then result in achieving a reduction of approximately 3.22 MTCO<sub>2</sub>e per 1,000 square feet of building area.

Therefore, adherence to **Mitigation Measure GHG-1** would result in less than significant impacts in relation to proposed Project effects on greenhouse gas emissions.

### XIII.G. HYDROLOGY

**Impact 4.9.2: With the incorporation of appropriate mitigation measures, the proposed Project would not substantial decrease groundwater supplies or interfere substantially with groundwater recharge such that it would impede sustainable groundwater management of the basin.**

The proposed Project would develop 101.08 gross acres of vacant land in the Coachella Valley consisting of 43.79 acres of industrial building area, 36.85 acres of access roads, parking area, and hardscape, 15.82 acres of landscaping, open space, and retention basins, and approximately 4.62 acres of right-of-way dedication.

The proposed Project site is located within the Mission Springs Water District (MSWD)'s service area which draws its water supply from area sub basins including the Garnet Hill Subarea of the Indio Subbasin, and with water sourced from the Mission Creek Subbasin. The proposed Project's estimated water demand of 254.5 AFY represents approximately 35 percent of MSWD's total planned increase in demand by 2025 and about 2.7 percent of the total increase by 2045, based on 2020's water demand.

Therefore, the proposed Project's potential impacts on groundwater supplies and groundwater recharge may be potentially significant and require the implementation of the following mitigation measures to minimize impacts to a less than significant level.

**Mitigation Measure HYD-1:** *All landscaping and irrigation plans, and irrigation systems shall comply with all City ordinances and MSWD's Water Efficient Landscaping Guidelines. Irrigation systems shall be automatic, operated by a timer. To promote deep root irrigation, the system shall use two bubbler heads or drop heads per tree.*

**Mitigation Measure HYD-2:** *The proposed Project shall use, to the extent practicable, native plant materials and drought-tolerant plants. The Project shall not make use of turf grass in the landscape design, instead, ground cover plants consisting of shrubs non-turf grasses, and groundcovers*

**Mitigation Measure HYD-3:** *All on-site water supply metering systems shall be installed and maintained in compliance with MSWD's metering and operating range according to AWWA standards.*

**Mitigation Measure HYD-4:** *The proposed Project shall be comply with MSWD rate structures for water and sewer services at the site.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with the potential decreases in groundwater supplies or interference with groundwater supplies would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measure HYD-1, HYD-2, HYD-3 and HYD-4** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

The proposed Project site is located within the MSWD's service area which serves over 13,500 retail water customers through three separate production and distribution systems, and it provides wastewater services to more than 9,200 customers through two independent wastewater collection and treatment systems (see **Appendix I** of the Draft EIR). Although MSWD sources all its water from groundwater production and does not purchase imported water from wholesalers, the issue remains of other providers and uses resulting in groundwater overdraft in the Upper Coachella Valley by replenishing the groundwater basin with imported water from the Colorado River and State Water Project (SWP) Exchange. By providing this additional source of water, the reliance on pumping groundwater is reduced, contributing to the sustainable management of the groundwater basin in the Coachella Valley.

The Water Supply Assessment (WSA) conducted for the proposed Project ( see **Appendix I** of the Draft EIR) estimated that domestic water supplies and associated landscape irrigation supplies for the site would be provided by groundwater from the Mission Creek Subbasin in the Coachella Valley Groundwater Basin, through MSWD's potable water distribution system. The WSA assessed the availability of sufficient water supplies to the site during normal, single-dry, and multiple-dry years over a 20-year projection to meet the demands of the proposed Project, as well as existing and future water demands of the MSWD service area, in compliance with Senate Bills 610 and 1262. It also identified existing water supply entitlements, water rights, water service contracts, and agreements that pertain to the identified water supply for the proposed Project, along with the quantities of water received in prior years under these arrangements.

The total projected water demand for the proposed Project was therefore estimated at 254.5 AFY, or 2.51 AF per acre. Since the proposed Project does not include any residential land use components, the site's projected indoor residential water demand would be 0 acre feet per year (AFY). The proposed Project's indoor commercial and industrial water demand is estimated to be 204.9 AFY as shown in **Table 4.9-2: Indoor Water Demand** in **Section 4.9 Hydrology and Water Quality** of the Draft EIR. The site's outdoor irrigation water demand was estimated to require 49.6 AFY, as shown in **Table 4.9-3: Outdoor Water Demand** in **Section 4.9 Hydrology and Water Quality** of the Draft EIR. The projected outdoor water features demand for the site was estimated at 0 AFY as there are no outdoor water features proposed at the site.

The MSWD long-term water management planning ensures sufficient water supplies to meet existing service area water demand needs (8,269 AF in 2020) and future water needs of 8,996 AFY by 2025 and 17,494 AFY by 2045. Therefore, the proposed Project's demand of 254.5 AFY represents approximately 35 percent of MSWD's total planned increase in demand by 2025 and about 2.7 percent of the total increase by 2045, based on 2020's water demand. MSWD has sufficient groundwater supplies such that implementation of the proposed Project would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge. However, since the WSA, in itself does not create any right or entitlement to water service or a specific level of water service, nor does it impose, expand, or

limit any duty concerning MSWD's existing and future water supply needs, the WSA does not constitute an agreement to provide water service to the proposed Project site. This would result in potentially significant impacts to hydrology and water quality under the proposed Project.

In addition, the proposed Project would be required to adhere applicable policies in the City's Recreation, Open Space and Conservation Element of its General Plan such that the proposed development is consistent with regional programs and plans designed to protect groundwater resources, as well as the adequate water supply and quality for all of the site's outdoor and landscaping uses.

Therefore, adherence to these policies in addition to **Mitigation Measures HYD-1, HYD-2, HYD-3 and HYD-4** would result in less than significant impacts in relation to water quality supplies and groundwater recharge.

### **XIII.H. TRIBAL CULTURAL RESOURCES**

**Impact 4.15.1: With the incorporation of appropriate mitigation measures, the proposed Project would not result in a substantial adverse change in the listing or eligible for listing, of a tribal cultural resource, as defined in PRC §21074.**

A Tribal Cultural Resource (TCR) is generally considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either on or eligible for the California Register or a local historic register.

A review of the Native American Heritage Commission (NAHC)'s Sacred Lands File (SLF) was conducted and the results of the search reported no such recorded tribal resource areas on the site or its vicinity (see **Appendix D** of the Draft EIR).

A review of the Native American Heritage Commission (NAHC)'s Sacred Lands File (SLF) indicated no recorded Native American sacred sites or locations of religious or ceremonial significance within the project vicinity. The records search did identify 54 resources (eight [8] prehistoric and 46 historic) within one (1) mile of the proposed Project site (see **Appendix D** of the Draft EIR). Construction activities related to the proposed Project have the potential to unearth previously unknown tribal artifacts or burials, thereby resulting in significant impacts to tribal cultural resources. Therefore, the following mitigation measures would be required to minimize impacts to a less than significant level.

**Mitigation Measure CUL-1:** *Initial grubbing and grading of the property (first five feet) shall be monitored by a qualified archeologist and Native American monitor from either the Agua Caliente Band of Cahuilla Indians or other consulting tribe. Prior to any ground-disturbing activities the project archaeologist shall develop an Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The AMTP shall also include the process for handling of and mitigating impacts to potentially significant Inadvertent Discoveries in accordance with CEQA requirements, including but not limited to the potential for avoidance or reburial within an open space area of the project as potential treatment.*

**Mitigation Measure CUL-2:** *The consulting archaeologist shall have the authority to modify and reduce the monitoring program to either periodic spot-checks or suspension of the monitoring program should the potential for cultural resources appear to be less than anticipated. In the event resources are identified archaeological and Native American monitoring shall continue until the soil conditions no longer retain the potential to contain cultural deposits.*

**Mitigation Measure CUL-3:** *The retained archeologist and Native American monitor shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan. In the event that previously unidentified cultural resources are discovered, the archaeologist and*

*Native American monitor shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources and handling in accordance with CEQA and the AMTP. A final report[s] created as a part of the project (including all associated records) shall be submitted to the Lead Agency by the archaeologist at the end of the monitoring program.*

**Mitigation Measure CUL-4:** *Should grading and construction activities at the Project site reveal the presence of human remains, all work at the site shall be stopped and all remains shall be handled in accordance with the California Public Resources Code Section 5097.98.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project related potentially significant impacts associated with previously undiscovered tribal cultural resources would be reduced to a less than significant level with the implementation of appropriate mitigation measures. Therefore, **Mitigation Measure CUL-1, CUL-2, CUL-3 and CUL-4** have been adopted by the City of Palm Springs and is enforceable through the proposed Project's Mitigation and Monitoring Report (MMRP) and the Project conditions of approval.

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

Although no tribal properties listed on the National Register of Historic Places (NRHP) were found within the proposed Project site, Plat maps from 1856 does depict an "Indian Trail" south of the subject property. Historic United States Geological Survey (USGS) maps and aerial photographs further support that no structures were historically located within the subject property.

Typically, inland and coastal waterways create unique habitats and have the potential to house seasonal or permanent hamlets and trade depots, ceremonial prayer sites, and cremation sites for native American Indian tribes. However, there are no water bodies or waterways on or adjacent to the proposed Project site and therefore the proposed Project would have low potential to disturb tribal resources. While some ground disturbance activities were undertaken by previous wind farm use on the site, such uses were limited in structure and land coverage. The proposed Project would develop larger structures and roadways on the site. Construction activities related to the proposed Project have the potential to unearth previously unknown tribal artifacts or burials. However, the proposed Project would be required to adhere applicable goals and policies in the City of Palm Springs Recreation, Open Space and Conservation Element of its General Plan.

Therefore, adherence to these policies in addition to **Mitigation Measures CUL-1, CUL-2, CUL-3 and CUL-4** would result in less than significant impacts in relation to potentially undiscovered tribal cultural resources.

### ***XIII.D FINDINGS REGARDING IMPACTS DETERMINED TO HAVE SIGNIFICANT AND UNVOIDABLE IMPACT UNDER DEVELOPMENT OF THE PROPOSED PROJECT***

The City of Palm Springs, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to PRC §21081(a)(3) and State CEQA Guidelines Section §15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, make infeasible any mitigation measures for the proposed Project's Air Quality and Transportation impacts, as explained in detail in the Final EIR (SCH No. 2024010068), and hereby incorporated by reference.

"Feasible" is defined in Section §15364 of the State CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic,

environmental, legal, social, and technological factors.” PRC §21081 and State CEQA Guidelines Section §15091(a)(3) also provide that “other” considerations may form the basis for a finding of infeasible. Court cases have made a decision that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Therefore, the Planning Commission for the City of Palm Springs finds that the draft EIR for the proposed First Palm Springs Commerce Center Project would have Significant and Unavoidable Impact with regard to Air Quality and Transportation, even after all feasible mitigation measures have been considered and adopted. These significant and unavoidable impacts are overridden by the project benefits as set forth in the Statement of Overriding Consideration provided in **Section XX**, below.

The City of Palm Springs Planning Commission therefore hereby adopts the analysis, conclusions and findings regarding these following impacts and incorporates the same herein with respect to Air Quality and Transportation, and the Findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

**XIII.D.1            AIR QUALITY**

**Impact 4.2.1:    The proposed Project would conflict with or obstruct implementation of applicable air quality plans**

Based on the air quality modeling analysis conducted for the proposed Project, the site development would contribute to the exceedance of air pollutant concentration standards set by the South Coast Air Quality Management District’s (SCAQMD’s) Air Quality Management Plan (AQMP).

***Mitigation Measure***

Even with the proposed Project’s implementation of mitigation measures **AIR-1** through **AIR-4** below, the Project would result in significant and unavoidable impacts related to its inconsistency with Criteria 1 of the SCAQMD’s AQMP.

***Mitigation Measure AIR-1:***    *The proposed Project shall adhere to South Coast Air Quality Management District (SCAQMD) Rules 403 and 403.1 and shall be required to obtain and prepare a Fugitive Dust Control Plan prior to Project approval.*

***Mitigation Measure AIR-2:***    *Architectural coatings shall be applied to project buildings are to be limited to 20 grams per liter Volatile Organic Compounds (VOC) and traffic paints shall be limited to 100g/L VOC content.*

***Mitigation Measure AIR-3:***    *The proposed Project shall utilize Tier 4 Final equipment for all construction equipment.*

***Mitigation Measure AIR-4:***    *Under both construction and operation activities, the proposed Project shall utilize low flow water fixtures in all areas that would require water at the site.*

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the impacts associated with the proposed Project’s adherence to air quality pollution concentration standards for the long-term (during site operations) are considered to be significant and unavoidable, and that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or proposed Project alternatives. However, the proposed Project would be required to adhere to **Mitigation Measures AIR-1, AIR-2, AIR-3, and AIR-4** which would require site construction and operation to adhere to SCAQMD Rules 403 and 403.1, architectural coatings with Volatile Organic Compounds (VOC) limited to less than 20

grams per liter, traffic paints limited to 100 grams per VOC, as well as utilizing TIER 4 equipment and low flow water fixtures. While **Mitigation Measures AIR-1, AIR-2, AIR-3 and AIR-4** would reduce impacts to the greatest extent feasible, the City of Pal, Springs Planning Commission considers the proposed Project's conflict with the requirements under the applicable air quality plans to be significant and unavoidable.

***Facts in Support of Findings***

Section §15125 of the CEQA Guidelines require a discussion of any inconsistencies between a project and applicable General Plans and Regional Plans. The regional plan that applies to the proposed Project includes the South Coast Air Quality Management District (SCAQMD)'s Air Quality Management Plan (AQMP). The proposed Project site is located within the Salton Sea Air Basin (SSAB) and is subject to SCAQMD's 2022 AQMP and the 2003 Coachella Valley (CV) PM<sub>10</sub> State Implementation Plan (SIP). The SCAQMD is principally responsible for air pollution control, and works directly with local governments, among others, to reduce emissions from stationary, mobile, and indirect sources to meet state and federal ambient air quality standards. Although strict consistency with all aspects of the Plan is usually not required, a significant air quality impact could occur if a project is not consistent with the applicable AQMP, or if the project would obstruct the implementation of the policies or hinder reaching the goals of that plan. A proposed project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies.

Of the two key indicators of consistency, the proposed Project does not meet ***Criteria 1: Increase in the Frequency or Severity of Violations***. Based on the SCAQMD's regional and local thresholds of significance for air quality modeling analysis, development under the proposed Project would not result in significant impacts for short-term construction impact, but would however, result in significant impacts based on the SCAQMD regional thresholds of significance, even with incorporation of appropriate mitigation measures (see ***Appendix B*** of the DEIR). Operation under the proposed Project is projected to contribute to the exceedance of air pollutant concentration standards and is found to be inconsistent with the AQMP for the first criterion. Therefore, the City of Palm Springs Planning Commission considers the Project's consistency with AQMP criteria to be significant and unavoidable.

**Impact 4.2.2: The proposed Project would result in a cumulatively considerable net increase of any criteria pollutant in a non-attainment area under an applicable federal or state ambient air quality standard.**

The proposed Project's Reactive Organic Gases (ROG) and Nitrous Oxide (NOx) emissions have the potential to exceed regional thresholds.

***Mitigation Measure***

Even with the proposed Project's implementation of mitigation measures **AIR-1** through **AIR-4** below, the proposed Project would result in significant and unavoidable impacts related to the proposed Project's addition to cumulative net increases of criteria pollutant in an existing nonattainment area, as defined under applicable federal or state ambient air quality standards.

***Mitigation Measure AIR-1: The proposed Project shall adhere to South Coast Air Quality Management District (SCAQMD) Rules 403 and 403.1 and shall be required to obtain and prepare a Fugitive Dust Control Plan prior to Project approval.***

***Mitigation Measure AIR-2: Architectural coatings shall be applied to project buildings are to be limited to 20 grams per liter Volatile Organic Compounds (VOC) and traffic paints shall be limited to 100g/L VOC content.***

**Mitigation Measure AIR-3:** *The proposed Project shall utilize Tier 4 Final equipment for all construction equipment.*

**Mitigation Measure AIR-4:** *Under both construction and operation activities, the proposed Project shall utilize low flow water fixtures in all areas that would require water at the site.*

## FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project impacts in addition to the criteria pollutants already existing in the site's nonattainment area would add to the existing cumulatively considerable emissions. While the incorporation of **Mitigation Measures AIR-1, AIR-2, AIR-3** and **AIR-4** would serve to reduce impacts to the greatest extent feasible, the City of Palm Springs Planning Commission considers the proposed Project's additions to existing cumulatively considerable criteria pollutants to be significant and unavoidable.

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

The maximum unmitigated construction-related criteria pollutant emissions from the proposed Project shows that its ROG and NOx emissions have the potential to exceed regional thresholds and result in potentially significant impacts. The SCAQMD's thresholds for ROG and NOx emissions account to 75 and 100 pollutant emissions (in pounds per day), respectively. In comparison, the proposed Project's ROG and NOx emissions result in 152.56 ROG and 130.10 NOx, thereby exceeding the SSCAQMD thresholds. However, with incorporation of the appropriate mitigation measures, none of the proposed Project's emissions will exceed regional threshold of 75 pollutant emission pound per day of ROG and 100 pollutant emission pound per day of NOx, during Project construction.

The maximum daily pollutant emissions created by the proposed Project's long-term operations however, show that the proposed development's ROG and NOx emissions would exceed the SCAQMD regional thresholds (see EIR **Table 4.2-9: Unmitigated Regional Long-Term Operational Emissions from proposed Project Unmitigated Regional Operational Pollutant Emissions**, and **Table 4.2-10: Mitigated Regional Long-Term Operational Emission**). Even with the incorporation of applicable mitigation measures, the proposed Project's emissions for ROG and NOx would exceed regional thresholds. Therefore, the proposed Project would result in a significant and unavoidable impact, even with the incorporation of **Mitigation Measures AIR-1, AIR-2, AIR-3** and **AIR-4**.

Similarly, proposed Project related operational air emissions may have the potential to exceed the state and federal air quality standards in the site vicinity, even though these pollutant emissions may not be significant enough to create a regional impact under the SCAB. It was found that operational impacts from the proposed Project would be significant and unavoidable in terms of local Carbon Oxide (CO) emissions since the majority of the operational emissions would come from development generated vehicular trips or mobile sources, which are regulated at the State level. As shown under **Appendix B** of the Draft EIR, California Air Resource Board (CARB) Air Toxics Control Measure (ACTM) already limit truck idling to no more than 5 minutes at any location. While local operational emissions and impacts to sensitive receptors closest to the proposed Project site are less than significant, however, even with the incorporation of **Mitigation Measures AIR-1, AIR-2, AIR-3** and **AIR-4**, regional air quality impacts would remain significant and unavoidable.

CO is the pollutant of major concern along roadways since motor vehicles are the primary source of these emissions. For this reason, CO concentrations are typically utilized as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the State and Federal CO standards. Due to reduced speeds and vehicle queuing, "hot spots"

potentially can occur at high traffic volume intersections with a Level of Service E or worse. Therefore mitigation would be required to lower regional operational- related emissions, and the proposed Project would therefore incorporate **Mitigation Measures AIR-1, AIR-2, AIR-3 and AIR-4** since the proposed Project's emissions for ROG and NOx would exceed regional thresholds. The proposed Project would result in a significant and unavoidable impact, even with the incorporation of **Mitigation Measures AIR-1, AIR-2, AIR-3 and AIR-4**.

#### XIII.D.2 TRANSPORTATION

**Impact 4.14.2: The proposed Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision**

The proposed development does not screen out under a low Vehicle Miles Travelled (VMT0 screening or an existing Transit Planning Area (TPA) or a high quality transit corridor. The proposed Project was therefore evaluated according to the City of Palm Springs Traffic Impact Analysis Guidelines. 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 98.5 in comparison to the City's VMT impact threshold of 36.6 VMT per service population.

**Mitigation Measure**

Even with the proposed Project's implementation of mitigation measures **TRA-1** below, the Project would result in significant and unavoidable impacts related to its inconsistency with State CEQA Guidelines §15064.3.

**Mitigation Measure TRA-1:** *The proposed Project shall require all operators on the site to implement a VMT reduction program, to the maximum extent feasible, the following applicable transportation measures as listed under CAPCOA's Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, which provides project type, scale, and locational context factors to determine if a transportation measure is applicable to a particular project.*

- *Measure T-8: Provide Ridesharing Program*
- *Measure T-9: Implement Subsidized or Discounted Transit Program*
- *Measure T-10 Provide End-of-Trip Bicycle Facilities*
- *Measure T-11: Provide Employer-Sponsored Vanpool*
- *Measure T-13: Implement Employee Parking Cash-Out*
- *Measure T-14: Provide electric vehicle charging infrastructure*
- *Measure T-21-A: Implement conventional Carshare Program*
- *Measure T-21-B: Implement electric Carshare Program*
- *Measure T-30: Use cleaner fuel vehicle*

#### FINDINGS

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission of the City of Palm Springs finds that the proposed Project would result in significant and unavoidable impacts associated with proposed Project's generation of VMT and consistency with

CEQA Guidelines §15054.3. Incorporation of **Mitigation Measure TRA-1**, which has been adopted by the City and is enforceable through the MMRP and the proposed Project conditions of approval, would serve to reduce VMT to the maximum extent feasible. However, the Planning Commission for the City of Palm Springs finds that despite implementation of **Mitigation Measure TRA-1**, the proposed Project's VMT and consistency with CEQA Guidelines §15064.3 will remain a significant and unavoidable impact.

***Facts in Support of Findings***

The City of Palm Springs accepts the Riverside County Transportation Analysis Model (RIVTAM) as the appropriate tool for conducting Vehicle Miles Travelled (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 18 Traffic Analysis Zone (TAZ) within the RIVTAM model to reflect the Project's proposed population and employment uses. The proposed Project will result in approximately new 700 jobs. Project-generated VMT per service population accounted for 98.5 VMT which exceeds the City's established threshold of 36.6 VMT per service population within the City boundary under the Project-Plus condition compared to the No-Project condition. This would remain higher than projected regional VMT, even with implementation of all feasible mitigation such as modifying the proposed Project's built environment or participating in a VMT fee program. Even though the City would encourage the proposed Project to implement Traffic Demand Model (TDM) measures in order to reduce single-occupancy vehicle trips, given the nature of operations to be constructed at the site, implementation of such measures are not anticipated to reduce the proposed Project's impact to a less than significant level.

Therefore, the proposed Project is projected to contribute to the exceedance of air pollutant concentration standards and is found to be inconsistent with the AQMP for the first criterion. Therefore, the City of Palm Springs Planning Commission considers the Project's consistency with AQMP criteria to be significant and unavoidable.

**XIV. FINDINGS REGARDING MITIGATION MEASURES WHICH ARE THE RESPONSIBILITY OF OTHER AGENCIES**

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to PRC §21081(a)(2) and State CEQA Guidelines Section §15091(a)(2) that there are no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

**XV. FINDINGS REGARDING CUMULATIVE IMPACTS (CEQA §15355 AND §15130[b])**

Section §15355 of the CEQA Guidelines requires that an Environmental Impact Report (EIR) evaluate a proposed project's cumulative impacts in relationship to the effects of past projects, other current projects, and reasonable foreseeable future projects. The discussion of cumulative impacts should reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to a project alone (State CEQA Guidelines Section §15130(b)).

The proposed development is an industrial fulfillment center facility on a site with a City of Palm Springs General Plan land use designation of Industrial with Wind Overlay and City zoning for M2-Manufacturing Zone. Since the proposed Project is consistent with the type of development analyzed under the City's anticipated growth under its General Plan and associated EIR, the proposed Project is consistent with the "plan" method under State CEQA Guidelines. Therefore, in accordance with Section §15130(b)(1)(B), the

cumulative impacts analysis in this EIR is premised on projections of growth anticipated by the City of Palm Springs 2007 General Plan.

The cumulative analysis for the proposed Project therefore the location and type of development, the geographic area for the proposed development, discusses the nature and summary of each of the environmental resources considered under the proposed Project, as well as a “...reasonable analysis of the cumulative impacts of the relevant projects...” which include all present and anticipated projects within the cities of Palm Springs and Desert Hot Springs, in accordance with CEQA Guidelines Section §15130(b)(1)(B). The list of cumulative projects in the city of Palm Springs is provided in Table 3.1: City of Palm Springs Cumulative Projects and Table 3.2: City of Desert Hot Springs Cumulative Projects under **Chapter 3.0: Environmental Settings** of the Draft EIR.

#### ***XV.A AESTHETICS***

The proposed Project site is located in a primarily undeveloped area in the northern section of the City of Palm Springs. The site is surrounded by vacant parcels, a small residential community and scattered commercial uses to the north, the Coachillin Business Park with minimal development to the east, light industrial, commercial, vacant parcels and a solar farm to the south, with an utility substation mainly surrounded by vacant land, and wind farms, located to the west.

#### **FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the proposed Project impacts on aesthetics, in relation to planned and future projects in the city, would be less than cumulatively considerable.

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

Although the proposed Project has the potential to change the visual character of this primarily undeveloped portion of the city of Palm Springs, as evaluated under potential impacts to aesthetic resources under **Section 4.1: Aesthetics**, the proposed Project would not result in significant impacts to the existing views of scenic resources. Industrial and commercial properties exist to the east and south of the site. The proposed Project, as well as other future projects planned and permitted by the General Plan, would be required to be consistent with height limitations included in the Palm Springs Municipal Code and the policies of the General Plan. All future development would also be required to include design features so as to preserve existing views of the slopes and peaks of the surrounding mountains such that the overall view of the mountain ranges remain visible throughout the city. While structures, both at the site and elsewhere in the city, could impact views from surrounding areas, overall impacts related to aesthetics would be minimal and limited in a cumulative context.

Implementation of the City’s proposed GPU would result in new development or redevelopment of existing properties in the city that may add to the potential sources or glare and night-time lighting. These new development areas could result in new light sources which intensifies daytime glare and nighttime lighting levels. However, the same standards requiring limited lighting and directional and screened lighting included in the Municipal Code as well as the numerous policies in the City’s 2040 GPU that minimize impacts from light and glare, 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 throughout the city.

Therefore, cumulative projects would be required to preserve scenic views, minimize impacts to scenic vistas with project design and building heights, and minimize impacts of light and glare on adjacent properties.

**XV.B AIR QUALITY**

Emissions of pollutants are not confined to jurisdiction's boundaries but are dispersed throughout and accounted for by air basin. Therefore, the cumulative area for air quality impacts is the Salton Sea Air Basin (SSAB). Like greenhouse gas (GHG) emissions impacts, air quality impacts are regional in nature as no single project generates enough emissions that would cause an air basin to be designated as a nonattainment area. Construction emissions generated by cumulative development as well as that proposed under the Project, could exceed South Coast Air Quality Management District's (SCAQMD) project-level significance thresholds and would contribute to the nonattainment designations of the SSAB. The California Ambient Air Quality Standards (CAAQS) designate the city of Palm Springs and surrounding region with the greater Coachella Valley, as being in nonattainment for Ozone (O<sub>3</sub>); Particulate Matter (PM<sub>10</sub>), and PM<sub>2.5</sub> while the National Ambient Air Quality Standards (NAAQS) designates the Valley as being in nonattainment for O<sub>3</sub> and PM<sub>2.5</sub>.

**FINDINGS**

Therefore, as the proposed Project's NO<sub>x</sub> and ROG emissions are anticipated to exceed SCAQMD's regional thresholds, the operation of the project would result in a cumulatively considerable net increase for non-attainment of criteria pollutants or ozone precursors. As a result, the Planning Commission of the City of Palm Springs finds that the proposed Project would result in a significant and unavoidable cumulative impact for operational emissions.

***Facts in Support of Findings***

There are a number of cumulative projects in the proposed Project area that have not yet been built or are currently under construction. Since the timing or sequencing of the cumulative projects is unknown, any quantitative analysis to ascertain daily construction emissions that assumes multiple, concurrent construction projects would be speculative. Further, cumulative projects include local development as well as general growth within the project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. The SCAQMD recommends using two different methodologies: (1) that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality; and (2) that a project's consistency with the current Air Quality Management Plan (AQMP) be used to determine its potential cumulative impacts.

The proposed Project area is out of attainment for ozone and PM<sub>10</sub>. Construction and operation of cumulative projects will further degrade the local air quality, as well as the air quality of the Salton Sea portion of the South Coast Air Basin (SCAB). The greatest cumulative impact on the quality of regional air cell will be the incremental addition of pollutants mainly from increased traffic volumes from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. This applies to Toxic Air Contaminants (TACs) as well, as the SCAQMD does not have any cumulative TAC thresholds; therefore, projects that do not exceed the SCAQMD TAC threshold criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. A significant impact may occur if a project would add a cumulatively considerable contribution of a federal or state non-attainment pollutant.

Project operations would generate emissions of Nitrogen Oxide (NO<sub>x</sub>) and Reactive Organic Gases (ROG), which, would exceed the SCAQMD regional thresholds and would be expected to result in ground level

concentrations that exceed the NAAQS or CAAQS. Since the project would not introduce any substantial stationary sources of emissions, Carbon Oxide (CO) is the benchmark pollutant for assessing local area air quality impacts from post-construction motor vehicle operations. As indicated earlier, no violations of the state and federal CO standards are projected to occur for the project, based on the magnitude of traffic the project is anticipated to create.

***Air Quality Compliance***

**Criteria 1 – Increase in the Frequency or Severity of Violations**

Based on the air quality modeling analysis contained in this Air Quality Analysis (see **Appendix B**), with incorporation of mitigation, short-term construction impacts will not result in significant impacts based on the SCAQMD’s regional and local thresholds of significance.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project is projected to contribute to the cumulative exceedance of air pollutant concentration standards and is found to be inconsistent with the AQMP for the first criterion.

***Facts in Support of Findings***

The Air Quality Analysis for the proposed Project (see **Appendix B** of the Draft EIR) also found that, even with incorporation of mitigation, long-term operations impacts will result in significant impacts based on the SCAQMD regional thresholds of significance. However, the long-term operations impacts will result in less than significant impacts based on the SCAQMD local thresholds of significance.

**Criteria 2 – Exceed Assumptions in the AQMP**

The proposed Project site has a Land Use Designation in the City of Palm Springs General Plan of Industrial with a Wind Energy Overlay and zoned Manufacturing (M-2). The Project proposes to develop the site with two speculative industrial buildings with Building 1 being approximately 1,500,000 square feet and Building 2 being approximately 395,000 square feet.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that, in combination with past, present, and reasonably foreseeable projects the proposed Project’s contribution to cumulative air quality impacts would be cumulatively significant and unavoidable.

***Facts in Support of Findings***

Therefore, the proposed Project is consistent with the City’s land use designation. The proposed Project is not anticipated to exceed the Air Quality Management Plan (AQMP) assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

***Health Risk Assessment***

In accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. This applies to TACs as well, as the SCAQMD does not have any cumulative TAC thresholds; therefore, projects that do not exceed the SCAQMD TAC threshold criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impacts for TACs would be less than cumulatively considerable.

***Facts in Support of Findings***

According to the SCAQMD's MATES-V study, the Project area has an estimated multi-pathway cancer risk of 237 in a million and an inhalation pathway cancer risk of 228 in one million. In comparison the average multi-pathway cancer risk for the Salton Sea Air Basin portion of Riverside County is 250 in one million and the inhalation risk is 239 in a million.

The proposed Project is anticipated to generate a total of 439 truck trips per day and the 30.25-yea, cumulative carcinogenic health risk is a maximum of 0.49 in a million at the closest receptor to the site. Therefore, the proposed Project's diesel emissions do not exceed the SCAQMD MICR threshold of 10 in a million.

**XV.C BIOLOGICAL RESOURCES**

The cumulative area for impacts to biological resources is the city of Palm Springs. As a vacant and disked parcel, the proposed Project's existing site conditions do not support any sensitive and/or special status habitats for wildlife and plants species.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the proposed Project's impacts on biological resources would be less than cumulatively considerable.

***Facts in Support of Findings***

On a cumulative level, the change in land uses under buildout of the city, can potentially contribute to a loss of potential habitat for special-status animal and plant species that currently inhabit the area or could inhabit the area in the future. In addition to potential direct impacts on biological resources, from proposed Project development as well as other development within the city and its SOI, the increased human presence can cause potential indirect impacts that could result in direct mortality, habitat loss, deterioration of habitat suitability, and avoidance of habitat.

Although major portions of the city are developed, there are some vacant properties and open areas in the city that may have the potential for wildlife habitation and plant vegetation. Where the native plant and animal habitat is still present in the city, these may be impacted by increased vehicle travel, alteration of soils, vegetation removal, and habitat degradation associated with new development. When considered in combination with other cumulative developments within the city, there is potential for adverse cumulative effects to biological resources. However, as with the proposed Project, all future development in the city would be required to be consistent with local, State, and federal laws and policies under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the City's General Plan as well as all applicable permitting requirements of the regulatory and oversight agencies, such as, but not limited to, the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers. A project's adherence to the requirements established by these agencies would protect species, water bodies, and habitats from negative impacts associated with future development. In addition, as with the proposed Project, all future projects in the city would be required to adhere to applicable federal, State, and local policies, or to develop applicable mitigation in order to reduce impacts to biological resources.

## **XV.D CULTURAL RESOURCES**

The cumulative setting for impacts to cultural and tribal resources is the city of Palm Springs and its Sphere of Influence (SOI), as well as surrounding jurisdictions in Riverside County.

### **FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project would have a less than cumulatively considerable impact on cultural resources.

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

Compliance with the goals and policies in the city's General Plan that are related to cultural resources will be necessary to mitigate potential impacts from potential overall loss of archaeological and historical artifacts unique to this area of the Coachella Valley. However, as with the proposed Project, each future development in the city would be required to be consistent with CEQA review. If any potential impacts to archaeological resources are determined, projects will be subject to standard requirements, mitigation measures (as applicable), and compliance with federal and State law. However, with all future projects, including the proposed Project, being required to adhere to applicable City General Plan policies as well as relevant federal and State law.

## **XV.E ENERGY**

The cumulative area of analysis for energy impacts is the State of California.

Growth within the city as well as the State is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. However, as with the rest of the State, all future development in the city, particularly under multi-family residential, large scale commercial, industrial or regional businesses have the potential to contribute incrementally to local increases in energy consumption.

### **FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impacts of the proposed Project on energy resources are impact to energy would be less than cumulatively considerable.

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

All future development in the State and the city, including the proposed Project, should not result in wasteful, inefficient, or unnecessary use of energy since all projects would be required to implement State CBC requirements, including the installation of energy efficient appliances and efficient water fixtures, incorporation of energy design features, increased efficiency in use of construction materials and fixture design, and zero-net-energy designs through the installation of PV solar panels. Future projects would also be subject to the California Energy Code, Title 24 of the State energy standards, and CalGreen, which provide set of energy efficiency standards for residential and nonresidential buildings that are required to be implemented in order to minimize the wasteful and inefficient use of energy. All future development in the city as well as in the State would also be required to incorporate energy conservation features, and to be consistent with applicable regulations would result in less fuel combustion and energy consumption to achieve carbon neutrality by 2045. In addition, the proposed Project and all future development in the State and the city would be required to be consistent with appropriate goals and policies under the City's General Plan and Municipal Code as well as any other jurisdiction the State.

## **XV.F GEOLOGY AND SOILS**

The cumulative setting for geology impacts is the city, its SOI, as well as surrounding jurisdictions in Riverside County. Future development in this cumulative setting has the potential to increase total population and therefore expose more people to geological hazards such as ground rupture and shaking from earthquakes, loss of topsoil, landslides, lateral spreading and liquefaction. With the city and Riverside County's vicinity to active fault lines in the southern California region, there is always a chance that a fault located anywhere in the cumulative area could rupture and impact the city. Additionally, construction, grading, excavation, removal of vegetation and loading activities at a project site could temporarily increase runoff, erosion, and sedimentation.

### **FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project's cumulative contribution to geology and soils impacts would be less than cumulatively considerable.

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

Although most geology and soil hazards associated with future development projects would be site specific, such as with the proposed Project, cumulative growth in the city and Riverside County have the potential to expose more people to geologic hazards. The relative risk to safety from potential ground shaking within the city and Riverside County varies by location, geologic conditions and the source of the triggering event. Based upon the geologic history of the Coachella Valley, there is always the possibility that ground-disturbing activities during future construction projects may uncover previously unknown paleontological resources or sites or unique geologic features. However, geologic hazards are often site specific and individual future development would be required to be consistent with applicable federal, State, and local regulations related to seismic hazards and geologic safety standards related to design and construction.

Similarly, potential impacts to paleontological resources from future development would be addressed on a case-by-case basis, and appropriate mitigation would be designed to mitigate impacts resulting from future individual projects.

Since geology and soils vary across a region, based on but not limited to, site conditions, localized soil structures, types of soils, impacts to a site's soils and geology would have to be addressed on a project-by-project basis.

## **XV.G GREENHOUSE GAS (GHG)**

According to California Air Pollution Control Officers Association (CAPCOA), "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective." A project's GHG emissions typically would be very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. The cumulative setting for the proposed Project includes a global setting.

### **FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the proposed Project's incremental contribution to greenhouse gas emissions and their effects on climate change would be less than cumulatively considerable.

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

Although the proposed Project is expected to emit GHGs, the emission of GHGs by a single project into the atmosphere is not by itself necessarily an adverse environmental effect. Rather, it is the increased

accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. Therefore, in the case of global climate change, the proximity of the proposed Project to other GHG emission generating activities is not directly relevant to the determination of a cumulative impact because climate change is a global condition. According to CAPCOA, “GHG impacts are exclusively cumulative impacts; there are no non- cumulative GHG emission impacts from a climate change perspective.” A project’s GHG emissions typically would be very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. In addition, in order to achieve the goals under Assembly Bill 32 and the State’s 2022 Scoping Plan for carbon neutrality and anthropogenic GHG emissions, the California Air Resources Board (CARB) is in the process of establishing and implementing regulations to reduce statewide GHG emissions. Consistent with CEQA Guidelines Section §15064h(3) the City, as lead agency, has determined that the proposed Project’s contribution to cumulative GHG emissions and global climate change would be less than significant if the Project itself is consistent with the applicable regulatory plans and policies to reduce GHG emissions. The proposed Project is consistent with the goals and objectives of the City of Palm Springs Climate Action Plan (CAP) and Climate Action Roadmap.

#### ***XV.H HAZARDS AND HAZARDOUS SUBSTANCES***

The cumulative area for hazard impacts is the city of Palm Springs, its SOI areas, and immediate neighboring jurisdictions of Desert Hot Springs, Cathedral City and Cahuilla Hills. Development in the region would change the intensity of land uses in the city and its surroundings. In particular, the implementation of development projects estimated under the city’s General Plan would provide additional housing, employment, shopping, and recreational opportunities. Growth in the area could lead to increased noise, risk of flooding, risk of fire, and transport of hazardous materials on the state highways and interstates as well as that also serve the city. In addition, development elsewhere in the region could have a greater effect on the transport and accidental release of hazardous materials.

#### **FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project’s contribution to cumulative hazards and human health impacts would be less than cumulatively considerable.

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

Although cumulative projects have the potential to increase impacts related to encounters with hazardous materials by construction workers during construction activities and residences and employees exposed to hazardous materials, the use and release of hazardous materials are largely site-specific and would occur on a case-by-case basis for each individual project within a cumulative setting. Hazards are typically site specific unless being transported beyond a project area, and individual development would not create compounding impacts that would affect hazardous conditions on other sites. In addition, the proposed Project as well as all future development would have to be consistent with all relevant federal, State and local policies in relation to hazards and would also be subject to CEQA review for each project, including compliance with remediation plans as applicable. Other potential impacts from future development would be addressed on a case-by-case basis, and appropriate mitigation may need to be designed to mitigate impacts resulting from individual projects.

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

The cumulative setting for hydrology and water quality is the city of Palm Springs, its SOI areas, and immediate neighboring jurisdictions of Desert Hot Springs, Cathedral City and Cahuilla Hills. Future development in these areas have the potential to impact groundwater recharge, impact water quality and

alter drainage patterns, among others. All future project implementation in the city will result in physical changes to project sites through grading, construction improvements, and the addition of water and storm drainage infrastructures that would be needed to serve a proposed development, thereby potentially minimizing cumulative impacts to the City's hydrology and water quality. The proposed buildout envisioned under the City's General Plan may also increase construction that results in runoff and the introduction of additional pollutants to runoff. However, under State and regional water quality requirements, all future developments are required to include stormwater treatment measures that would retain and treat runoff if 5,000 square feet or greater, of land area is affected.

## **FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impacts with the addition of the proposed Project, would be less than cumulatively considerable under Hydrology and Water Quality.

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

The City and its neighboring jurisdictions would implement 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, the appropriate water districts 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 applicable retention policy and associated engineering requirements for stormwater management. Compliance with water quality regulations, including the implementation of best management practices at construction sites that would prevent erosion and tracking would mitigate construction runoff impacts under a cumulative project setting.

The proposed Project, along with all future development projects in the city, would so be required to implement stormwater management through the implementation of applicable permits jurisdictional engineering standards. Water uses would be required to comply with all applicable water efficiency requirements as well as all applicable General Plan policies related to water quality and flooding hazards.

### ***XV.J NOISE***

The cumulative setting for Noise impacts is the city of Palm Springs and its SOI areas. Buildout of the city, as envisioned under its General Plan, has the potential to develop currently vacant parcels and redevelop existing parcels with more intense uses, the construction and operation of which would increase existing ambient noise levels at the site and surrounding areas. Construction within the city and its SOI has the potential to expose people and buildings to high levels of ground-borne vibration. Increased development in the city would also increase traffic which would result in increased noise levels along local roadways.

While a project's construction noise impacts occur from the operation of heavy equipment on a site, these construction activities, however, are usually short-term over the life of project construction and would not occur across the city in one given period of time. Typical project construction activities normally include demolition, grading/excavation, installation of utilities, and erection of the building. Although vibration levels from construction activities rarely reach the level of noise causing hearing damage, construction-related vibration has the potential to cause annoyance at nearby sensitive receivers. The effects of construction vibration can vary depending on the intensity of the construction activities, local soil type, and distance to/land use type of nearby receptors. Since potential impacts from construction would occur only during the permitted hours of construction, and would stop once construction was complete, construction related noise would be an intermittent source of noise and would only lead to a small increase in vibrations at any future proposed site and would not create vibrations large enough to

impact surrounding uses. Additionally, future developments would be required to be consistent with Palm Springs Municipal Code Section 8.04.220 which establish hours of operation for construction activities in order to lessen the impacts of construction noise.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the cumulative noise impacts would be less than cumulatively considerable.

***Facts in Support of Findings***

Since cumulative projects have the potential to increase off-site transportation noise, noise sensitive areas, such as residential areas and other sensitive land uses, such as schools, churches, or recreational uses, may be exposed to noise levels generated by on-road vehicles which exceed the normally or conditionally acceptable noise-compatibility criterion. However, all future development in the city and its surrounding areas, including the proposed Project, would be required to meet the City noise requirements established under its General Plan. Since the City applies the State’s Community Noise and Land Use Compatibility standards when analyzing compatibility of new development with existing noise sources, it has established interior noise standards of 65 Community Noise Equivalent Level (CNEL) for manufacturing, warehousing, wholesale, and utility uses. There are no exterior noise standards for these uses.

Since the development of new noise sensitive land uses has the potential to exceed existing noise levels at a project site and its vicinity, future development projects would be required to conduct separate noise study through the City’s development review process to determine the level of impacts and required mitigation. In addition, all future projects, including the proposed development analyzed under this EIR, would be required to be consistent with the City General Plan goals and policies related to noise. The proposed Project and all future projects will therefore be required to mitigate noise levels above the acceptable levels established in the General Plan.

***XV.K POPULATION AND HOUSING***

The cumulative area for population and housing impacts is the city of Palm Springs, its SOI areas, and immediate neighboring jurisdictions of Desert Hot Springs, Cathedral City and Cahuilla Hills. The proposed Project would develop a currently vacant site with light industrial and office uses related to two (2) warehouse facilities. Since there are no existing housing or people at the site, no replacement of people or the need for replacement housing elsewhere in the city would be required under the proposed Project. However, although there is no housing proposed for the site, the proposed Project has the potential to generate approximately 700 to 750 new employment opportunities in the city of Palm Spring. These new additional employees may be drawn from existing city and county residents or from employees relocating to the area who may require additional housing opportunities in the city. The City’s updated Housing Element of the General Plan planning horizon estimated housing needs and availability in the city for the 2021 to 2029 planning period. The City’s General Plan Housing Element estimated that there would be sufficient housing available in the city to accommodate for the City’s planned growth from future project such as the proposed Project.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impacts to population growth would be less than cumulatively considerable.

***Facts in Support of Findings***

Future proposed development under the City's General Plan has the potential to increase land use intensities within the city and its Sphere of Influence (SOI). Population and housing impacts are typically cumulative in nature, and that residents do not always work where they live in the regional area, the general region surrounding the city, including all of Riverside County must be considered when evaluating cumulative land use impacts. Population growth is not, in itself, an environmental impact; however, the direct and indirect effects related to population growth can lead to physical environmental effects. While the City's General Plan has the potential to increase the intensity of land uses in the city and increase the potential growth of the city, applicable General Plan policies would ensure that land uses are compatible with each other and are consistent with zoning, resulting in compatible communities.

Therefore, although implementation of the proposed Project would increase density and intensity of existing land uses in the city, the Project site is planned for such growth in the General Plan and other long-term planning documents, and the proposed Project would not cause a cumulatively considerable contribution to any cumulative impacts associated with population and housing.

***XV.L PUBLIC SERVICES***

The cumulative setting for impacts to public services and recreation is the city and its SOI areas. For the proposed Project's cumulative impact with respect to public services, the cumulative analysis is based on the buildout of the City under its General Plan.

The proposed Project is an industrial development that would allow new employment sources to primarily existing residents within the city and Riverside County. Such residents are currently utilizing city and county facilities for their school, library and other public service needs. Such public facilities currently have the capacities to also serve any new residents into the city as a result of development of the proposed Project.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project's cumulative impacts to Public Services would be less than cumulatively considerable.

***Facts in Support of Findings***

Implementation of the proposed Project in conjunction with other development envisioned under the City's General Plan buildout scenarios, has the potential to result in an increase in the demand for fire and police protection services over time. Therefore, all proposed projects in the city would be required to implement all applicable fire safety policies and requirements and develop appropriate fire protection plans that would require review and approval of the City's Fire Safety Marshall. 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 a site, so as to ensure that all future new development does not result in significant pressure on police and fire facilities.

Any increases in the city's future population could increase the use of existing neighborhood and regional parks and recreational facilities. Since the city is committed to providing public park and recreation facilities that meet the needs of its residents, this commitment may require the city to creatively utilize its existing facilities or to enter into development agreements with neighboring jurisdictions to allow for the creation and maintenance of walkways, trails and bike facilities. The construction (or expansion of existing recreational facilities) would be subject to its own environmental review pursuant to CEQA and State law.

Although future development under all proposed projects in the city of Palm Springs may generate the need for increased school and library spaces, such future need would be assessed on a project-by-project basis.

**XV.M RECREATION**

The cumulative area in relation to recreational facilities for the proposed Project is the city of Palm Springs. Any increases in the city's future population could increase the use of existing neighborhood and regional parks and recreational facilities.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impact related to Recreation would be less than cumulatively considerable.

***Facts in Support of Findings***

The proposed Project is an industrial development without any residential components. However, employees at the proposed Project site would require access to parks in their residential neighborhoods. This, along with any increases in the city's future population could increase the use of existing neighborhood and regional parks and recreational facilities. within the area. Much of this growth however, has been anticipated by the city and has been factored in the City's General Plan Land Use Element through appropriate goals and policies. Also, the City is committed to preserving its existing recreation and park facilities to that meet the needs of its residents and all development projects. The Recreation, Open Space, and Conservation Element of its General Plan provides policy direction in the maintenance and creation of recreation spaces and facilities in the city. All cumulative development in the city would be required to adhere to the General Plan policies. In addition, the construction (or expansion of existing recreational facilities) would be subject to its own environmental review pursuant to CEQA and State law such that new development would contribute to the addition of adequate park spaces and recreational facilities. This would ensure that any future growth in the number of city residents is concurrent with adequate parks and open spaces that would serve the city's growth in population.

**XV.N TRANSPORTATION**

The cumulative setting for transportation impacts is the regional transportation system. As specified in the city of Palm Springs Traffic Impact Analysis (TIA) Guidelines, cumulative impacts shall be considered less than significant if a project is consistent with the region's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), absent substantial evidence to the contrary.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project's cumulative transportation impacts would be less than cumulatively considerable.

***Facts in Support of Findings***

The proposed Project is located within the Southern California Association of Governments (SCAG) Metropolitan Planning Organization (MPO). As specified in the City TIA Guidelines, cumulative impacts shall be considered less than significant if a project is consistent with the RTP/SCS, absent substantial evidence to the contrary. SCAG is the MPO responsible for development of Connect SoCal, the 2020-2045 RTP/SCS for the region. Based on Connect SoCal's Data/Map Book for the city of Palm Springs, the proposed Project site is zoned for Industrial use per SCAG's land use codes and is therefore consistent with the RTP/SCS.

**XV.O TRIBAL AND CULTURAL RESOURCES**

The cumulative area for the proposed Project impacts to tribal resources is the city of Palm Springs and its SOI, as well as surrounding jurisdictions in Riverside County.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the proposed Project’s cumulative impacts to tribal cultural resources would be less than cumulatively considerable.

***Facts in Support of Findings***

Development in the city and its SOI under the City’s General Plan buildout, including the proposed Project site, has the potential to impact Tribal Cultural Resources within the city and surrounding areas of Riverside County. However, as with the proposed Project, all future development 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 well as applicable policies within the city of Palm Springs General Plan. The proposed Project would also be required to comply with mitigation measures CUL-1, CUL-2, CUL-3, and CUL-4 that would be implemented under the proposed Project in order to reduce impacts and preserve tribal cultural resources across this portion of the Coachella Valley region. Although continued development has the potential to cumulatively impact these resources, the continued application of the City’s General Plan policies as well as requirements under federal and State law applicable to tribal resources, would result in the proposed Project’s cumulative impacts related to tribal resources to be less than cumulatively considerable.

**XV.P UTILITIES AND SERVICE SYSTEMS**

Under buildout conditions under the City’s General Plan, there would be an increase in demand for water, wastewater conveyance, solid waste disposal, energy and telecommunications facilities.

***Water Supply***

Buildout under the City’s General Plan has the potential to result in cumulatively significant impacts to water supplies and infrastructure. However, all current and future development in the city would be required to implement short-term and long-term water conservation efforts, as well as project approvals under the City’s regulations and requirements as well as those under the Mission Springs Water District (MSWD) and the Desert Water Agency (DWA) regulations.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project’s cumulative impacts proposed Project’s cumulative impacts related to water usage would be less than cumulatively considerable.

***Facts in Support of Findings***

The water districts within region have adopted a water conservation master plan and water efficient landscaping guidelines, which identify several guidelines for more efficient water use practices, such as, but not limited to, efficient landscaping guidelines, efficient landscaping requirements for new development, xeriscape gardens, efficient landscaping incentives, updated water shortage ordinance, a tiered rate structure, drought surcharge, and rebates for water efficient plumbing fixtures. Based on current and predicted water usage under different types of projects (residential versus commercial versus industrial, etc.) the Districts have sufficient amounts of water to serve the city under the proposed Project and as well as future development for the next 20-years.

**Wastewater**

The proposed Project in conjunction with all future development in the city would result in an increase to wastewater flows.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the proposed Project’s cumulative impacts related to wastewater would be less than cumulatively considerable.

**Facts in Support of Findings**

MSWD has undertaken the construction of the MSWD Regional Water Reclamation Facility (RWRF) to meet increasing wastewater demand in the city and its SOI areas. The new facility will treat an additional 1.5 million gallons of wastewater per day. The regional plant and conveyance line projects are expected to lessen flows to the District’s Wastewater Treatment Plants and thereby extend the operational life for these facilities. This, in turn would support future growth in MSWD’s service area.

**Solid Waste**

Buildout under the City’s General Plan, including development at the proposed Project site, would result in the construction and operation of various residential, office, mixed-use, commercial, and industrial uses which have the potential to result in the increase of solid waste generation in the city.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the proposed Project’s cumulative impacts related to solid waste would be less than cumulatively considerable.

**Facts in Support of Findings**

The city is primarily serviced by the Lambs Canyon Landfill which has the current capacity and the potential for expansion in order to service solid waste needs in the city. Future development projects in the city would be required to be consistent with all existing waste reduction mandates to reduce the waste stream by 75%. In addition, all future development projects in the city would be required to conform with the City’s Municipal Code as well as applicable policies in the City’s General Plan with regard to the disposal of solid waste.

**Electricity**

Southern California Edison (SCE) is the electricity provider in the city of Palm Springs and its SOI areas. Buildout under the city’s General Plan, including the proposed Project, as well as additional forecasted growth in SCE’s service area would cumulatively increase the demand for electricity supplies and infrastructure capacity.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs find that the proposed Project’s cumulative impacts related to of the expansion of facilities to provide electricity would be less than cumulatively considerable.

**Facts in Support of Findings**

The proposed project, and other future development projects under buildout in the city would be required to be consistent with all applicable California Energy Code, CALGreen and State energy standards under Title 24, and incorporate energy design features. Site specific but increased efficiency measure in project design would be required to be incorporated by the proposed project as well as all cumulative

projects developed within SCE’s service area. In addition, the proposed Project and all future development in the city would be required to be consistent with the city’s Municipal Code and the appropriate goals and policies under the City’s General Plan.

***Natural Gas***

SoCal Gas is the natural gas provider in the city and its SOI areas and SoCal Gas has estimated that total gas demand in its service area would decline at an annual rate of 1 percent between 2020-2035.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the impacts related to natural gas from cumulative projects in the city would be less than cumulatively considerable.

***Facts in Support of Findings***

Although buildout of the city has the potential to result in additional natural gas demand, SoCalGas has adequate policies and programs in place to ensure the provision of energy to its service area for the foreseeable future. In addition, the proposed Project, as well as future development projects in the city would be required to be consistent with applicable General Plan policies and to undertake the assessment of appropriate levels of project needs for natural gas.

***Telecommunications***

Frontier’s and Charter Communications’ currently serve the city of Palm Springs and its SOI area for all telecommunications services, and the proposed Project, as well as all future development in the city, would result in increased demand for such services.

**FINDINGS**

Therefore, the Planning Commission of the City of Palm Springs finds that the cumulative impacts to telecommunication would be less than cumulatively considerable.

***Facts in Support of Findings***

The proposed Project, as well as all future development in the city, would result in increased demand for telecommunication services. Although infrastructure related to telecommunications exist in the city, future development may require additional connection line and related infrastructure upgrades. However, all future improvements to telecommunication infrastructure would be required to be consistent with all applicable City General Plan policies and required design review and approval plans by the city, nearby jurisdictions, and the appropriate regulatory agencies and utility providers.

***XV.Q WILDFIRE***

By its very nature wildfires are cumulative in impact. However, the cumulative area for wildfire impacts is the proposed Project site as well as the city and its SOI areas, and surrounding development within cities of Desert Hot Springs, Cathedral City and Cahuilla Hills, all of which share their southern and western boundaries with the city of Palm Springs.

Although the majority of the areas in the city are not located in a Very High Fire Safety Hazard Area (VHFSHA), a High Fire Safety Hazard Area (HFSHA), or Moderate Fire Safety Hazard Area (MFSHA) under State Responsibility Area (SRA) or VHFSHA under Local Responsibility Area (LRA), there are some areas in the southern and southeastern portions of the city that are VHFSHA under LRA and SRA. Also, according to the City’s Palm Springs by Design – General Plan 2040, portions of the city are located within a Wildfire Influence Zone, which encompass areas that are more prone to wildland fires due to the area’s climate and topography. However, even in such high fire hazard areas efforts can be made to prevent ignitions

and limit wildfire loss by limiting vast areas of landscaping, using more impervious surfaces and fire resistant building materials, and creating defensible spaces so as to limit the spread of fire and reduce the risk to people and property.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the cumulative impacts to wildfire would be less than cumulatively considerable.

***Facts in Support of Findings***

As with the proposed Project, all future development in the city and its SOI would be subject to local and regional restrictions on use or operation during high fire-risk conditions (e.g., open fires or barbecues, use of landscaping equipment that could cause sparks). The proposed Project, as well as all cumulative development projects in the city would also be required to follow all applicable California Building Code (CBC) regulations governing fire protection, State Fire Codes, and all City of Palm Springs Emergency Operations Plan (EOP) and fire safety regulations during construction and operation, including the development and utilization of a circulation plan with sufficient emergency access routes. All future projects would also be required to adhere to applicable Safety policies under the City’s Palm Springs General Plan 2040, in relation to construction activities, emergency vehicle access to a site, as well as the development of a project and site specific emergency response plan or evacuation plan. All proposed buildings on a site would be required to having all the buildings being equipped with fire-sprinklers and other fire safety equipment, thereby reducing risks associated with creation and spreading of fire, that has the potential to exposes site occupants to the pollutant concentrations of a wildfire. Additionally, all building design, adherence to fire safety standards, and use of fire suppressant mechanisms at a site as well as use of defensible space and routine fire safety maintenance at a site, would be required to be reviewed by the Riverside County Fire Department (RCFD) as well as the City’s Fire Chief.

**XVI. FINDINGS REGARDING GROWTH INDUCING IMPACTS (CEQA GUIDELINES §15126.6[e])**

***XVI.A GROWTH INDUCING IMPACTS***

State CEQA Guidelines Section §15126.2(e) mandates that an EIR discuss the ways in which the proposed project could foster economic or population growth; remove obstacles to growth; require the construction of new or expanded facilities such that could cause significant environmental effects; or, encourage and facilitate other activities that may affect the environment. the growth-inducing impact of a project be discussed. Although the CEQA Guidelines do not provide specific criteria for evaluating growth inducement, they do indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. Growth inducement cannot generally be quantified but is instead evaluated as either occurring or not occurring with implementation of a project. The identification of growth-inducing impacts is largely informational, and mitigation of growth inducement is not required under CEQA.

The proposed Project site is currently vacant with low lying shrub, small to medium sized boulders, and some shrub and low tree coverage scattered throughout. The site is generally flat with a slope from north to south. The site had historically been used as a wind farm consisting of nine (9) large wind turbines and soil conditions are disturbed and uneven across the site. Unpaved access routes for pedestrians and bicycles traverse the site from north to south. The Humane Society of the Desert, some residential and commercial uses are located to the north, a primarily undeveloped business park is located to the east of the site, some commercial and light industrial uses are located to the south, and primarily vacant land with a wind farm is located to the west of the proposed Project site. Existing infrastructure, including

utility services and roadways, are already in place in the surrounding areas and along N Indian Canyon Drive and 19<sup>th</sup> Avenue which form the site's eastern and southern boundaries, respectively.

**FINDINGS**

Thus the Planning Commission of the City of Palm Springs find that since the improvements necessary for development of the site would not facilitate growth that has not been anticipated in the proposed Project area, no significant growth-inducing effect would occur, and no mitigation is required.

***Facts in Support of Findings***

The proposed industrial development may cause an indirect economic growth as it would generate revenue to the City through taxes generated by the proposed development. Additionally, employees (short-term construction and long-term operational employees) at the site would purchase goods and services in the region, but any secondary increase in employment growth associated with meeting these incremental demands would be marginal, as these goods and services could be accommodated by existing providers. However, the proposed Project is highly unlikely to result in any new or additional physical impacts to the environment based on the amount of existing and planned future commercial and retail services, which would serve site employees and their families, available in areas near the site and in city or in Riverside County. Therefore, it is highly unlikely that additional commercial or retail services would be required to meet demands for goods and services from employees under the proposed Project.

The proposed Project would implement economic activity that would result in an improvement in the jobs-household ratio by providing employment within the city. As discussed in Section 4.11: Population and Housing of the Draft EIR, the City is currently at an approximate 45.7% employment. The proposed Project would provide additional employment opportunities in the city as well as in Riverside County. In addition, the location of the new employment opportunities would be easily accessible from Interstate 10 and would also accommodate employees in surrounding areas. It is estimated that most of the new jobs that would be created by the proposed Project would be positions that do not require a specialized workforce, and this type of workforce exists in the city and surrounding communities in Riverside County.

The proposed development would create jobs, a majority of which could potentially be filled by residents of city of Palm Springs and the surrounding unincorporated Riverside County areas. Employees would live in housing either already built or are planned for under development in the city and surrounding areas, or in unincorporated Riverside County. Since it is anticipated that most of the future employees from industrial and office development at the current site would already be living in the greater Riverside County area, the proposed Project's introduction of employment opportunities would not induce substantial growth in the region and would not cause the need for additional housing.

Although the proposed Project would include some internal roadway improvements to accommodate the safe passage and turning movements of the vehicles that would access the site, the proposed development would not create new roadway extensions into new undeveloped areas that would allow for additional growth and development.

Development of the proposed Project site would also require the installation of new potable water lines, irrigation lines, sewer lines, and stormwater drainage facilities on the site that would connect to surrounding, existing infrastructure in order to accommodate the demands at the currently undeveloped site. The proposed Project would not expand water or sewer services into other unplanned areas within the city or its Sphere of Influence. The proposed infrastructure improvements would be designed to serve

only the demands of the proposed Project and therefore it would not result in significant growth inducing impacts.

The proposed Project would slightly increase the demand for fire protection and emergency response and police protection. However, the proposed development would not require additional facilities or the expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and build out projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, the proposed Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

Development of the proposed Project site may place further development pressure on areas to the north, west, east, and south, which are currently developed with some residential and commercial uses, large areas of vacant and underdeveloped land, or are being utilized for agricultural or light industrial uses. However, the site has been long planned for industrial/office uses by the City's General Plan and the proposed infrastructure on site would only be sized to serve the proposed Project and would not have capacity to serve additional development projects in the area. The proposed Project would not therefore, individually or cumulatively encourage or facilitate substantial growth.

Based on the foregoing analysis, although the proposed Project would not directly or indirectly result in substantial, adverse growth-inducing impacts, the proposed development would not encourage or facilitate growth-inducing activities that could significantly affect the surrounding environment, individually or cumulatively. Also, as discussed in the **Section XX: Statement of Overriding Considerations**, the proposed Project is consistent with the General Plan and would further the overall goals of the General Plan.

***XVI.B SIGNIFICANT IRREVERSIBLE IMPACTS***

The State CEQA Guidelines Section §15126.2(d) requires that an EIR consider and discuss the evaluation of significant irreversible environmental changes that would occur should a project be implemented.

The CEQA Guidelines also specify the discussion of the use of nonrenewable resources under all project phases since a large commitment of such resources makes removal or nonuse thereafter unlikely or too costly.

Primary and secondary impacts, such as road improvements, which provide access to previously inaccessible areas should also be discussed because such improvements have the potential to commit future development to similar uses.

Irreversible damage that have the potential to result from environmental accidents associated with a project should also be discussed.

Furthermore, Section §15126.2(d) also states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified.

**FINDINGS**

Thus, the Planning Commission of the City of Palm Springs finds that the use of non renewable resources would not result in significant irreversible changes to the environment under development of the proposed Project.

***Facts in Support of Findings***

Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Implementation of the proposed First Palms Springs Commerce Center Project would not result in significant irreversible impacts to any of the issue areas analyzed under Appendix G of the State CEQA Guidelines. Natural resources in the form of construction materials would be utilized in the construction of the WLC Project and energy resources in the form of electricity and natural gas would be used during the long-term operation of the Project; however, their use is not expected to result in a negative impact related to the availability of these resources. Although the proposed development would require energy and non-renewable resources such as electricity, fossil fuels, natural gas, and construction materials like concrete, asphalt, sand and gravel, steel, petrochemicals, and lumber, as well as potable water and labor during construction, it is mandatory for the proposed Project to comply with Title 24 Building Standards and the CALGreen Code, as discussed in several sections of the Draft EIR. Furthermore, the proposed development would incorporate several sustainable building practices into the site development and operation to reduce energy and non-renewable resource consumption. These sustainable measures, including the use of low-flow fixtures/appliances and low-flow irrigation, roof-top solar panels, and other related sustainable practices that are consistent with the California Green Building Code, would be part of the proposed Project's conditions of approval. Construction and operation of the proposed development would commit the use of some renewable and nonrenewable resources that have the potential to limit the availability of such resources for future uses. However, the use of such resources during proposed Project construction and operation would be on a relatively small scale and would be consistent with the City's and Riverside County's development goals.

Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See PRC section §21100.1 and Title 14, California Code of Regulations, section §15127 for limitations to applicability of this requirement).

**XVII.FINDINGS REGARDING ALTERNATIVES (CEQA GUIDELINES §15126.6[a])**

Since the proposed Project has the potential to cause one or more significant environmental effects, the City of Palm Springs must make findings with respect to the alternatives to the Project, as considered in the Draft EIR. The City must also evaluate whether these proposed alternatives could feasibly avoid or substantially lessen the proposed Project's significant environmental effects while achieving most of the Project Objectives. The State CEQA Guidelines section §15126.6(a) requires the discussion of *“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.”* CEQA Guidelines §15364 also 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)).

**XVII.A ALTERNATIVE REJECTED FROM FURTHER CONSIDERATION**

CEQA Guidelines Section §15126.6(c) provides that the range of potential alternatives for the 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. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR.

In accordance with CEQA Guidelines Section §15126.6(f), several alternatives were considered for the Proposed project, but rejected as infeasible. The potentially feasible alternatives were analyzed in relation to the objectives of the proposed Project and in relation to their ability to avoid or substantially lessen environmental impacts. The alternatives rejected as infeasible included:

***Alternate Site Location Alternative***

The proposed fulfillment center is compliant with the General Plan existing land use (Industrial with Wind Energy Overlay) and zoning designations (M-2 Manufacturing Zone) established by the City of Palm Springs. The proposed Project location, with surrounding commercial and industrial uses and proximity to I-10 is appropriate for the proposed uses at the site.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the Alternate Site Location Alternative is unacceptable and rejects it in favor of the proposed Project.

***Facts in Support of Findings***

Although similar vacant parcels zoned for industrial development exist within the city, particularly surrounding the proposed Project site, the Project applicant does not own or control uses at these sites. Other vacant parcels located in the northern portion of the city with similar access to I-10, are zoned M-1P: Planned Research and Development Park, a zoning category would not allow for heavy industrial uses such as those under the proposed Project. Those parcels are also surrounded by land designated for Open Space – Mountain that allows for one (1) dwelling unit (DU) per 40 acres, or as Desert that allows for one (1) DU for 10 per acre. Such parcels are also located in a largely vacant portion of the city with development limited to gas stations along the I-10 interchanges.

Similar vacant parcels in the city that would be consistent with the Industrial designation under the City General Plan are limited to vacant parcels in the central and core city areas and surrounding the Palm Springs International Airport. Although a number of these parcels are zoned M-1: Service/Manufacturing or M-1P: Planned Research and Development Park. Although other parcels in this area of the city are zoned M1 IL: Service/Manufacturing on Indian Land, these areas are under the jurisdiction of the local Tribal uses.

Moreover, this alternative would not meet the proposed Project objectives of: developing a state-of-the-art fulfillment center in an Industrial zone (with Wind Overlay), creating new employment opportunities particularly within the city of Palm Springs Industrial and Regional Business Center land use zones. Therefore, the relocation of the proposed Project to an alternate site in the city was not considered a feasible alternative and was not evaluated further in this EIR.

***Energy Use Alternative***

Since the proposed Project site is designated as Industrial with Wind Energy Overlay under the City's General Plan, development of the proposed Project site with a wind energy system, or a solar farm, or a Battery Energy Storage System (BESS) facility were also considered but rejected as feasible alternatives.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the Energy Use Alternative is unacceptable and rejects it in favor of the proposed Project.

***Facts in Support of Findings***

Compared to the proposed Project, this alternative has the potential to result in less impacts in relation to Aesthetics, Air Quality, Hydrology, Noise, Public Services, Traffic, and Utilities, since energy projects typically do not have onsite buildings or employees. This alternative would result in impacts equal to that of the proposed Project under the areas of Cultural Resources, Geology and Soils, Hazards, Hydrology, Tribal Resources, Population/Housing, Recreation, and Wildfire. However, potential impacts to Biological Resources and Energy could potentially be greater than those under the proposed Project with effects on the safety and flight paths of birds, especially those of migratory species, as well as the increased use of electricity and natural gas.

This alternative was rejected because this alternative would not meet the proposed Project objectives of developing a state-of-the-art fulfillment center in an Industrial zone (with Wind Overlay) within the city of Palm Springs; creating new employment opportunities particularly within the city of Palm Springs Industrial and Regional Business Center land use zones; developing industrial uses near existing roadways and freeways to reduce potential impacts related to traffic congestion, air and greenhouse gas emissions and noise. Therefore, the development of the proposed Project site as an energy use project was not considered a viable alternative and was not evaluated further in this EIR.

**XVII.B ALTERNATIVES TO THE PROPOSED PROJECT**

Therefore, EIR for the proposed First Palm Spring Commerce Center Project evaluated the following reasonable range of alternatives to the proposed Project:

- **Alternative #1:** No Project Alternative
- **Alternative #2:** Industrial Business Park Alternative
- **Alternative #3:** Reduced Intensity Alternative
- **Alternative #4:** Distribution Warehouse Alternative

**ALTERNATIVE 1**

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.

CEQA, through case law, requires that the “no project” alternatives be evaluated so as to allow the Lead Agency to compare the impacts of approving the proposed project with the impacts of not approving the proposed Project versus not approving it. Under State CEQA Guidelines §15126.6(e)(2), “the No Project Alternative shall discuss the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

The No Project analysis discusses both the existing conditions at the time the Notice of Preparation (NOP) for the proposed Project was published, as well as what would be reasonably expected to occur in the foreseeable future if the proposed Project was not approved. This Alternative assumes that the proposed Project are not constructed and that the current site would remain vacant and undeveloped. The No Project Alternative would not fulfill any of the project objectives. Therefore, under Alternative 1, the proposed Project site would remain an approximate 91.97 acre vacant parcel of land.

## **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the No Project Alternative is unacceptable and rejects it in favor of the proposed Project.

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

Although the No Project Alternative would be considered the environmentally superior alternative in that it would avoid the significant adverse effects of the proposed Project; the Planning Commission of the City of Palm Springs rejects the No Project Alternative since it does not meet any of the proposed Project objectives. Specifically, this Alternative does not promote development of an underutilized site consistent with the goals and policies of the Palm Springs 2007 General Plan; develop a state-of-the-art fulfillment center in an Industrial zone (with Wind Overlay) within the city of Palm Springs that is consistent with the goals and policies of the Palm Springs 2007 General Plan; create new employment opportunities particularly within the city of Palm Springs Industrial and Regional Business Center land use zones; develop industrial uses near existing roadways and freeways to reduce potential impacts related to traffic congestion, air and greenhouse gas emissions and noise; or, establish new development that would further the City's near-term and long-range fiscal goals.

## **ALTERNATIVE 2**

The Industrial Business Park Alternative would develop the site with a mix of industrial, small business and office spaces, vehicle storage and rental facilities, as well as distribution centers. Alternative 2 would generate 604 new employment opportunities in the city of Palm Springs. It would develop the site with four (4) warehouse storage facilities at a size of 155,000 square feet (sqft) each, two (2) vehicle storage and rental facilities with each facility averaging 28,000 sqft in size, two (2) manufacturing buildings (26,000 sqft each), two (2) wholesale warehouse structures at 275,000 sqft each, and six (6) small business spaces each averaging 4,500 sqft, in size. This Alternative would account for approximately 946 total parking spaces including 574 personal vehicle and 30 handicap parking spaced, 24 bicycle parking spaces, 176 trailer parking stalls, and 134 truck dock positions.

## **FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the Industrial Business Park Alternative is unacceptable and rejects it in favor of the proposed Project.

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

The Planning Commission of the City of Palm Springs rejects the Industrial Business Park Alternative since although it does meet some of the proposed Project objectives, it does not meet all of the Objectives. Specifically, it would develop a business park with a mix of uses rather than a fulfillment center; it would not generate the same level of employment opportunities; or would not establish development that would further the City's near-term and long-range fiscal goals. In addition, with its mix of uses, this Alternative has the potential to result in increased impacts to greenhouse gas emissions, noise, and transportation, due to increased daily trips associated with the various industrial businesses.

## **ALTERNATIVE 3**

The Reduced Intensity Alternative would develop the site with a reduced intensity industrial project that would reduce both building sizes by 50 percent. Building 1 would be at a maximum size of 758,090 sqft, while Building 2 would be at a maximum size of 194,265 sqft. Alternative #3 would reduce the number of employees on the site to approximately 350 employees, thereby reducing vehicular trip traffic. This

Alternative would also account for 338 car parking spaces and 12 handicap parking spaces, as well as 17 spaces for bicycle parking, 270 trailer parking stalls, and 152 truck dock positions, for a total of 803 onsite parking spaces.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the Reduced Intensity Alternative is unacceptable and rejects it in favor of the proposed Project.

***Facts in Support of Findings***

The Planning Commission of the City of Palm Springs rejects the Reduced Intensity Alternative since although it does meet some of the proposed Project objectives, it does not meet all of the Objectives. Specifically, it would not generate the same level of employment opportunities.

**ALTERNATIVE 4**

The Distribution Warehouse Alternative would develop the site with one (1) large distribution warehouse, at an estimated total square footage of 1,904,704 sqft, to store and distribute goods to wholesalers and retailers. Under this Alternative, total building footprint would remain the same as that for the proposed Project, but the total number of employees needed at the site would be reduced to 250 employees, requiring 240 vehicle parking and 10 handicap parking spaces and only 10 bicycle parking spaces to be provided at the site. Under Alternative 4 the total trailer stalls and dock positions would remain the same as that for Alternative 3, with 267 stalls for trailer parking and 152 truck dock positions, for a total of 607 parking spaces at the site.

**FINDINGS**

Pursuant to Section §21081(a) of the PRC and Section §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds the Distribution Warehouse Alternative is unacceptable and rejects it in favor of the proposed Project.

***Facts in Support of Findings***

The Planning Commission of the City of Palm Springs rejects the Industrial Business Park Alternative since although it does meet some of the proposed Project objectives, it does not meet all of the Objectives. Specifically, it would not develop a state-of-the-art fulfillment center in an Industrial zone (with Wind Overlay) within the city of Palm Springs that is consistent with the goals and policies of the Palm Springs 2007 General Plan; it would not generate the same level of employment opportunities; or would not establish development that would further the City’s near-term and long-range fiscal goals.

***XVII.C ENVIRONMENTALLY SUPERIOR ALTERNATIVE***

CEQA Guidelines (Section §15126.6 (e)[2]) requires that an environmentally superior alternative be identified in an EIR for a project.

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 (PRC, section §21081(a)(2); CEQA Guidelines section §15091(a)[3]). An alternative may be rejected if:

- it is “infeasible,”
- it 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).

## **FINDINGS**

The Reduced Intensity Alternative, however, would meet all of the objectives of the proposed Project and is therefore the environmentally superior alternative.

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

Based on the analysis in the Draft EIR, Alternative 3 is the environmentally superior alternative since it would not result in greater impacts to any of the issues areas; require less vehicle and truck trips; would result in less impacts with regard to aesthetics, energy, geology and soils, noise, population and housing, and recreation.; impacts to air quality and transportation and traffic would remain significant and unavoidable under the Reduced Intensity Alternative as it would under the proposed Project; impacts to biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, public services, tribal cultural resources, utilities and service systems, as well as wildfire would remain the same as under the proposed Project with the application of the same mitigation measures as under the proposed Project.

## **XVIII.STATEMENT OF OVERRIDING CONSIDERATIONS**

Should significant and unavoidable impacts remain after changes or alterations are applied to a proposed Project, a Statement of Overriding Considerations (SOC) must be prepared. This SOC provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects.

Regarding a Statement of Overriding Considerations, Public Resources Code (PRC) Section §21081(b) and Sections §15093(a) and §15043(b) of the State CEQA Guidelines provides that, the Lead Agency, as the decision-making body for a proposed project:

- a) *... is required to balance the economic, social, legal, technological, or other benefits of a proposed project against its significant unavoidable impacts when determining whether to approve the project. If the benefits of the project outweigh its unavoidable adverse environmental effects, or when significant impacts are not avoided or substantially lessened, then those effects may be considered “acceptable”*
- b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
- c) *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section §15091.*

The reasons for accepting the significant and unavoidable impacts of a proposed project must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section §15093(b)).

Each of the separate benefits of the proposed Project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. Any one of the reasons set forth below is sufficient to justify approval of the proposed First Palm Springs Commerce Center Project.

**XVIII.A CONSIDERATIONS**

This section therefore identifies the significant unavoidable impacts that require a Statement of Overriding Considerations (SOC) to be issued by the City upon approval of the proposed Project. Based on the analysis contained in the Final EIR, the impacts to air quality 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 proposed Project benefits set forth in the Statement of Overriding Consideration.

Therefore, pursuant to PRC Section §21081(b) and State CEQA Guidelines Section §15093, the Planning Commission, having considered all of the information presented herein and in the Record of Proceedings, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts related to Air Quality and Transportation.

The Planning Commission of the City of Palm Spring hereby finds that the benefits of the proposed First Palm Springs Commerce Center outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

**Approval of the proposed Project would allow for the economic use of a currently underused land area.**

The proposed Project site is currently vacant and underutilized area within the City of Palm Springs industrial district. Historically, in use for wind farm facility, the site is not zoned for agriculture, nor does it have soils suitable for agricultural uses at the site. The proposed Project would add approximately 700 new employment opportunities in the City of Palm Springs, which may be drawn from existing City residents, from new residents moving into the City, or even from surrounding community areas. Approval of the proposed Project would therefore allow for the conversion of vacant, and unproductive land into a jobs and revenue producing facility.

The proposed Project's increase in City of Palm Springs employment opportunities has the potential to require housing opportunities within the City of Palm Springs which offers a variety of housing stock consisting of single-family homes, condominiums/townhomes, apartments, and mobile homes. According to the City of Palm Springs draft Housing Element, the City of Palm Springs has 36,012 housing units as of 2020, with 85% of these being single-family homes. From 2010 to 2020, the City of Palm Springs experienced modest housing growth, averaging 250 new units built annually (see **Table XVIII.A** below). The City of Palm Springs has recently approved applications for housing units that total 2,262 single-family and condominium units. Since the City of Palm Springs has a vacancy rate between 4% and 10%, the approved new dwelling units would contribute to the housing availability City for new households created by the proposed Project's employees.

**Table XVIII.A: Housing Growth in the City of Palm Springs**

Unit Type	Housing Units			Percent
	2010	Percent	2020	
Total Units	34,794	100%	36,012	100%
1 Unit detached	12,665	36%	13,706	38%
1 Unit detached	8,410	24%	8,504	24%
2 to 4 units	2,905	8%	2,931	8%
5 or more units	8,667	25%	8,724	24%
Mobile Home	2,147	6%	2,147	6%
<b>Housing Types</b>				
Single-Family	21,075	61%	22,210	62%
Multiple -Family	11,572	33%	11,655	32%
Other	2,147	6%	2,147	6%
<i>Source: Department of Finance, 2010-2020.</i>				

The proposed Project therefore has the potential to create 700 new employment opportunities and to generate new sources of revenue with a new high-quality development in the City of Palm Springs, thereby creating positive economic results under its development.

**Approval of the proposed Project would further the City of Palm Springs General Plan goal of improving use of its Industrial District such that the industrial uses provide a mixed economic base and additional employment opportunities for the City of Palm Springs, with easy access to a regional transportation network**

The proposed Project would develop an approximate 91.97 acre currently vacant parcel with two (2) warehouse buildings with office spaces, truck docking areas and employee parking spaces. Building 1 would approximate 1,516,174 square feet (sf), with 258 truck trailer docks, four (4) grade doors, 929 parking spaces for cars and trucks, of which 16 spaces would be for handicap parking, 25 bicycle parking areas. Building 2 would approximate 388,530 sf with 42 truck trailer docks, two (2) grade doors, 302 parking spaces for cars and trucks, of which eight (8) spaces would be for handicapped parking, 14 bicycle parking areas.

The entire site would also be developed with external building and internal roadways, lighting, landscaping, and trash enclosure areas. The proposed development would also incorporate the installation and use of fixed rooftop solar panel arrays on both buildings. On-site stormwater retention basins serving the site would be constructed underground. The proposed Project would connect to existing water, wastewater, sewer and electric lines along N Indian Canyon Drive to the east and 19<sup>th</sup> Avenue to the south of the site.

The proposed Project would provide the City of Palm Springs with a large-scale logistics center that would serve the goods movement needs of the larger business community relating to access, circulation, security and technology, all in an attractive, secure and sustainable environment. The proposed development would also create approximately 700 additional job opportunities for City of Palm Springs and Riverside County, which would respond to a current strong demand of the logistics industry and adding to the depth and variety of employment opportunities in the City of Palm Springs. This, in turn, would provide a new and substantial long-term source of sales tax revenues to help provide a stable and diversified economic base for the City. This, in turn, would allow for the funding of services across all other sectors of its residential and economic bases. The proposed Project site is within a half mile proximity to Interstate 10, which is a major transportation corridor across the country.

**Approval of the proposed Project would improve public infrastructure in the area.**

The proposed Project would improve public infrastructure in this area of the City of Palm Springs. Site development includes street improvements with access and signage along the frontages of 18<sup>th</sup> and 19th Avenues as well as North Indian Canyon Drive. The proposed Project would also extend existing water, sewer and wastewater lines along N. Indian Canyon Road, which forms the site's eastern boundary. A new private water line would connect to the public 16-inch water main in order to provide water to the new development. Water to the site would be provided by Mission Springs Water District (MSWD) via project constructed connections or laterals to existing lines located along N Indian Canyon Avenue and 19th Avenue. A fire line at the site would connect the building fire hydrant and sprinkler system to existing city and County lines.

The proposed Project would utilize a new private sewer line that would collect flow from the site and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. The proposed Project would utilize a new private sewer line that would collect flow from the site and convey it to an existing 6-inch sewer main located 650 feet east in 19th Avenue. Flows would then be delivered to the Horton WWTP, which has the capacity to meet the site's proposed Project needs for wastewater treatment.

Since no public stormwater systems are currently located in the general area surrounding the proposed Project site, as a standard requirement, the proposed development would incorporate stormwater management by conveying site runoff into on-site retention basins. Stormwater drainage for the proposed Project would be provided along the eastern and western boundaries of Building 1. In addition, all building development at the site would provide for and connect their fire hydrant and sprinkler systems to existing city and County lines. These improvements would therefore facilitate the future development of this part of the City of Palm Springs.

The proposed Project site is within the SCE service area for electric service. Existing overhead distribution power poles are along N Indian Canyon Drive and 19th Avenue. The proposed Project would be required to connect to the existing off-site SCE electrical infrastructure to provide electricity to the site.

Natural gas will be provided to the proposed Project site by Southern California Gas Company through the extension of existing natural gas infrastructure located in the existing rights-of-way. At present there are existing 4-inch underground natural gas lines located approximately a half-mile west, in 19th Avenue.

The proposed Project site would be located within Frontier's and Charter Communications' service area for telecommunication services. Formerly in use as an energy windfarm site, the proposed Project would be able to connect to existing cable, telecommunications lines located along N Indian Canyon Drive and 18th Avenue.

The provision of these public infrastructure improvements would provide a benefit to the City by increasing access and reliability of current utility systems in this currently underdeveloped area of the City.

**Approval of the proposed Project would provide the City with fiscal and economic benefits.**

The proposed Project would encourage economic growth in a currently underdeveloped portion the City by providing a fulfillment center for future business growth within the City of Palm Springs and this portion of Riverside County. The First Palm Springs Commerce Center would increase annual property tax revenues as well as commercial value of the site. The proposed Project has the potential to generate additional revenues for the City through the collection of taxes, licenses, sales revenues, and fees associated with business operation within the City. Increase employment opportunities at the site would also result in overall economic benefits as proposed Project generated wages would result in increased local spending and therefore local and regional economic growth. All the increases in spending and local revenue base would, in turn, increase the potential to supplement the City's General Fund. 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. Further, as a condition of approval, the proposed Project would be required to pay the City required Developer Impact Fees that could be directed towards capital improvements for infrastructure in the area.

**XVIII. CONCLUSION**

The Planning Commission of the City of Palm Springs declares that it has reviewed and considered the environmental information and analysis contained in the EIR for the proposed First Palm Spring Commerce Center Project (SCH 2024010068) and determines that it is adequate and in compliance with CEQA (Public Resources Code, Section §21000 et seq.).

Therefore, in accordance with Public Resources Code §21081(b) and §21085.5 and CEQA Guidelines §15093 and §15043, the Planning Commission of the City of Palm Springs has considered the proposed First Palm Spring Commerce Center Project's project benefits as balanced against the unavoidable adverse environmental effects and hereby determines that the overriding considerations listed in the Statement of Overriding Considerations outweigh the significant and unavoidable adverse environmental effects of the proposed First Palm Springs Commerce Center Project.

The Planning Commission of the City of Palm Springs also declares that it has adopted all feasible mitigation measures to reduce the First Palm Spring Commerce Center Project's proposed environmental impacts to an insignificant level; considered the entire Record of Proceedings, including the EIR; and weighed the proposed benefits against the proposed Project's environmental impacts. This determination is based on the above discussed specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR. Substantial evidence supports the various benefits and can be found in the preceding sections (which are incorporated by reference into this section), the Final EIR, or in the Record of Proceedings for the proposed First Palm Springs Commerce Center Project.

Therefore, the Planning Commission of the City of Palm Springs determines that the adverse environmental effects are considered acceptable and has adopted this Statement of Overriding Considerations.

**XIX.FINDINGS REGARDING CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT**

Pursuant to the State CEQA Guidelines, as the Lead Agency, the Planning Commission of the City of Palm Springs is responsible for certification of the EIR for the proposed First Palm Springs Commerce Center Project, and therefore makes the following findings:

1. As the decision-making body, the City of Palm Springs Planning Commission declares that it has reviewed and considered the information provided in the EIR in evaluating the proposed Project and prior to making its decision on the project, and that the Final EIR reflects the independent judgment and analysis of the Planning Commission.
2. The City of Palm Springs Planning Commission finds that the Final EIR was completed in compliance with the requirements under the State CEQA Guidelines §15000 et. al.
3. The City of Palm Springs Planning Commission Commissions
4. The City of Palm Springs Planning Commission finds that the City had circulated the DEIR for review by responsible agencies, trustee agencies, and the general public, and the City had submitted the DEIR to the State Clearinghouse for review and comment by State agencies as well as the general public.
5. The certification of the Final EIR and the Findings of Fact set forth herein reflects independent judgment and analysis of the City of Palm Springs Planning Commission in its capacity as the Lead Agency under State CEQA Guidelines.
6. The City of Palm Springs Planning Commission finds that the Final EIR, properly evaluated the proposed 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.
7. The City of Palm Springs Planning Commission adopts the proposed Project's Mitigation Monitoring and Reporting Program (MMRP) to reduce or avoid the significant and mitigable impacts of the Project to the extent feasible. In addition, the Mitigation Monitoring and Reporting Program, and the mitigation measures specified therein, are hereby approved and adopted by the City of Palm Springs Planning Commission and shall be fully enforceable through the Mitigation Monitoring and Reporting Program, as well as required permit conditions, agreements or other measures.
8. The City of Palm Springs Planning Commission determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the proposed Project, which will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the Planning Commission. The City of Palm Springs Planning Commission has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the Planning Commission determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations

By these Findings, the City of Palm Springs Planning Commission ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments, conclusions, and administrative record of the Final EIR to the First Palm Springs Commerce Center Project, pursuant to Public Resources Code Section §21080, and the California Environmental Quality Act (CEQA) Sections §15043, §15090, §15091, §15092, and §15093, with respect to the environmental impacts of the proposed Project as identified and evaluated in the EIR.

Any Finding required to be made by the City of Palm Springs Planning Commission shall be deemed made, regardless of where it appears in this document.

All of the language included in this document constitute Findings by the City of Palm Springs Planning Commission, whether or not any particular sentence or clause includes a statement to that effect.

The City of Palm Springs Planning Commission 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 of Palm Springs Planning Commission 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 of Palm Springs.

**XX. MITIGATION MONITORING AND REPORTING PROGRAM**

***XX.A ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM***

Pursuant to PRC Section §21081.6, the City of Palm Springs Planning Commission hereby adopts, as conditions of approval of the proposed First Palm Springs Commerce Center Project, the Mitigation Monitoring and Reporting Plan provided herein. In the event of any inconsistencies between the mitigation measures as set forth herein in the Findings and the attached MMRP, the Mitigation Monitoring and Reporting Program shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

***First Palm Springs Commerce Center Final Environmental Impact Report***  
***SCH #: 2024010068***



**City of Palm Springs**  
**Planning Department**

**3200 E Tahquitz Canyon Way, Palm Springs, CA 92262**