



FIRST PALM SPRINGS COMMERCE CENTER

FINAL ENVIRONMENTAL IMPACT REPORT

JULY 2025

State Clearing House #2024010068



Prepared By:

City of Palm Springs

Planning Department

3200 E Tahquitz Canyon Way, Palm Springs, CA 92262

In Consultation With:



The Altum Group

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Prepared By:

City of Palm Springs

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In Consultation With:

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*Blue Consulting Group – Biological Resources
BFSA Environmental Services - Cultural and Tribal Cultural Resources*

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Table of Contents

EXECUTIVE SUMMARY ES.1

 ES.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT ES.1

 ES.2 ENVIRONMENTAL REVIEW PROCESS ES.1

 ES.3 ORGANIZATION OF THE FINAL EIR ES2

1.0 INTRODUCTION 1.1

 1.1 PURPOSE OF THE DOCUMENT 1.1

 1.2 INTENDED USES OF THE EIR AND RESPONSIBLE AGENCIES..... 1.1

 1.3 PROPOSED PROJECT..... 1.2

 1.3.1 Proposed Project Objectives..... 1.2

 1.3.2 Project Location 1.2

 1.3.3 Proposed Project Development..... 1.3

 1.4 ENVIRONMENTAL REVIEW PROCESS 1.3

 1.5 EIR CERTIFICATION AND FINDINGS..... 1.8

 1.6 SUMMARY OF IMPACTS..... 1.9

2.0 ERRATA AND TEXT REVISIONS 2.1

3.0 RESPONSE TO COMMENTS..... 3.1

 3.1 COMMENTS AND RESPONSES TO COMMENTS 3.1

 3.1.1 Comment Letter A: Adams Broadwell Joseph and Cardoza – Attorneys At Law:..... 3.1

 3.1.2 Comment Letter B: Adams Broadwell Joseph and Cardoza – Attorneys At Law:..... 3.3

 3.1.3 Comment Letter C: Blum, Collins and Ho LLP 3.17

 3.1.4 Comment Letter D: Advocates for the Environment..... 3.46

 3.1.5 Comment Letter E: Agua Caliente Band of Cahuilla Indians..... 3.46

 3.1.6 Comment Letter F: California Department of Fish and Wildlife 3.48

 3.1.7 Comment Letter G: Department of California Highway Patrol..... 3.64

 3.1.8 Comment Letter H: California Department of Transportation District 8..... 3.66

4.0 REPORT PREPARERS..... 4.1

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's 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 to 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 _{2e}	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 ²	Dioxygen
O ₃	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

EXECUTIVE SUMMARY

The California Environmental Quality Act (CEQA) mandates that a Lead Agency must prepare a Final Environmental Impact Report (Final EIR; FEIR) before approving any project. The purpose of a Final EIR is to provide the Lead Agency to respond to comments on the project analysis that are made by agencies, the public, and interested organizations.

Therefore, the City of Palm Springs (City; city), as the Lead Agency, has prepared this Final EIR for the proposed First Palm Springs Commerce Center Project (proposed Project; Project). This document, together with the Draft Environmental Impact Report (Draft EIR; DEIR) therefore constitutes the Environmental Impact Report (EIR) for the proposed First Palm Spring Commerce Center Project.

ES.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This document and the Draft EIR together comprise the Final EIR for the proposed Project. The Draft EIR described the proposed development, identified the environmental impacts associated with the proposed Project, and presented mitigation measures that could reduce those impacts. The Draft EIR also presented cumulative impacts associated with the proposed development, discussed other CEQA required topics such as growth inducing components of the proposed Project, and evaluated several alternatives to the Project.

Pursuant to CEQA Guidelines Section §15132, this FEIR therefore includes: corrections and additions (or deletions) to the Draft EIR; comments received during the CEQA mandated 45 day review period; the City of Palm Springs responses to public comments; and the Mitigation Monitoring and Reporting Program (MMRP) associated with the proposed Project.

The Final EIR will be presented to the City of Palm Springs July 22 2025, for certification as a complete and adequate analysis of the environmental effects of the proposed Project under CEQA, prior to taking action to approve the proposed development. As part of their approval, the City of Palm Springs decision making body shall consider the conclusions of the FEIR and make findings regarding the proposed Project.

ES.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with the public and agencies having jurisdiction over a proposed project, and to provide them with an opportunity to comment on the environmental impact analysis that is prepared for a project.

The City of Palm Springs initiated the environmental review for the proposed Project with publication of a Notice of Preparation (NOP) and an Initial Study (IS) on January 8, 2024. The public comment period was open for 30 days and ended on February 7, 2024. The NOP and IS were sent to the State Clearinghouse and responsible agencies and organizations likely to be interested regarding the potential impacts of the proposed project. The NOP and IS were also made available on the City's website. A project scoping meeting was scheduled for January 17, 2024 at the City of Palm Springs in order to solicit input and comments from the public. However, no member of the public attended the scoping meeting and no comments were raised at that meeting. A total of nine (9) comments letters were received (please see **Table ES.1: Comment Letters Received on the Palm Springs Commerce Center EIR**) and all comments received have been considered during preparation of the Draft EIR.

Table ES.1: Comment Letters Received on the Palm Springs Commerce Center EIR

Letter ID and Date	Source	Commenter
Letter A: January 21, 2025	Non-Agency	Adams Broadwell Joseph & Cardoza
Letter B: January 30, 2025	Non-Agency	Adams Broadwell Joseph & Cardoza

Letter ID and Date	Source	Commenter
Letter C: February 6, 2025	<i>Non-Agency</i>	Blum Collins & Ho
Letter E: February 10, 2025	<i>Tribal</i>	Agua Caliente Band of Cahuilla Indians
Letter F: February 10, 2025	<i>Agency</i>	State of California Department of Fish and Wildlife
Letter G: February 10, 2025	<i>Agency</i>	State of California Department of Highway Patrol
Letter H: February 12, 2025	<i>Agency</i>	State of California Department of Transportation

CEQA requires lead agencies to consult with local and State responsible and trustee agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR. Therefore, upon completion, the Draft EIR was circulated for an initial 45 day public review period, commencing December 23, 2024 and ending on February 10, 2025. In response to a public request, the public review period was further extended for an additional 20 day, commencing February 11, 2025 and ending March 7, 2025. The Notice of Availability (NOA) for the Draft EIR was submitted to the State Clearinghouse (SCH) and filed with the office of the Riverside County Clerk.

A total of eight (8) comment letters and emails were received on the DEIR and have been included in **Appendix A** to this FEIR. One of the commenters (Comment Letter D: Advocates for the Environment-dated February 10, 2025) withdrew their comments on June 2, 2025. Therefore, responses to Comment Letter D have not been included in the Final EIR. Copies of all written comments received during the comment period are included in *Chapter 3.0: Comment Letters and Responses*, of this FEIR document.

ES.3 ORGANIZATION OF THE FINAL EIR

In order to complete the environmental process required under CEQA this Final EIR has been organized to include the following chapters:

Executive Summary: This chapter provides a summary of the CEQA requirements for a Final EIR, includes an overview of the contents of the FEIR, a synopsis of the CEQA review process, and a discussion of the areas of concern related to the proposed Project.

Section 1.0 – Introduction: The Introduction chapter of this FEIR provides an overview to the Final EIR, discusses the purpose and organization of this Final EIR, and summarizes the environmental review process for the proposed Project.

Section 2.0 – Errata and Text Revisions: In accordance with CEQA Guidelines §15088.5[c], this Final FEIR includes information to clarify and correct minor edits to the Draft EIR. Double underlined text represents language that has been added to the Draft EIR, while ~~text with strikeout~~ has been deleted from the Draft EIR.

This chapter does not contain significant new information in relation to the proposed Project such that the public is deprived of an opportunity to comment on changes to the Project. In addition, information clarified in the FEIR does not introduce new alternatives, identify new “potentially significant impacts”, or provide mitigation measures not previously identified and evaluated under the Draft EIR. The information presented in this chapter does not change any of the findings or conclusions of the Final EIR and does not constitute “significant new information” pursuant to CEQA Guidelines Section §15088.5.

Chapter 3.0 – Comment Letters and Responses: This chapter provides a list of public comments received for the proposed Project (numerically coded for reference) during the public review period, copies of the written comments received on the DEIR, and the responses to those comments put forth by the City of Palm Springs.

1.0 INTRODUCTION

The City of Palm Springs (City; city), as the Lead Agency for the proposed First Palm Springs Commerce Center Project (proposed Project), has prepared the Final Environmental Impact Report (Final EIR; FEIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section §15132). California Environmental Quality Act (CEQA).

1.1 PURPOSE OF THE DOCUMENT

An EIR is intended to inform decision-makers and the public about the potentially significant adverse environmental effects of a project and to describe any feasible mitigation measures that would substantially reduce or avoid these effects. The Draft EIR also evaluates cumulative impacts, growth-inducing impacts, irreversible environmental effects, and alternatives to the proposed project.

Prepared in compliance with CEQA Guidelines, this Final EIR provides:

- A brief overview of the proposed Project;
- Text revisions to the Draft EIR;
- Presents all comments received on the Draft EIR;
- Responses to those comments and any revisions to the Draft EIR;
- A Mitigation Monitoring and Reporting Program (MMRP) has been developed to identify the feasible mitigation measures that would be necessary under approval and implementation of the proposed Project;
- Any documents cited in these Findings and Statement; and,
- Any other relevant materials required to be in the record of proceedings by Public Resources Code (PRC) Section 21167.6(e).

This Final EIR, together with the Draft EIR, constitutes the complete EIR for the project.

1.2 INTENDED USES OF THE EIR AND RESPONSIBLE AGENCIES

CEQA requires that public agencies document and consider the potential environmental effects of the agency's actions regarding a "project." According to the CEQA Guidelines, a "project" is as an activity that (1) is a discretionary action by a governmental agency and (2) will either have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Code, §21065).

A project therefore includes the agency's direct activities as well as related activities that involve public agency approvals or funding. The proposed Project, the First Palm Spring Commerce Center, is therefore is considered a "project" by the City of Palm Springs and thus requires environmental review. This FEIR has been prepared in accordance with the requirements of CEQA and the State CEQA Guidelines.

CEQA requires the designation of a "Lead Agency" for a project. As defined in the CEQA Guidelines, the Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project. Since the City of Palm Springs has the primary approval authority over the proposed Project, it has therefore been designated as the Lead Agency for CEQA purposes.

A "Responsible Agency" under CEQA, is a public agency, other than a Lead Agency, that has discretionary approval authority over a project. Under CEQA Guidelines Section §15096, a Responsible Agency complies with CEQA by considering the CEQA document prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. Under CEQA Guidelines Section §15041, a Responsible Agency may require changes in a project, but only to lessen or avoid the effects of that part of a project which the agency will be called on to carry out or approve. CEQA Guidelines Section §15140

states that a Responsible Agency has more limited authority than a Lead Agency in requiring changes to a project.

1.3 PROPOSED PROJECT

1.3.1 Proposed 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. Complementary 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.

1.3.2 Project Location

The city of Palm Springs is located on the western edge of the Coachella Valley in the County of Riverside. The mountain ranges of the San Jacinto and Santa Rosa ranges form the western edge of the city, while the ranges of the Little San Bernardino Mountain ranges lie to the north and east of the city. The Pacific Ocean is approximately over 65 miles to the west of the city, while the Slaton Sea is more than 33 miles to the south of the city.

Interstate 10 (I-10) passes through the northern part of the city while State Route (SR) 111, also known as Highway 111 transverses the central portion of the city.

The proposed Project site is located north of the I-10 and east of SR 62, in the northern portion of the city of Palm Springs, County of Riverside (see Exhibit 1.1: Regional Location and Exhibit 1.2: Project Location). The site is comprised of five (5) parcels, Assessor Parcel Numbers (APNs) 666-320-010, -011, -012, -015, and -019, and is bounded by 18th Avenue to the north, North 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. (Google Maps; 2023).

As shown in Exhibit 1.2: Project Location, the site is located in a primarily vacant northern portion of the city and is bounded by 18th Avenue to the north, N Indian Canyon Drive to the east, 19th Avenue to the south and Karen Drive to the west. 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.

1.3.3 Proposed Project Development

The currently vacant approximate 91.97 acre site would be developed with two (2) warehouse buildings with office spaces, truck docking areas and employee parking spaces (see Exhibit 2.6: Proposed Site Plan and Exhibit 2.7: Proposed Building Design of the Draft EIR). The site is located at the southwest corner of 18th Avenue and N Indian Canyon Drive. 19th Avenue would provide the site's southern boundary while Karen Avenue is located to the west of site.

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, 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 (see Exhibit 2.8: Site Development - Building 1 of the Draft EIR).

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, 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 (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 (Google; 2024).

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 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.

1.4 ENVIRONMENTAL REVIEW PROCESS

According to CEQA Guidelines, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR.

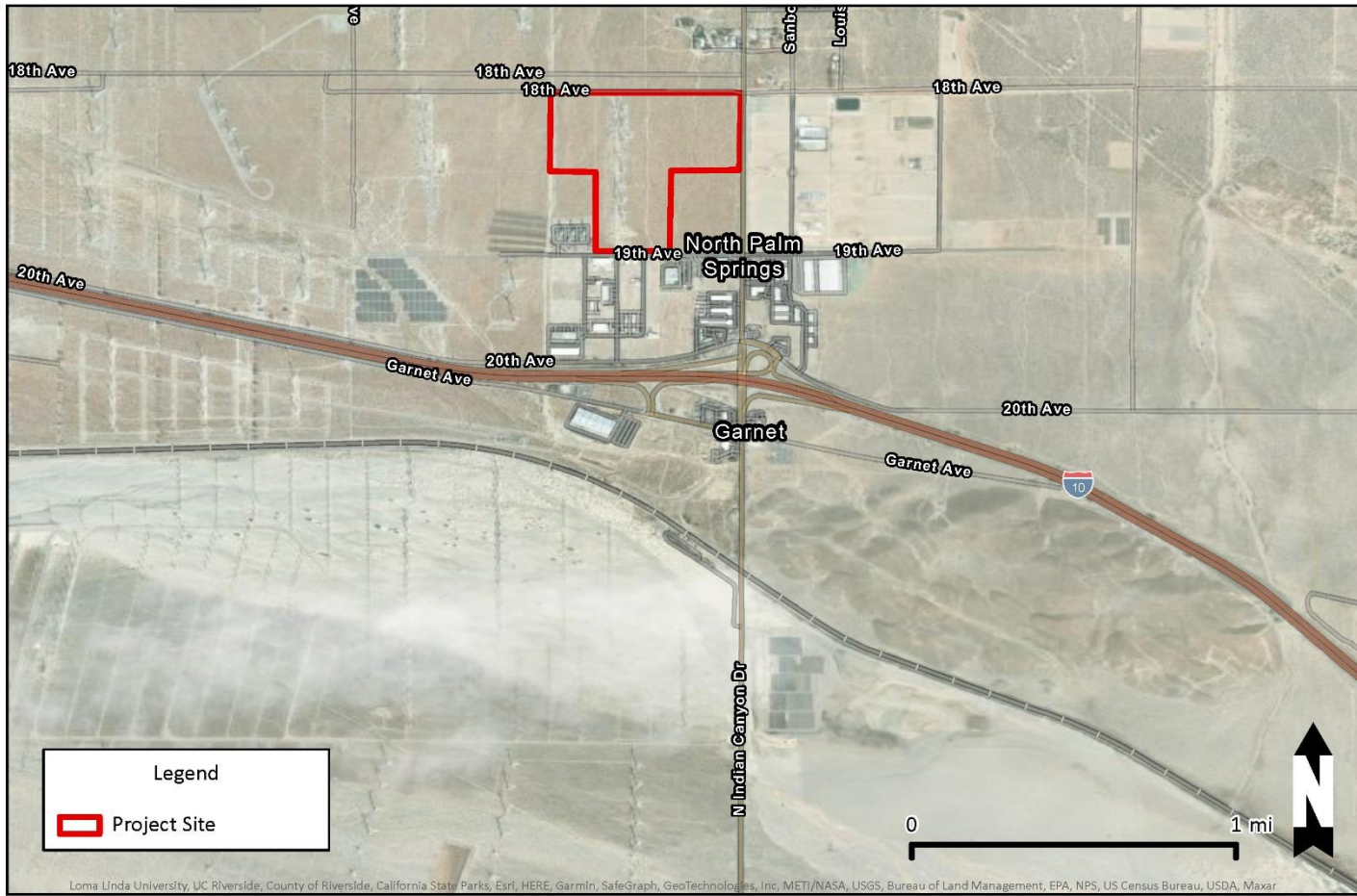
The City issued a Notice of Preparation (NOP) for the proposed Project to responsible agencies, trustee agencies, interested parties and organizations, and individuals who could have interest in the proposed Project. The NOP indicated a 30-day public review period for the proposed Project, with a Scoping Meeting scheduled for January 17, 2024 at 2:00 pm in the Large Conference Room at City Hall. All comments on environmental issues received during the NOP public comment period and at the scoping meeting were considered and addressed via the analysis in the Draft EIR. The City received nine (9) letters from agencies and individuals in response to the NOP during the public review period. The NOP, including the responses

by interested parties, were presented in **Appendix A** of the Draft EIR, along with the NOP comments received. Following an Initial Study conducted for the proposed Project, the City of Plam Springs determined that an Environmental Impact Report (EIR) was the appropriate level of review for the proposed Project. Concerns raised in response to the NOP were considered during preparation of the DEIR.



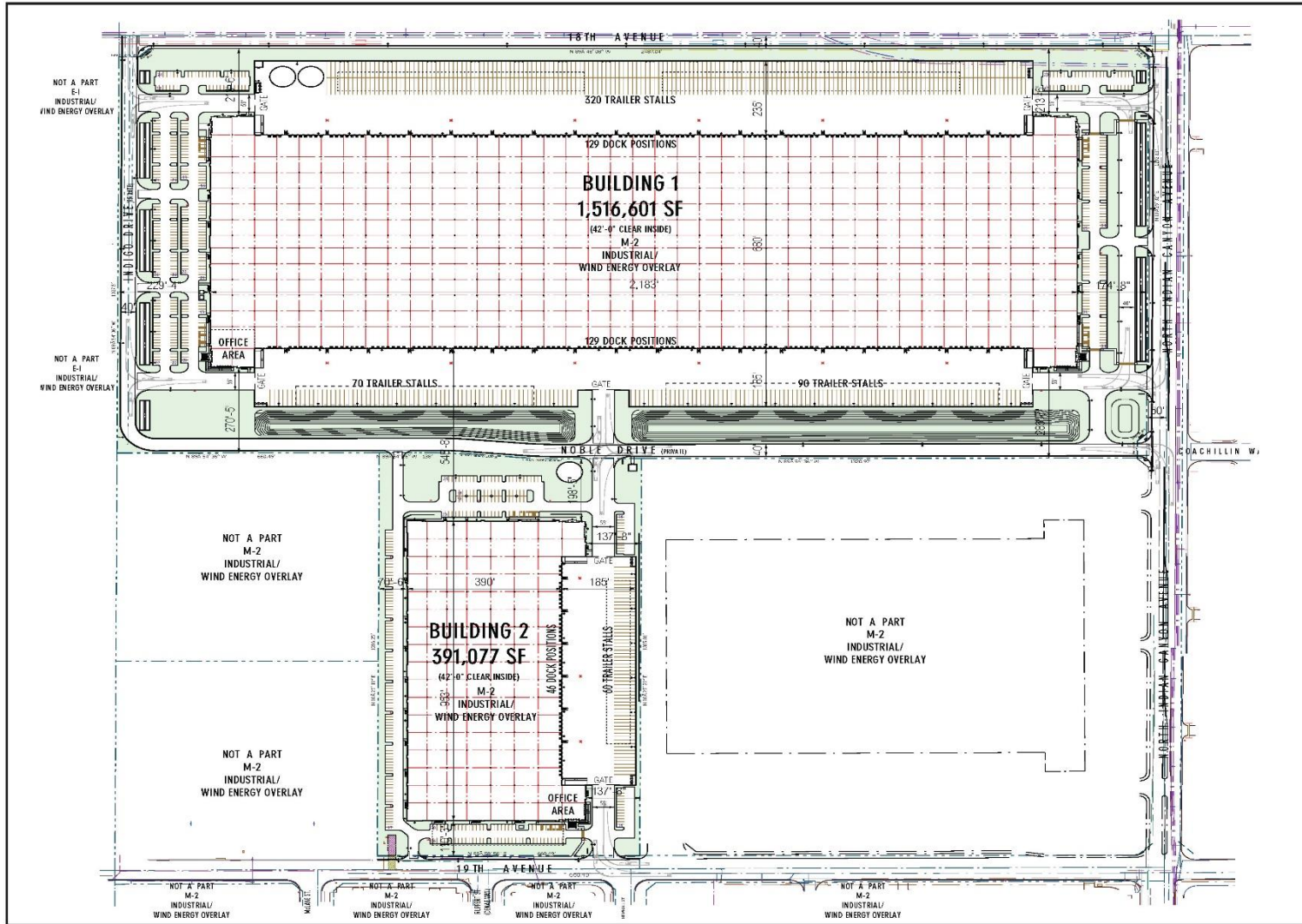
Regional Location
 First Palm Spring Commerce Center

Exhibit
 1.1



Project Location
First Palm Springs Commerce Center

Exhibit
1.2



Site Plan
First Palm Springs Commerce Center

Exhibit
1.3

The Draft EIR for the proposed Project was made available for public and agency review and comments for a 45 day review period, beginning December 23, 2024 and ending on February 10, 2025. The Draft EIR was made available for public review at City Hall, located at 3200 E Tahquitz Canyon Way, Palm Springs, CA 92262. In addition, the Draft EIR is available on the City's website at;

<https://www.palmspringsca.gov/government/departments/planning/ceqa-documents>

The Draft EIR public review period was subsequently extended for an additional 20 days, commencing February 11, 2025 and ending March 7, 2025.

Eight (8) written comment letters on the DEIR were received from three (3) agencies, one (1) Tribal Council, and four (4) public entities. One (1) of these comment letters were rescinded by the commenter on June 2, 2025. Therefore the FEIR does not include responses to Comment Letter D.

Chapter 4, "Comment Letters and Responses," identifies the entities that commented, present their respective comments, and provide responses to these comments. Before approving the proposed First Palm Springs Commerce Center Project, the City, as the Lead Agency, is required to certify that a Final EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the Lead Agency.

The FEIR has therefore been prepared in accordance with the CEQA Regulations and addresses all of the issues, and generally follows the analysis sequence, of the latest Environmental Checklist in the State CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3). Copies of the Draft Final EIR will be available for review at the City of Palm Springs at:

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

This Final EIR was made available for 10 days for further agency and public comments. There were no revisions or edits to the Final EIR which was presented at the City's Planning Commission on July 22, 2025, at which the City of Palm Springs Planning Commission advised on approval and certification of the EIR.

1.5 EIR CERTIFICATION AND FINDINGS

CEQA Guidelines Section §15090 requires that the Lead Agency certify that the Final EIR:

- has been completed in compliance with CEQA;
- was presented to the decision-making body of the Lead Agency, which then reviewed and considered the information contained in the FEIR prior to making a decision on a proposed project; and,
- reflects the Lead Agency's independent judgment and analysis for a proposed project

Therefore, in accordance with CEQA Guidelines Section §15091, the Findings of Fact (Findings; FoF) for the proposed First Palm Springs Commerce Center is required to address each significant effect identified in the EIR. CEQA does not require findings for impacts that have determined to be less than significant. Prior to final project approval, the City of Palm Springs as the Lead Agency, would be required to review and approve the Findings.

If a project results significant effects that cannot be reliably reduced to a less than significant level, then a Statement of Overriding Considerations (SOC) is required. In the event that the Lead Agency wishes to approve a project without providing substantial mitigation for the significant impacts of the project, then

CEQA Guidelines Section §15093 allows the decision-makers to balance the project’s benefits against its unavoidable environmental risks.

The FOF and SOC for the First Palm Springs Commerce Center Project are contained in a separate document entitled “Findings of Fact and Statement of Overriding Considerations for the First Pam Springs Commerce Center Project”, July 22, 2025, and has been included in this Final EIR.

In accordance with CEQA Guidelines Section §15097, as a part of final project approval, the Lead Agency is required to adopt a mitigation monitoring and/or reporting program (MMRP). The MMRP is required to ensure that the mitigation measures and any project revisions identified in the EIR are implemented. The measures and revisions described in the EIR shall be fully enforceable through permit conditions, agreements, or other measures. The MMRP for the First Palm Springs Commerce Center project is contained in a separate document entitled “Mitigation Monitoring and Reporting Plan for the First Palm Springs Commerce Center Project”, July 22, 2025.

1.6 SUMMARY OF IMPACTS

Impacts associated with the proposed Project regarding specific environmental issues from approval of the First Palm Springs Commerce Center Project, as well future implementation process are discussed below. The Final EIR concludes that the proposed Project will have **No Impacts** with respect to the following issues:

- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.2
- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.3
- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.5
- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.6
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.5
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.3
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.4
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.5
- **4.10 NOISE:** Impact 4.10.3
- **4.11 POPULATION AND HOUSING:** Impact 4.11.2
- **4.13 RECREATION:** Impact 4.13.2

The Final EIR concludes that the proposed Project will have **Less than Significant Impacts** with respect to the following issues:

- **4.1 AESTHETICS:** Impact 4.1.1
- **4.1 AESTHETICS:** Impact 4.1.2
- **4.1 AESTHETICS:** Impact 4.1.3
- **4.2 AIR QUALITY:** Impact 4.2.4
- **4.5 ENERGY:** Impact 4.5.1
- **4.5 ENERGY:** Impact 4.5.2
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.4
- **4.7 GREENHOUSE GAS:** Impact 4.7.2
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.1
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.2
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.6
- **4.8 HAZARDS AND HAZARDOUS SUBSTANCES:** Impact 4.8.7
- **4.9 HYDROLOGY AND WATER QUALITY:** Impact 4.9.1

- **4.9 HYDROLOGY AND WATER QUALITY:** Impact 4.9.3
- **4.9 HYDROLOGY AND WATER QUALITY:** Impact 4.9.4
- **4.9 HYDROLOGY AND WATER QUALITY:** Impact 4.9.5
- **4.10 NOISE:** Impact 4.10.1
- **4.10 NOISE:** Impact 4.10.2
- **4.11 POPULATION AND HOUSING:** Impact 4.11.1
- **4.12 PUBLIC SERVICES:** Impact 4.12.1
- **4.12 PUBLIC SERVICES:** Impact 4.12.2
- **4.12 PUBLIC SERVICES:** Impact 4.12.3
- **4.12 PUBLIC SERVICES:** Impact 4.12.4
- **4.13 RECREATION:** Impact 4.13.1
- **4.14 TRANSPORTATION:** Impact 4.14.1
- **4.14 TRANSPORTATION:** Impact 4.14.3
- **4.14 TRANSPORTATION:** Impact 4.14.4
- **4.15 UTILITIES AND SERVICE SYSTEMS:** Impact 4.15.1
- **4.15 UTILITIES AND SERVICE SYSTEMS:** Impact 4.15.2
- **4.15 UTILITIES AND SERVICE SYSTEMS:** Impact 4.15.3
- **4.15 UTILITIES AND SERVICE SYSTEMS:** Impact 4.15.4
- **4.15 UTILITIES AND SERVICE SYSTEMS:** Impact 4.15.5
- **4.16 WILDFIRE:** Impact 4.16.1
- **4.16 WILDFIRE:** Impact 4.16.2
- **4.16 WILDFIRE:** Impact 4.16.3
- **4.16 WILDFIRE:** Impact 4.16.4

The Final EIR concludes that the proposed Project will have Potentially Significant Impacts with respect to the following issues. However, with the incorporation of associated mitigation measures, impacts would be reduced to a **Less than Significant Impacts with Mitigation Measures:**

- **4.1 AESTHETICS:** Impact 4.1.4
- **4.2 AIR QUALITY:** Impact 4.2.3
- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.1
- **4.3 BIOLOGICAL RESOURCES:** Impact 4.3.4
- **4.4 CULTURAL RESOURCES:** Impact 4.4.1
- **4.4 CULTURAL RESOURCES:** Impact 4.4.2
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.1
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.2
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.3
- **4.6 GEOLOGY AND SOILS:** Impact 4.6.6
- **4.7 GREENHOUSE GAS:** Impact 4.7.1
- **4.9 HYDROLOGY AND WATER QUALITY:** Impact 4.9.2
- **4.15 TRIBAL CULTURAL RESOURCES:** Impact 4.15.1

The Final EIR concludes that the proposed Project will have Potentially Significant Impacts with respect to the following issues. Since no feasible mitigation measures are available to reduce impacts, the following are potentially **Significant and Unavoidable:**

- **4.2 Air Quality:** Impact 4.2.1
- **4.2 AIR QUALITY:** Impact 4.2.2

- **4.14 TRANSPORTATION:** Impact 4.14.2

2.0 ERRATA AND TEXT REVISIONS

In reviewing and responding to comments on the Draft Program EIR, the City of Palm Springs (City_ has determined that minor revisions to portions of the text in the Draft EIR (DEIR) for the proposed First Palm Springs Commerce Center Project (proposed Project) text were warranted to provide clarification or amplification of certain information. State CEQA Guidelines Section §15088 requires that where the response to comments makes important changes in the information contained in the text of the Draft EIR (DEIR), the Lead Agency should either revise the text in the body of the EIR or include marginal notes showing that the information is revised in the chapter for the Response to Comments. Therefore, in accordance with the CEQA Guidelines Section §15132[a], this Chapter of the Final EIR provides changes to the Draft EIR that have been made to clarify, correct, or supplement the information provided in DEIR document. These changes and additions acknowledge inadvertent errors or omissions in the Draft EIR but do not add significant new information to the Draft EIR that would require recirculation of the DEIR. Further, no additional discretionary approvals are required as a result of the changes.

Section §15088.5 of the CEQA Guidelines specifically states:

“New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.*
- *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
- *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”*

CEQA Guidelines Section §15088.5 also provides that:

“[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR... A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.”

As established in this Final EIR (FEIR), the changes presented in this Chapter do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section §15088.5. Therefore, in accordance with CEQA Guidelines §15088.5[c], this Final FEIR includes information to clarify and correct minor edits to the Draft EIR. This Chapter therefore provides revisions to the DEIR as deemed necessary based on consideration of issues raised on the comments received by the City. **Double underlined Bold text** represents language that has been added to the Draft EIR, while text with ~~strikeout~~ has been deleted from the Draft EIR. Further, any edits to the Draft EIR are indicated below under the respective EIR section heading, page number, and paragraph. Paragraph reference is to the first full paragraph on the page.

Modifications to Text by Draft Environmental Impact Report Sections

TABLE OF CONTENTS

Under **List of Tables**, on page viii, under **Section 7.0 Alternatives**, the following edits have been made:

Table 7.0-1 Comparison of Alternatives.....	7-5
Table 7.0-2 <u>1</u> : Trip Generation under the Industrial Business Park Alternative	7-22
Table 7.0-3 <u>2</u> : Trip Generation under the Reduced Intensity Alternative	7-34
Table 7.0-4 <u>3</u> : Trip Generation under the Distribution Warehouse Alternative	7-45

On page viii through Page ix under **List of Appendices**, the following edits have been made:

Appendix B	Air Quality, Greenhouse Gas, and Energy Analysis <u>Air Quality, Energy, Health Risk Assessment (HRA), Greenhouse Gas (GHG) Analysis</u>
Appendix F	Soils Report <u>Geology and Soils Report</u>
Appendix H	Traffic Impact Analysis <u>Traffic Reports</u>
Appendix I	Preliminary Hydrology and Water Quality Assessment Reports <u>Water Supply Assessment 1.11.10</u>

EXECUTIVE SUMMARY

Page ES.1: In the first paragraph after the heading **ES.1 Proposed Project; ES1.1 Project Site Characteristics, Land Use and Zoning**, the following edits have been made:

Interstate 10 (I-10) and the Union Pacific Railroad (UPRR) corridor are approximately between three thousand (3,000) feet to one and half (1.5) miles to the south of the site (Google Maps; website accessed 2023).

Page ES.4 under subtitle **ES.6.1 Discretionary Actions**, first paragraph first sentence, the following edits have been made:

Pursuant to CEQA Guidelines Section §15367, the City of Palm Springs is the ~~Leas~~ Lead Agency for the proposed Project and therefore has discretionary authority over the proposed development.

Page ES.7 under subtitle **ES.7.6 Alternatives Considered and Rejected**, first paragraph first sentence, the following edits have been made:

Section § 15126.6[c] of the State CEQA Guidelines require that an EIR also identify any other alternatives that were considered by the Lead Agency but were rejected as infeasible for their failure to meet any or most of the project objectives.

Page ES.9 through Page ES.27: Section **ES.9 SUMMARY OF IMPACTS, Table ES2: Summary of Impacts**. The table has been updated to include the revised mitigation measures as follows:

Table ES-2: Summary of Impacts

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
<u>Aesthetics</u>	<u>Impact 4.1.4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</u>	<u>Less than Significant Impact with Mitigation Incorporated</u>	<u>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.</u>	<u>Less Than Significant</u>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
Air Quality	<p>Impact 4.2.1: Implementation of the proposed Project would conflict with or obstruct implementation of the applicable air quality plan. Impacts would be Significant and Unavoidable.</p> <p>Impact 4.2.2: Result in cumulative considerable net increase of any criteria pollutants for which the project regions non-attainment under an applicable federal or state ambient air quality standard?</p> <p>Impact 4.2.3: Expose Sensitive Receptors to substantial pollutant concentrations?</p> <p>Impact 4.2.4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</p>	<p><u>Significant and Unavoidable</u></p> <p><u>Less than Significant with Mitigation Incorporated</u></p> <p><u>Less than Significant with Mitigation Incorporated</u></p> <p>Less than Significant</p>	<p>AIR-1: The proposed Project shall adhere to SCAQMD Rules 403 and 403.1 and the proposed Project shall be required to obtain and prepare a Fugitive Dust Control Plan prior to Project approval.</p> <p>AIR-2: Architectural coatings applied to buildings on the proposed Project site shall be limited to 20 grams per liter VOC and traffic paints shall be limited to 100g/L VOC content.</p> <p>AIR-3: All construction equipment used at the proposed Project site shall use Tier 4 Final construction equipment.</p> <p>AIR-4: Proposed Project operations shall utilize low-flow water fixtures.</p>	<p><u>Significant and Unavoidable</u></p> <p><u>Less than Significant</u></p> <p><u>Less than Significant</u></p> <p><u>Less than Significant</u></p>
	<p>Impact 4.3.1 The proposed Project would not have a substantial adverse effect on candidate, sensitive, or special status species as identified in local or regional plans, policies, or regulations. Impacts would be Less</p>		<p>BIO-1: A pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
<p>Biological Resources</p>	<p>than Significant with Mitigation Incorporated.</p> <p>Impact 4.3.4 Implementation of the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or wildlife nursery sites. Impacts would be Less than Significant with Mitigation Incorporated.</p>	<p>Potentially Significant</p>	<p>disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit.</p> <p><u>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</u></p>	<p>Less Than Significant</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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 should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation shall be evaluated.</u></p> <p>BIO-2: In accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.</p> <p><u>BIO-2: To the greatest extent feasible, Project construction activities will 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</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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 may 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.</u></p> <p>BIO-3: In accordance with the CVMHCP, payment of the LDMF fee, as determined by the City of Palm Springs.</p> <p><u>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</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>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 will be implemented.</u></p> <p><u>Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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 should be obtained prior to commencement of Project activities.</u></p> <p><u>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>BIO-4: Prior to construction, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</u></p> <p><u>BIO-5: Throughout construction and the lifetime operations of the Project, the City of Palm Springs and Project proponent shall</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>BIO-6: 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.</u></p>	
	<p>Impact 4.4.1 Implementation of the proposed Project may cause a</p>		<p>CUL-1: Should paleontological resources be discovered at the proposed Project site, the</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
<p>Cultural Resources</p>	<p>substantial adverse change in the significance of historical and archeological resources pursuant to in § 15064.5. However, impacts would be Less than Significant Impact with Mitigation Incorporated.</p> <p>Impact 4.4.2 Implementation of the proposed Project may disturb any human remains, including those interred outside of dedicated cemeteries. However, impacts would be Less than Significant Impact with Mitigation Incorporated.</p>	<p>Potentially Significant</p>	<p>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:</p> <ul style="list-style-type: none"> •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 a qualified paleontologist or paleontological monitor. •Preparation (repair and cleaning), sorting, and cataloguing recovered paleontological resources. 	<p>Less Than Significant</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>•Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.</p> <p>•Completion of a final summary report that outlines the results of the mitigation</p> <p><u>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.</u></p> <p>CUL-2: Initial clearing and grading of the property (first five feet) shall be monitored by a qualified archeologist. The consulting archaeologist shall have the authority to modify and reduce the monitoring program to</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>either periodic spot checks or suspension of the monitoring program should the potential for cultural resources appear to be less than anticipated.</p> <p><u>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.</u></p> <p>CUL-3: 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 disposed in accordance with the California Public Resources Code Section 5097.98.</p> <p><u>CUL-3: The retained archeologist and Native American monitor shall attend the pregrade 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</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>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</u></p>	
<p>Geology and Soils</p>	<p>Impact 4.6.1 Implementation of the proposed Project has the potential to directly or indirectly cause potential substantial adverse geologic effects, including the risk of loss, injury, or death involving earthquake fault ruptures, strong seismic ground shaking and ground failure, as well as liquefaction and landslides. Impacts would therefore be Less than Significant with Mitigation Incorporated.</p> <p>Impact 4.6.2: Implementation of the proposed Project has the potential to result in soil erosion or the potential erosion of topsoil. Impacts would</p>	<p>Potentially Significant</p>	<p>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.</p> <p>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</p>	<p>Less Than Significant</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
	<p>therefore be Less than Significant with Mitigation Incorporated.</p> <p>Impact 4.6.3: The proposed Project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would however be Less than Significant with Mitigation Incorporated.</p> <p>Impact 4.6.6 Implementation of the proposed Project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. However impacts would be Less than Significant with Mitigation Incorporated.</p>		<p>the City Engineers, ascertain geotechnical aspects of site grading.</p> <p>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.</p> <p>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.</p> <p>GEO-5: A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<ul style="list-style-type: none"> •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. <p>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.</p> <p>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 must be stabilized as recommended by a</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>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 must be monitored and certified by the geotechnical engineer.</p> <p>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 will 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 Coty Engineer. No permits for vertical construction shall be issued until all required grading inspections have been passed.</p> <p>GEO-9: 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</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>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.</p> <p><u>GEO-9: CUL-1: 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:</u></p> <ul style="list-style-type: none"> • <u>Attendance by a qualified paleontologist at the preconstruction meeting to consult with the grading and excavation contractors.</u> • <u>On-site presence of a paleontological monitor to inspect</u> 	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>for paleontological resources during the excavation of previously undisturbed deposits.</u></p> <ul style="list-style-type: none"> • <u>Salvage and recovery of paleontological resources by the qualified paleontologist or paleontological monitor.</u> • <u>Preparation (repair and cleaning), sorting, and cataloguing of recovered paleontological resources.</u> • <u>Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.</u> <p><u>Completion of a final summary report that outlines the results of the mitigation.</u></p> <p>GEO-10: 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</p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>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.</p> <p>The PRIMP, shall include methods for:</p> <ul style="list-style-type: none"> •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. 	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>Completion of a final summary report that outlines the results of the mitigation program.</p> <p>The PRIMP shall be submitted for approval by the City of Palm Springs.</p> <p>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.</p> <p><u>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.</u></p> <p><u>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</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>The PRIMP, shall include methods for:</u></p> <ul style="list-style-type: none"> • <u>Attendance by a qualified paleontologist at the preconstruction meeting to consult with the grading and excavation contractors.</u> • <u>On-site presence of a paleontological monitor to inspect for paleontological resources during the excavation of previously undisturbed deposits.</u> • <u>Salvage and recovery of paleontological resources by the</u> 	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>qualified paleontologist or paleontological monitor.</u></p> <ul style="list-style-type: none"> • <u>Preparation (repair and cleaning), sorting, and cataloguing of recovered paleontological resources.</u> • <u>Donation of prepared fossils, field notes, photographs, and maps to a scientific institution with permanent paleontological collections.</u> • <u>Completion of a final summary report that outlines the results of the mitigation program.</u> <p><u>The PRIMP shall be submitted for approval by the City of Palm Springs.</u></p> <p><u>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.</u></p>	
<p>Greenhouse Gas</p>	<p>Impacts 4.7.1: The proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment</p>	<p>Potentially Significant</p>	<p>GHG-1: The project is to provide a minimum of 101 points per the County Screening Tables. The City shall verify incorporation of the identified Screening Table Measures within the project building plans and site designs prior to the issuance of building permit(s). The City shall verify implementation of the</p>	<p>Less Than Significant</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			identified Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.	
Hydrology and Water Quality	Impact 4.9.2: The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it would impede sustainable groundwater management of the basin. Impacts would be Less than Significant with Mitigation Incorporated.	Potentially Significant	<p>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.</p> <p>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</p> <p>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.</p> <p>HYD-4: The proposed Project shall be comply with MSWD rate structures for water and sewer services at the site.</p>	Less Than Significant
	Impact 4.14.2: <i>The proposed Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would</i>		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	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
<p>Transportation</p>	<p><i>therefore be Significant and Unavoidable.</i></p>	<p>Potentially Significant</p>	<p>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.</p> <ul style="list-style-type: none"> • 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 vehicles 	<p>Significant Unavoidable</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
<p>Tribal Cultural Resources</p>	<p>Impact 4.15.1: Implementation of the proposed Project would not cause a substantial adverse change in the listing or eligible for listing, of a tribal cultural resource, as defined in PRC §21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe. Impacts would be Less than Significant with Mitigation Incorporated.</p>	<p>Potentially Significant</p>	<p>CUL 1: 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:</p> <ul style="list-style-type: none"> •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. 	<p>Less Than Significant</p>

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<ul style="list-style-type: none"> •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 <p><u>CUL-1: Initial grubbing and grading clearing 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.</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p>CUL-2: Initial clearing and grading of the property (first five feet) shall be monitored by a qualified archeologist. 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.</p> <p><u>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.</u></p> <p>CUL-3: 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 disposed in accordance with the California Public Resources Code Section 5097.98.</p> <p><u>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</u></p>	

DEIR Section	Impact	Level of Significance	Mitigation Measure	Level of Significance with Mitigation
			<p><u>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.</u></p> <p><u>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 disposed in accordance with the California Public Resources Code Section 5097.98.</u></p>	

Section 1.0: INTRODUCTION

Page 1.2: In the fourth paragraph after the heading **1.0 INTRODUCTION; 1.1 OVERVIEW OF THE PROPOSED PROJECT** the following edits have been made:

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 (City of Palm Springs; [website](#) accessed 2024).

Page 1.6: Under heading **1.6 FINDINGS/STATEMENT OF OVERRIDING CONSIDERATIONS**, first paragraph, sentence 4 the following edits have been made:

(c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section §15091; [accessed 2024](#)).

Section 2.0: PROJECT DESCRIPTION

Page 2.1 under the heading **PROJECT LOCATION**, third paragraph last sentence, the following edits have been made:

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. (Google Maps; [website accessed](#) 2023).

Page 2.8 under heading **PROPOSED PROJECT DEVELOPMENT**, fourth paragraph last sentence, the following edits have been made:

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 (Google; [website accessed](#) 2024).

Section 3.0: ENVIRONMENTAL SETTING

Page 3.1 under heading **3.1 REGIONAL SETTING**, first paragraph last sentence, the following edits have been made:

The City has a typical desert climate of warm winters and extremely hot summers, with less than four (4) inches of rain a year (Google; [website](#) accessed 2024).

Page 3.1 under heading **3.1 REGIONAL SETTING**, second paragraph last sentence, the following edits have been made:

It's SOI, which includes the portions of unincorporated areas within the County, comprises an additional 42 square miles (Google; [website](#) accessed 2024).

Page 3.1 under heading **PROJECT SETTING**, first paragraph first sentence, the following edits have been made:

The approximate 91.97-acre proposed Project site is located in the northeastern section of the City of Palm Springs (Google maps; [website](#) accessed 2024).

Page 3.2 under heading **RELATED CUMMULATIVE PROJECTS, Table 3.1 City of Palm Springs Cumulative Projects** source, the following edits have been made:

Source: City of Palm Springs. New Development Map. Website accessed 2024.

Page 3.4 under heading **RELATED CUMMULATIVE PROJECTS, Table 3.2 City of Desert Hot Springs Cumulative Projects** source, the following edits have been made:

Source: City of Desert Hot Springs, New Development Map, website accessed 2024.

Section 4.1 AESTHETICS

On Page 4.1.4 under header **SETTING**, fifth paragraph last sentence, the following edits were made:

Both I-10 and SR 62 are considered Scenic Highways; with SR 62 having designation as a State Scenic Highway according to the California State Scenic Highway Program, and I-10 is designated as a County Scenic Highway by Riverside County (California Department of Transportation [CalTrans], website November 15, 2023).

On Page 4.1.15 **Impact 4.1.4**, the following edits were made:

Although implementation of the proposed Project would create new sources of light and glare, with site and building design, this would not adversely affect day or nighttime views in the area and impacts would be Less than Significant with Mitigation Incorporated.

Under **Impact 4.1.4**, on Page 4.1.16, second paragraph last sentence, the following edits were made:

Adherence to General Plan policies and City lighting and signage standards and well as the incorporation of mitigation measure AES-1, would minimize potential light spillover through shielding, screening and landscaping. Impacts would therefore be less than significant with the incorporation of mitigation measure AES-1.

On Page 4.1.16 to Page 4.1.17 under **Mitigation**, the following edits were made:

Mitigation

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.

Section 4.3 BIOLOGICAL RESOURCES

Page 4.3.13 Under the heading **Local Development Mitigation Fees**, the following edits have been made:

Third paragraph: The implementation of the LDMF in relation to the proposed Project ~~and included as mitigation measure~~ **BIO-3**, ensures that effects to the species are reduced to less than significant levels.

Page 4.3.13 Under the heading **Local Development Mitigation Fees**, the following edits have been made:

Fourth Paragraph, last sentence: these species; therefore, a pre-construction survey for nesting birds is required in mitigation measure ~~BIO-1~~ **BIO-2** would then reduce impacts to less than significant levels.

Page 4.3.13 Under the heading **Local Development Mitigation Fees**, the following edits have been made:

Fifth Paragraph, second sentence: As such, mitigation measure **BIO-1** is recommended to mitigate for potential burrowing owl habitation on the site to ensure that any potential impacts to burrowing owls would be reduced to less than significant.

Page 4.3.9 through Page 4.3.15, **Impact 4.3.1**, Under **Mitigation**, the following edits have been made:

~~**BIO-1:** — A pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit.~~

~~**BIO-2:** — In accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.~~

~~**BIO-3:** — In accordance with the CVMHCP, payment of the LDMF fee, as determined by the City of Palm Springs.~~

BIO-1 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 will be implemented. Proposed implementation of burrow exclusion and closure should 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 should 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 should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should 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.

BIO-2: Nesting Birds. To the greatest extent feasible, Project construction activities will 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 may 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.

Page 4.3.15, under **Impact 4.3.2**, the following edits have been made:

Impact 4.3.2: Implementation of the proposed would not have a substantial adverse effect on riparian habitats or sensitive natural communities as identified in local or regional plans, policies, or regulations. There would be ~~No Impact~~. Less than Significant Impact with Mitigation incorporated.

Under **Impact 4.3.2**, on Page 4.3.16, second paragraph last sentence, the following edits have been made:

The last sentence in the second paragraph has been removed:

~~Therefore, implementation of the proposed Project would have no impact on riparian habitat or other sensitive natural community as identified in local or regional plans, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.~~

Under **Impact 4.3.2**, on Page 4.3.16, the following paragraphs were added:

CDFW has identified several ephemeral streams within the Project site, which are subject to Fish and Game Code section 1600 et seq. Based on review of historical aerial imagery using Google Earth, a minimum of two ephemeral streams are located within the western half of the Project site and one ephemeral stream within the eastern half of the Project site. Stormflows for these ephemeral streams located onsite originate from Mission Creek, west of Highway 62, and move through a network of ephemeral washes traversing a broad alluvial plain to the north before entering the Project site. Stream indicators for the ephemeral streams located onsite include, but are not limited to, evidence of erosion, scour, and stream- aligned vegetation visible in historical aerial imagery. CDFW considers the Project site to contain streams subject to Fish and Game Code section 1600 et seq.

Therefore, to ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant, the following mitigation measure BIO [B], would be required in order to reduce impacts to a less than significant level.

Under **Impact 4.3.2**, on Page 4.3.16, under **Mitigation**, the following edits have been made:

Mitigation

BIO-[B] CDFW Lake and Streambed Alteration Program. Prior to construction, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

On Page 4.3.17, under **Impact 4.3.4**, second paragraph last sentence, the following edits have been made:

Therefore, through implementation of mitigation measures **BIO-1** and ~~BIO-2 through BIO-[D]~~, potential impacts would be reduced to less than significant levels.

On Page 4.3.17 through Page 4.3.19, under **Mitigation** the following edits have been made:

Mitigation

~~**BIO-1:** A pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple-Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during~~

the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit. Mitigation Measure BIO-1 would ensure that impacts to burrowing owls would be less than significant.

~~**BIO-2:** Due to the presence of shrubs and the potential for avian nesting sites in accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.~~

~~**BIO-1:** A pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit.~~

~~**BIO-2:** In accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.~~

BIO-1: Burrowing Owl Habitat Assessment and Surveys. 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 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, days. or excrement at or near a burrow entrance or perch site), acres of burrowing owl habitat that will be Methods: See 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 will be implemented.

Proposed implementation of burrow exclusion and closure should 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 too occupied burrows cannot be avoided, information shall be provided regarding adjacent or near by 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 should 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 should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should 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.

BIO-2: Nesting Birds. To the greatest extent feasible, Project construction activities will 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 may 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.

BIO-3: In accordance with the CVMHCP, payment of the LDMF fee, as determined by the City of Palm Springs.

BIO-[A]: Special-Status-Plants. 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 should be evaluated and discussed in detail.

Where habitat preservation is not available on-site, off- site land acquisition, management, and preservation should be evaluated.

BIO-[B]: CDFW Lake and Streambed Alteration Program. Prior to construction, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

BIO-[C]: Artificial Nighttime Lighting. 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.

BIO-[D]: Salvage of Sand- Dependent Covered Species Prior to vegetation removal or ground- disturbing activities, the City of Palm Springs will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.

Section 4.4 CULTURAL RESOURCES

On Page 4.4.10, under **Impact 4.4.1**, first paragraph last sentence, the following edits have been made:

~~Paleontological resources are typically fossilized remains of plant and animals and sometime human remains~~

On Page 4.4.10, under **Impact 4.4.1**, first paragraph first sentence, the following edits have been made:

~~Due to the age of the geological formation at the site, there is a low potential for the presence of paleontological resources at the site.~~

On Page 4.4.10, under **Impact 4.4.1**, Third Paragraph, last sentence, the following edits have been made:

Therefore, the proposed Project's potential impacts to historic and archeological resources may be potentially significant and require the mitigation measure **CUL -1 through CUL-3 -5.**

On Page 4.4.10 through Page 4.4.12, under **Impact 4.4.1** under **Mitigation**, Third Paragraph, last sentence, the following edits have been made:

Mitigation

~~**CUL 1:** 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 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~~

On Page 4.4.10 through Page 4.4.12, under **Mitigation**, Third Paragraph, last sentence, the following edits have been made:

~~**CUL-2:** Initial clearing and grading of the property (first five feet) shall be monitored by a qualified archeologist. 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.~~

~~**CUL-3:** 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 disposed in accordance with the California Public Resources Code Section 5097.98.~~

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.

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.

CUL-3: The retained archeologist and Native American monitor shall attend the pregrade 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.

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.

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.

On Page 4.4.12, Under **Impact 4.4.2**, First Paragraph, last sentence, the following edits were made:

Therefore, with implementation of mitigation measures **CUL-2** and **CUL-3** CUL-1 through CUL-4 above, proposed Project impacts would be less than significant.

On Page 4.4.12 through Page 4.4.14, Under **Impact 4.4.2** under **Mitigation**, the following edits were made:

Mitigation

~~**CUL-2:** Initial clearing and grading of the property (first five feet) shall be monitored by a qualified archeologist. 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.~~

~~**CUL-3:** 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 disposed in accordance with the California Public Resources Code Section 5097.98.~~

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.

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.

CUL-3: The retained archeologist and Native American monitor shall attend the pregrade 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 archeologist 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.

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.

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.

Section 4.6 GEOLOGY AND SOILS

Under subtitle **Soils**, on Page 4.6.2 second paragraph second sentence, the following edits have been made:

Carsitas soil is characterized by gravelly sand in the first foot below the surface, with more gravelly coarse sand up to 5 feet underground (USDA; [website](#) accessed 2024).

Under the subtitle **Local** on Page 4.6.13, the following edits have been made:

Local

The Agua Caliente Band of Cahuilla Indians' Tribal Historic Preservation Office The Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office and its designated officer has jurisdiction over historic resources on tribal reservation lands. The Tribal Historic Preservation Officer (THPO) is responsible for the management of cultural resources of significance to the Tribe. Such resources typically include, but are not limited to archeological sites, burial sites, trails, buildings or other structures, plant and mineral resources gathering areas, and sacred places such as springs, hills, forested areas. Pursuant to the NHPA, the Agua Caliente Band of Cahuilla Indians THPO has assumed functions of the SHPO on its reservation. The THPO reviews proposed development projects in order to assess potential impacts on historic and cultural resources important to the Tribe and/or eligible for the Tribal Register, CRHR, or the NRHP. The THPO has the authority to consult and coordinate with State and federal agencies such as the Bureau of Land Management (BLM), the National Park Services (NPS), and the United States Forest Service (USFS), for compliance and consultation, monitoring construction and archaeological excavations, protecting burial sites and resources, and for maintaining all archival databases.

Under **Impact 4.6.6**, on Page 4.6.23, second paragraph, third sentence, the following edits were made:

Although mitigation measures **GEO-8** and ~~**GEO-9**~~ **GEO 10 -GEO 11** have been recommended for the proposed Project, it should be noted that mitigation measures **GEO-8** and ~~**GEO-9**~~ **GEO 10 - GEO 11** would only be triggered if grading extends beyond 10 feet, where there is a higher likelihood of encountering paleontological resources.

Under **Impact 4.6.6**, on Page 4.6.23, second paragraph, fourth sentence, the following edits have been made:

Adherence to these applicable City of Palm Springs General Plan goals and policies as well as implementation of **GEO-9** and ~~**GEO-10**~~ **through Geo-11** would therefore reduce impacts related to paleontological resources to less than significant levels.

Under **Impact 4.6.6**, on Page 4.6.23 through Page 4.6.25, under **Mitigation**, the following edits have been made:

Mitigation

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

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.

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.

Section 4.11 POPULATION AND HOUSING

On Page 4.11.1, under the subtitle **SETTING**, first paragraph third sentence, the following edits were made:

The County had an estimated total population of 1,545,387 people and 584,674 dwelling units in 2000, which increased to approximately 2,439,234 people and 872,930 households by 2023 (California Department of Finance; website accessed 2023).

On Page 4.11.1, under the subtitle **SETTING**, first paragraph fourth sentence, the following edits were made:

Based on the DOF's 2023 population and housing estimates, approximately 784,965 units were occupied with approximately 3.06 persons per household (California Department of Finance; website accessed 2023).

On Page 4.11.1, under the subtitle **SETTING**, first paragraph fifth sentence, the following edits were made:

The US Bureau of the Census estimated that the County had a 59.7% employment rate, or approximately 1,454,008 people in the labor force in 2020 (US Bureau of the Census; website accessed 2023-2020).

On Page 4.11.1, under the subtitle **SETTING**, third paragraph last sentence, the following edits were made:

There is a 66% home ownership rate with housing values averaging approximately \$452,000. Rental units are estimated to cost residents at approximately 1,564 per month (US Census; website accessed 2024).

On Page 4.11.2, under the subtitle **SETTING**, fourth paragraph first sentence, the following edits were made:

The median annual household income for the City is approximately \$50,361 with a City-wide poverty rate of about 12.9% (US Census; [website accessed](#) 2024).

On Page 4.11.2, under the subtitle **SETTING**, first paragraph first sentence, the following edits have been made:

As indicated in **Table 4.11-2** below, the City has an approximate 45.7% of residents who are employed mainly serving the sectors of agriculture, retail, construction, professional and educational services, arts, entertainment and recreation (City of Palm Springs Housing Element Update; [website accessed](#) 2024).

On Page 4.11.2, under the subtitle **SETTING**, second paragraph second sentence, the following edits have been made:

Of these employment sectors, 46.4% of City residents work in Management, 19.9% work in Services, 20.2% work in Sales, 6.5% work in Natural Resources such as agriculture, and 6.9% work in Production (US Bureau of Census – American Community Survey data; [website accessed](#) 2023).

On Page 4.11.2, under the subtitle **SETTING**, second paragraph last sentence, the following edits were made:

The City's 6th Housing Element estimated that the City currently has a total of 36,702 housing units of which 23,889 units are occupied and 12,813 units that are vacant, resulting in an overall vacancy rate of 9.5% (US Bureau of Census – American Community Survey data; [website accessed](#) 2023).

On Page 4.11.2 to Page 4.11.3, the source for **Table 4.11-3: Workforce by Industry in the City of Palm Springs**, the following edits were made:

Source: US Bureau of Census – American Community Survey data; [website accessed](#) 2023

On Page 4.11.3, first paragraph last sentence, the following edits were made:

Of these, 272 units need to be Extremely Low, 273 units should be Very Low Income units, 408 should be Low Income units, 461 should be Moderate Income units, and 1,143 units may be Above Moderate Income units (City of Palm Springs 6th Cycle Housing Needs Assessment, [website accessed](#) 2023).

Under **Impact 4.11.1**, on Page 4.11.7, the source for **Table 4.11-4 Housing Growth in the City of Palm Springs**, the following edits were made:

Source: Department of Finance, 2010-2020; [website accessed](#) 2023.

Section 4.12 PUBLIC SERVICES

On Page 4.12.1 under subtitle **Fire**, first paragraph second sentence, the following edits were made:

CalFire is an all-hazards response team, responding to floods, fires, earthquakes, medical aid, hazardous material spills, search and rescue missions and other disasters (CalFire; [website accessed](#) 2023).

On Page 4.12.2 under subtitle **Schools**, first paragraph last sentence, the following edits were made:

According to the Riverside County Economic Development data, there are approximately 420,159 enrolled students in Riverside County schools, which have capacity for 431,451 students (Riverside County Education Department Data; [website](#) accessed 2024).

On Page 4.12.3 under subtitle **Other Public Services**, fourth paragraph last sentence, the following edits were made:

The Desert Hot Springs Family Care Urgent Center is located about three (3) miles to the northeast of the proposed Project site, in the community of Desert Hot Springs (Google; [website](#) accessed 2024).

Section 4.15 TRIBAL CULTURAL RESOURCES

Under **Impact 4.15.1**, on Page 4.15.7, seventh paragraph, the following edits have been made:

Therefore, impacts will be less than significant with implementation of mitigation measures **CUL-1, CUL-2** and **CUL-3**. **CUL-1 through CUL-4.**

Under **Impact 4.15.1**, on Page 4.15.7 through Page 4.15.8, under **Mitigation** the following edits have been made:

Mitigation

CUL-1: ~~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~~

CUL-2: ~~Initial clearing and grading of the property (first five feet) shall be monitored by a qualified archeologist. 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.~~

~~**CUL-3:** 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 disposed in accordance with the California Public Resources Code Section 5097.98.~~

CUL-1 *Initial grubbing and grading clearing 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.*

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.*

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.*

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 disposed in accordance with the California Public Resources Code Section 5097.98.*

Section 4.16 UTILITIES AND SERVICE SYSTEMS

Under **Impact 4.16.4** on Page 4.16.26, second paragraph last sentence, the following edits have been made:

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 (CalRecycle; [website accessed](#) 2024).

Section 7.0 ALTERNATIVES

Under heading **7.3 ALTERNATIVES UNDER CONSIDERATION**, on page 7.5, seventh paragraph first sentence, the following edits have been made:

~~**Table 7.0-1: Alternatives Analysis**~~, shows a comparison of impact levels under each Alternative evaluated for the proposed Project.

Section 9.0 REFERENCES

On page 9.1, the following edits to References have been made:

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Please see q. above. The stated name for this document was actually the last few words for the document title listed under q.

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Modifications to Text by Draft Environmental Impact Report Technical Appendices

Appendix B - Air Quality, Energy, Health Risk Assessment (HRA), Greenhouse Gas (GHG) Analysis

Chapter 7. References on Page 123 through page 124, the following edits to references have been made based on comments received:

2009 Health Risk Assessments for Proposed Land Use Projects – California Air Pollution Control Officers Association (CAPCOA); https://ww2.valleyair.org/media/glsdzpx3/capcoa_hra_lu_guidelines_8-6-09.pdf.

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Appendix E – Noise Analysis

Chapter 7. References on Page 47, the following edits to references have been made based on comments received:

2020 Transportation and Construction Vibration Guidance Manual – California Department of Transportation (Caltrans); <https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals>.

1974 “Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety,” EPA/ONAC 550/9-74-004; <https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5Cindex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=h pfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>.

2018 Transit Noise and Vibration Impact Assessment Manual - Typical Construction Equipment Vibration Emissions – Federal Transit Administration (FTA); https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

2017 State of California General Plan Guidelines – Governor’s Office of Planning and Research; https://lci.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf.

2001 General Plan, Chapter 4, Figure C-3 “Link Volume Capacities/Level of Service for Riverside County Roadways” – County of Riverside; <https://planning.rctlma.org/sites/g/files/aldnop416/files/migrated/Portals-14-genplan-2019-elements-Ch04-Circulation-072720v2.pdf>

2009 County of Riverside Industrial Hygiene Guidelines for Determining and Mitigation Traffic Noise Impacts to Residential Structures– County of Riverside; See attached Appendix E Noise Analysis.

**2006 FHWA Roadway Construction Noise Model User’s Guide – U/.S Department of Transportation Federal Highway Administration;
https://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf?redirect**

3.0 RESPONSE TO COMMENTS

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section §15088 (a) requires: “*The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments that were received during the noticed comment period and any extensions and may respond to late comments.*” In accordance with these requirements, the City of Palm Springs (City; city), as the Lead Agency, evaluated comments received on the Draft EIR (State Clearinghouse No. 2024010068), for the proposed First Palm Springs Commerce Center Project (proposed Project), and has prepared the following responses to the comments received. This Response to Comments Chapter becomes part of the Final EIR in accordance with State CEQA Guidelines Section §15132. It provides a list of public comments received for the proposed Project (numerically coded for reference) during the public review period, copies of the written comments received on the DEIR, and the responses to those comments put forth by the City of Palm Springs. Individual comments within each letter are identified with a unique numeric indicator and are listed in chronological order, as listed in **Table 3.1: Comment Letters Received**. Each comment that requires a response is also assigned a number. The original comment letters are provided in **Appendix A: Comment Letters Received**.

3.1 COMMENTS AND RESPONSES TO COMMENTS

This section summarizes the comments received that specifically pertain to the scope and content of the Draft Program EIR. Copies of the comment letters are included in **Appendix A: Comment Letters Received**

3.1.1 Comment Letter A: Adams Broadwell Joseph and Cardoza – Attorneys At Law:

Comment A-1

We are writing on behalf of Californians Allied for a Responsible Economy (“CARE CA”) to request immediate access to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the First Palm Springs Commerce Center Project (SCH No. 2024010068) (“Project”), proposed by First Industrial Realty Trust Inc. (“Applicant”). This request excludes a copy of the DEIR and any documents that are currently available on the City of Palm Springs website, as of today’s date.

Response A-1

The comment has been noted.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter A-1 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter A-1 are background materials that are not the primary source or primary data point for any impact conclusion.

Revisions to References under each of the technical issue areas have been updated in the References section and provided under **Chapter 2: Errata and Text Revisions**.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment A-2

The Project proposes to develop two (2) warehouse buildings (“Building 1” and “Building 2”) with office spaces, truck docking areas and employee parking spaces in the in the City of Palm Springs, County of Riverside, California. 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, as well as external building and internal roadway lighting, landscaping, and trash enclosure 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, as well as external building and internal roadway lighting, landscaping, and trash enclosure areas. The approximate 91.97 acre proposed Project site is located north of the I-10 and east of SR 62, in the northern portion of the City of Palm Springs. The Project site is comprised of five (5) parcels, Assessor Parcel Numbers (APNs: 666-320-010, -011, -012, -015, and -019), and is bounded by 18th Avenue to the north, North Indian Canyon Drive to the east, and 19th Avenue to the south. Karen Drive and Blair Road are to the west.

Response A-2

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment A-3

*Our request for **immediate access** to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act (“CEQA”), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.*

U.S. Mail

Sheila M. Sannadan

*Adams Broadwell Joseph & Cardozo 601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037*

Email

ssannadan@adamsbroadwell.com

Response A-3

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

3.1.2 Comment Letter B: Adams Broadwell Joseph and Cardoza – Attorneys At Law:

Comment B-1

We are writing on behalf of Californians Allied for a Responsible Economy (“CARE CA”) to respectfully request that the City of Palm Springs (“City”) extend the public review and comment period of the Draft Environmental Impact Report (“DEIR”)¹ for the First Palm Springs Commerce Center Project (SCH No. 2024010068) (“Project”) due to the City’s failure to provide timely access to documents referenced and relied upon in the DEIR. The DEIR public review period currently ends on February 10, 2025.² CARE CA asks that the public review period be extended by at least 45 days from the date on which the City releases all DEIR reference documents for public review.

Response B-1

The comment has been noted.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-1 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-1 are background materials that are not the primary source or primary data point for any impact conclusion.

References section and provided under **Chapter 2: Errata and Text Revisions.**

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-2

On January 21, 2025, our office submitted a request, pursuant to the California Environmental Quality Act (“CEQA”), for immediate access to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”). CEQA’s section 21092(b)(1) and CEQA Guidelines section 15087(c)(5) require that “all documents referenced” and “all documents incorporated by reference” in an environmental impact report shall be “readily accessible to the public during the lead agency’s normal working hours” during the entire public comment period.

On the same day, we received an email response from the City stating that the reference documents were located on the City’s website (“website”). Our subsequent review revealed that the only documents

available on the website are the DEIR, appendices, and public notices for the Project. The website does not post links to any of the other documents referenced or relied upon in the DEIR.

Response B-2

The comment has been noted.

As required under CEQA Guidelines §15148, since the preparation of an EIR “...is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR...” Therefore, if any of the reference materials were not included in the DEIR, all reference documents have been cited in the DEIR. The References section of the Draft EIR has also been updated with links to the reference documents or websites that house such references.

In relation to documents incorporated by reference, CEQA Guidelines §15150 provide the following examples of documents that may be incorporated by reference:

(e) Examples of materials that may be incorporated by reference include but are not limited to:

(1) A description of the environmental setting from another EIR.

(2) A description of the air pollution problems prepared by an air pollution control agency concerning a process involved in the project.

(3) A description of the city or county general plan that applies to the location of the project.

(4) A description of the effects of greenhouse gas emissions on the environment.

Discussions such as these have been presented in each applicable section of the DEIR, either under the Settings, Regulatory Framework, or the Impact Analysis sections of each CEQA issue area.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued.

All reference documents are listed in the References section of the Draft EIR. All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR. Additionally, links have been provided to them under Response B-2 through B-9.

The results of all technical models and applications have been included in each relevant Appendix document.

Comment B-3

Our office emailed the City on Tuesday, January 28, 2025, informing them of the results of our review and again requesting that the City provide access to all documents referenced or relied upon by the DEIR. On the same day, the City provided a partial response to CARE CA’s request. However, there are numerous critical DEIR reference documents that are missing, including the following:

1. Documents referenced in the DEIR's Environmental Impact Analysis with no hyperlinks:

- A. California Department of Finance, Population and Housing Estimates for Cities, Counties, and the State 1990-2000 and 2011-2022; Department of Finance City/County Population and Housing Estimates 2023. Accessed 2024.

Response B-3

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor's Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>) and the City of Palm Springs Planning Department located at 3200 E Tahquitz Way, City of Palm Springs, CA 92262.

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the Appendices to the EIR or on the City's website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-3 were posted on the City's website and/or made available at the City Clerk's office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-3 are background materials that are not the primary source or primary data point for any impact conclusion.

All reference documents are listed in the References section of the Draft EIR. All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-4

1. Documents referenced in DEIR Appendix B– Air Quality, Global Climate Change, Health Risk Assessments, and Energy Impact Analysis
 - a. 2009 Health Risk Assessments for Proposed Land Use Projects
 - b. 2008 Resolution 08-43
 - c. 2008 Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act
 - d. 2008 ARB Recommended Interim Risk Management Policy for Inhalation-Based Residential Cancer Risk –Frequently Asked Questions

- e. *2008 Climate Change Scoping Plan, a framework for change.*
- f. *2011 Supplement to the AB 32 Scoping Plan Functional Equivalent Document*
- g. *2014 First Update to the Climate Change Scoping Plan, Building on the Framework Pursuant to AB32, the California Global Warming Solutions Act of 2006. May.*
- h. *California's 2017 Climate Change Scoping Plan. November.*
- i. *2022 Scoping Plan for Achieving Carbon Neutrality. November 16.*
- j. *2022 Historical Air Quality, Top 4 Summary*
- k. *2019 County of Riverside Climate Action Plan Update. November.*
- l. *2008 CEQA and Climate: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*
- m. *2018 CEQA Guideline Sections to be Added or Amended*
- n. *2014 IPCC Fifth Assessment Report, Climate Change 2014: Synthesis Report*
- o. *2015 Air Toxics Hot Spots Program Risk Assessment Guidelines*
- p. *1993 CEQA Air Quality Handbook*
- q. *2003 Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling*
- r. *Emissions for CEQA Air Quality Analysis*
- s. *2005 Rule 403 Fugitive Dust*
- t. *2007 Air Quality Management Plan*
- u. *2008 Final Localized Significance Threshold Methodology, Revised*
- v. *Final 2012 Air Quality Management Plan*
- w. *2016 Air Quality Management Plan*
- x. *2021 MATES-V Multiple Air Toxics Exposure Study in the South Coast Air Basin. August.*
- y. *2022 Air Quality Management Plan. December 2.*
- z. *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*
- aa. *2011 Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California*

Response B-4

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor's Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses *only* for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-4 were posted on the City’s website and/or made available at the City Clerk’s office between December 2, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-4 are background materials that are not the primary source or primary data point for any impact conclusion.

All reference documents are listed in the References section of the Draft EIR. All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR as below:

- a. 2009 Health Risk Assessments for Proposed Land Use Projects – California Air Pollution Control Officers Association (CAPCOA); https://ww2.valleyair.org/media/glsdzpx3/capcoa_hra_lu_guidelines_8-6-09.pdf
- b. 2008 Resolution 08-43 - California Air Resources Board (CARB); <https://ww2.arb.ca.gov/board-resolutions-2008>.
- c. 2008 Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act – California Air Resources Board (CARB); [https://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf](https://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf)
- d. 2008 ARB Recommended Interim Risk Management Policy for Inhalation-Based Residential Cancer Risk – Frequently Asked Questions –

This source was superseded by 2015 ARB Risk Management Guidance for Stationary Sources of Air Toxics; https://ww2.arb.ca.gov/sites/default/files/classic/toxics/rma/rma_guidancedraft052715.pdf

- e. 2008 Climate Change Scoping Plan, a framework for change – California Air Resources Board (CARB); <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2008-scoping-plan-documents>.
- f. 2011 Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document – California Air Resources Board (CARB); <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2008-scoping-plan-documents#:~:text=The%20Scoping%20Plan%20was%20re-approved%20by%20the%20Air,GHG%20emissions%20to%20achieve%20the%202020%20GHG%20target.>
- g. 2014 First Update to the Climate Change Scoping Plan, Building on the Framework Pursuant to AB32, the California Global Warming Solution Act of 2006 - California Air Resources Board (CARB);

<https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2013-scoping-plan-documents>.

- h. 2017 California's 2017 Climate Change Scoping Plan - California Air Resources Board (CARB); <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2017-scoping-plan-documents>.
- i. 2022 2022 Scoping Plan for Achieving Carbon Neutrality- California Air Resources Board (CARB); <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>
- j. 2022 Historical Air Quality, Top 4 Summary – California Air Resources Board (CARB); <https://www.arb.ca.gov/adam/topfour/topfour1.php>.
- k. 2019 Climate Action Plan Update - County of Riverside; <https://planning.rctlma.org/general-plan-and-zoning/riverside-county-climate-action-plan>.
- l. 2008 CEQA and Climate: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review – Governor’s Office of Planning and Research; <https://lci.ca.gov/ceqa/docs/20210720-june08-ceqa.pdf>.
- m. 2018 CEQA Guideline Sections to be Added or Amended - Governor’s Office of Land Use and Climate Innovation; <https://lci.ca.gov/ceqa/guidelines/updates.html>.
- n. 2014 Fifth Assessment Report, Climate Change 2014: Synthesis Report – Intergovernmental Panel on Climate Change (IPCC); <https://www.ipcc.ch/report/ar5/syr/>.
- o. 2015 Air Toxics Hot Spots Program Risk Assessment Guidelines – Office of Environmental Health Hazard Assessment; <https://oehha.ca.gov/sites/default/files/media/downloads/crn/2015guidancemanual.pdf>.
- p. 1993 CEQA Air Quality Handbook – South Coast Air Quality Management District (SCAQMD); [https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)).
- q. 2003 Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.
- r. Please see q. above. The stated name for this document was actually the last few words for the document title listed under q.
- s. 2005 Rule 403 Fugitive Dust - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/rules-compliance/compliance/rule-403-dust-control-information>.
- t. 2007 Air Quality Management Plan - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan/2007-air-quality-management-plan>.
- u. 2008 Finalized Localized Significance Threshold Methodology, Revised - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

- v. 2013 Final 2012 Air Quality Management Plan - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>.
- w. 2017 Air Quality Management Plan - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/air-quality/air-quality-management-plans/final-2016-aqmp>.
- x. 2021 MATES-V Multiple Air Toxics Exposure Study in the South Coast AQMD - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.
- y. 2022 Air Quality Management Plan - South Coast Air Quality Management District (SCAQMD); <https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan>.
- z. 2020 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) – Southern California Association of Governments (SCAG); <https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020>.
- aa. 2011 Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California – United States Geological Survey (USGS); <https://www.usgs.gov/publications/reported-historic-asbestos-mines-historic-asbestos-prospects-and-other-natural>.

Comment B-5

Documents referenced in DEIR Appendix C– Biological Assessment:

- aa. *Documents referenced in DEIR Appendix C– Biological Assessment:*
- bb. *California Department of Fish and Wildlife (CDFW), 2023. RareFind California Department of Fish and Game Natural Diversity Database (CNDDDB) Palm Springs USGS 7.5-Minute Quadrangles. Sacramento, CA: California Department of Fish and Game, Biogeographic Data Branch.*
- cc. *California Native Plant Society (CNPS), 2023. CNPS Electronic Inventory of Rare and Endangered Plants*
- dd. *County of Riverside. 2008/2016. Coachella Valley Multiple Species Habitat Conservation Plan(MSHCP)/Final Amendment. August.*
- ee. *County of Riverside. 2006. Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area (E.P. Department, ed), p. 4. Riverside, CA: County of Riverside.*
- ff. *County of Riverside. 2023. RCIP Resource Conservation Summary Report Generator: County of Riverside.*
- gg. *Elbroch, M., 2003. Mammal Tracks & Sign, A Guide to North American Species. Mechanicsburg, PA: Stackpole Books.*
- hh. *Halfpenny, J.C., 2000. Scats and Tracks of the Desert Southwest, A Field Guide to the Signs of 70 Wildlife Species. Helena, MT: Falcon Publishing, Inc.*
- ii. *Holland, R.F., 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California (California Department of Fish and Game. The Resources Agency, ed.), p. 156. Sacramento, CA.*

- jj. *Sawyer and Keeler-Wolf, 1995. A Manual of California Vegetation. Sacramento, CA: California Native Plant Society.*
- kk. *Sawyer, J.O., T.Keeler-Wolf and J.M. Evans, 2009. A Manual of California Vegetation, Second Edition. Sacramento, CA: California Native Plant Society.*
- ll. *Sibley, D.A., 2000. National Audubon Society. The Sibley Guide To Birds. New York, NY: Alfred A. Knopf, Inc.*
- mm. *Stebbins, R.C., 2003. A Field Guide To Western Reptiles and Amphibians. New York, NY: Houghton Mifflin. United States*

Response B-5

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQA Net (<https://ceganet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-5 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-53 are background materials that are not the primary source or primary data point for any impact conclusion.

All reference documents are listed in the References section of the Draft EIR. All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-6

3. Documents Referenced in the DEIR Appendix E: Noise Analysis:

- a. *2020 Transportation and Construction Vibration Guidance Manual. April.*
- b. *1974 "Information on Levels of Environmental Noise Requisite to Protect Public Health And Welfare with an Adequate Margin of Safety," EPA/ONAC 550/9-74-004, March 1974.*
- c. *2018 Transit Noise and Vibration Impact Assessment Manual. Typical*

Construction Equipment Vibration Emissions.

- d. *2017 State of California General Plan Guidelines.*
- e. *2001 General Plan, Chapter 4, Figure C-3 "Link Volume Capacities/Level of Service for Riverside County Roadways".*
- f. *2009 County of Riverside Industrial Hygiene Guidelines for Determining and Mitigating Traffic Noise Impacts to Residential Structures and County.*
- g. *2006 FHWA Roadway Construction Noise Model User's Guide. January.*
- h. *2 MD Acoustics, LLC Noise Measurement Data for RTU –Carrier 50TFQ0006.*

Response B-6

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor's Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *"Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR"*. All reference documents are listed in the References section of the Draft EIR.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City's website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-6 were posted on the City's website and/or made available at the City Clerk's office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-6 are background materials that are not the primary source or primary data point for any impact conclusion.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-7

4. Documents Referenced in the DEIR Appendix F: Soils Report:

- a. *Delaware Department of Natural Resources and Environmental Control, Wetlands Section.*
- b. *United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.*
- c. *American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.*
- d. *American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.*
- e. *Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.*
- f. *Federal Register. July 13, 1994. Changes in hydric soils of the United States.*
- g. *Federal Register. September 18, 2002. Hydric soils of the United States.*
 - i. *Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.*
 - i. *National Research Council. 1995. Wetlands: Characteristics and boundaries.*

Response B-7

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*. All reference documents are listed in the References section of the Draft EIR.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-7 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter

B7 are background materials that are not the primary source or primary data point for any impact conclusion.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-8

5.Non-accessible hyperlinks/pdfs for the documents referenced in the DEIR Appendix F: Soils Report:

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262

- a. Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577*
- b. Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580*
- c. United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374*
- d. United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/range_pasture/?cid=stelprdb1043084*
- e. United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cidnrcs142p2_054242*
- f. United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624*
- g. United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210.*

Response B-8

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*. All reference documents are listed in the References section of the Draft EIR.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-8 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B83 are background materials that are not the primary source or primary data point for any impact conclusion.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-9

6. Documents Referenced in the DEIR Appendix G: Phase I Environmental Site Assessment:

- a. *ASTM International, "Standard Practice for Environmental Site*
- b. *Assessments: Phase I Environmental Site Assessment Process," ASTM Designation E 1527-21, 2021*
- c. *California Geological Survey, 2002, California Geomorphic Provinces Note 36, Electronic Copy, Revised December California State Water Resources Control Board, Water Quality Control Plan for the Colorado River Basin Region (7), California, Updated 2019.*
- d. *ERIS Database Report dated February 15, 2023.*
- e. *EDR Aerial Photograph Decade Package dated October 25, 2022.*
- f. *EDR City Directory Image Report dated October 27, 2022.*
- g. *EDR Fire Insurance Map Report dated October 24, 2022.*
- h. *EDR Historical Topo Map Report dated October 24, 2022.*
- i. *USGS topographic map, Desert Hot Springs, California Quadrangle (2018).*

Response B-9

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR”*. All reference documents are listed in the References section of the Draft EIR.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City’s website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-9 were posted on the City’s website and/or made available at the City Clerk’s office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an additional 20-day public and agency review period. Further, the documents referenced in Comment letter B-9 are background materials that are not the primary source or primary data point for any impact conclusion.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

Comment B-10

- 7. Documents Referenced in the DEIR Appendix I: Preliminary Hydrology And Water Quality Assessment Report:*
- a. Hydrology Manual. Riverside County Flood Control and Water Conservation District, April 1978.*

Response B-10

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

The References section of the Draft EIR has been edited to provide web portal access information or physical addresses **only** for the location of each document referenced in the DEIR. Under State Regulations California Code of Regulations Title 14 Article 10 - Considerations in Preparing EIRs and Negative Declarations Cal. Code Regs. Tit. 14, § 15148 – Citation: *“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of*

any technical reports which were used as the basis for any statements in the EIR". All reference documents are listed in the References section of the Draft EIR.

All reference documents incorporated by reference and included in the References section of the Draft EIR were available in the appendices to the EIR or on the City's website at the time the Notice of Availability was issued. The specific documents listed in comment letter B-10 were posted on the City's website and/or made available at the City Clerk's office between December 23, 2024 and February 10, 2025. The public review period was extended from February 11, 2025 through March 2, 2025, for an addition 20-day public and agency review period. Further, the documents referenced in Comment letter B-10 are background materials that are not the primary source or primary data point for any impact conclusion.

All websites incorporated by reference and included in the References section of the Draft EIR may be accessed with the links that have been provided in the References section of the Final EIR.

The City is not responsible for providing access to any of the documents further listed under each EIR section and each of the technical reports utilized for the Draft EIR. However, hyperlinks to the above reference is provided below: <http://rcflood.org/downloads/Manuals/Hydrology-Manual-20180814.pdf>.

Comment B-11

To date, the City has failed to provide access to these and other documents referenced and relied upon in the DEIR, in violation of CEQA. CEQA compels a lead agency to make all documents referenced in a draft environmental impact report "available for review" during the entire public comment period. We ask that the City fully and immediately comply with our January 21, 2025 request for immediate access by providing access to the above-listed DEIR reference documents.

The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the public review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.⁸ It is also well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.

By failing to make all documents and underlying data referenced in the DEIR readily available during the entirety of the public comment period, the City is depriving members of the public the ability to meaningfully comment on the potentially significant environmental impacts of the Project and is violating the procedural mandates of CEQA.

Response B-11

The comment has been noted.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor's Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

Th reader is also directed to Response B-2 through B-10 for the comment requesting access to reference documents, as provided above.

Comment B-12

In sum, we request the City:

- 1) *Extend the public review and comment period for at least 45 days from the date on which the City releases all DEIR reference documents for public review.*
- 2) *Immediately provide access to the DEIR reference documents referenced herein.*

Response B-12

The comment has been noted.

The City had extended the public review period for the Draft EIR related to the First Palm Springs Commerce Center Project for an additional 20 days from the end of the original 45-day review period, beginning on February 11, 2025 and ending on March 2, 2025.

All public agencies and interested individuals were provided access to the Draft EIR and associated Appendices through both, the California Governor’s Office of Planning and Research (OPR) web-portal at CEQANet (<https://ceqanet.opr.ca.gov>), as well as the City of Palm Springs website (<https://www.palmspringsca.gov>).

Th reader is also directed to Response B-2 through B-10 for the comment requesting access to reference documents, as provided above.

Comment B-13

Given the short time before the current comment deadline ends, please contact me as soon as possible with your response to this request, but no later than close of business on Friday, January 31, 2025.

Thank you for your prompt attention and response to this matter.

Response B-13

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment B-14

Attachments

ARM:acp

Response B-14

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

3.1.3 Comment Letter C: Blum, Collins and Ho LLP

Comment C-1

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed First Palm Springs Commerce Center Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Response C-1

The comment has been noted.

No change is necessary to the EIR text. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment C-2

1.0 Summary

The project proposes the construction and operation of two new industrial warehouse (fulfillment center) buildings totaling 1,907,678 square feet on a 91.97 acre site. Building 1 includes 1,506,174 square feet of warehouse area, 10,000 square feet of office area, and 258 truck/trailer dock doors in a cross-dock configuration. The site provides 479 truck/trailer parking spaces and 450 passenger car parking spaces. Building 2 includes 378,530 square feet of warehouse area, 10,000 square feet of office area, and 42 truck/trailer dock doors. The site provides 60 truck/trailer parking spaces and 242 passenger car parking spaces.

Response C-2

The comment has been noted.

No change is necessary to the EIR text. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment C-3

Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378). The proposed project is a piecemealed portion of a larger overall project to be developed within the larger First Industrial center in the City.

The EIR misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action - construction and operation of all First Industrial buildings as a whole. At minimum, piecemealed projects include the First Industrial Commerce II (1,000,000 sf industrial building located on APNs 666-320-002, -003, -004, and - 005) as noted in the EIR’s Table 3.1: City of Palm Springs Cumulative Projects and PAR-000024- 20231 (1,000,000 sf industrial building located on APN 666-320-026). Both of these sites are located adjacent to the proposed project site. These three known buildings will construct at minimum 3,907,678 square feet of industrial buildings in the area.

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining “the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.” The specific development project is the construction and operation of all First Industrial buildings.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR “will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” because there are multiple proposed buildings as part of a single project, the project EIR must be more detailed in the specific effects of the project. A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts.

Response C-3

The comment has been noted.

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. 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 includes the development of its project site with two buildings. It has independent utility from proposed development in the surrounding areas of the city since all proposed projects are unique in their site ownership, site development, uses and utilities. All analysis related to this specific development has been conducted and is included in the Draft EIR for the proposed Project. Consideration of adjacent development has been presented and evaluated under **Tables 3.1** and **3.2** of **Section 3.0 Environmental Setting**, in the DEIR. Each individual project development in the City would require its own development analysis, reviews, and approvals such that each individual project evaluates the environmental consequences under each individual development. Since each of the adjacent development is a project to be analyzed and developed in its own right and has been or will be evaluated at a project level for each development site, the proposed Pam Springs Commerce Center project is not required to analyze the environmental impacts of adjacent development. The Draft EIR for the proposed Project is a project level analysis for the proposed development in accordance with State CEQA Guidelines §15000.

Comment C-4

3.0 Project Description

The EIR does not include a floor plan, detailed building elevations, or a detailed grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Additionally, an application for a Major Development Permit requires submittal of a “site plan; preliminary grading plan; floor plans; building elevations; roof plan; landscape plan; material and color selections; lighting plan; signage plan; and other plans or exhibits required by the Director (Section 94.04.01(B) and 94.04.01(C)(1)(b) of the Palm Springs Municipal Code).” The EIR does not provide any grading plan or information regarding the quantity of import/export material

associated with project construction or site preparation. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. There are also no building elevations provided to verify building height, paint colors, or materials. A revised EIR must be prepared to include wholly accurate and adequate detailed project site plan, floor plan, grading plan, elevations, and project narrative for public review.

Response C-4

The comment has been noted.

The Draft EIR for the proposed Project has been prepared in accordance with the Project information submitted to the City of Palm Springs under the Planning Application. **Section 4.1: Aesthetics** of the Draft EIR discusses all project features such as, but not limited to, building heights, conceptual site plans, parking and loading areas. All proposed Project impacts related to each of the issue areas appropriate to this specific Project have been evaluated under the requirements of CEQA. Prior to final Project approvals and allocation of necessary permits, the City of Palm Springs will be required to approve all final plans for building design, landscaping, lighting, parking, grading etc, as required under the City's Municipal Code.

Comment C-5

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. According to CalEnviroScreen 4.02, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065044522) is highly burdened by pollution. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden and 60th percentile for traffic burden. These environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure³. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births⁴.

The census tract also ranks in the 55th percentile for solid waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations⁵.

Further, the project's census tract is a diverse community including 45% Hispanic, 3% African-American, and 1% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 74% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 95% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care⁶. Poor communities are often located in areas with high levels of pollution⁷. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution⁸. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 59th

percentile for incidence of cardiovascular disease and 51st percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 49% of the census tract speaks little to no English and faces further inequities as a result.

Response C-5

The comment has been noted.

Although CEQA does require an analysis of potential environmental impacts, it does not require a discrete analysis of environmental justice issues, which are considered social impacts. CEQA's mandate is to analyze a project's impact to the built and natural environments CEQA Guidelines §15131. As such, unlike requirements under the National Environmental Policy Act (NEPA), there are no specific environmental justice (EJ) questions in the CEQA Checklist. However, in accordance with Public Resources Code (PRC) Section §21083(b)(3), a project under CEQA analysis is already required to consider environmental impacts that may affect minority and low-income communities. PRC Section §21083(b)(3) mandates a finding that a project would have a significant impact on the environment if the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

Moreover, the SCAQMD has included guidance on addressing local and cumulative air quality impacts as part of its effort to address EJ issues. This guidance can be found in the SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (August 2003)¹. The air quality analysis presented in **Section 4.2: Air Quality** of the DEIR includes analyses of both the local (on pages 4.2.28-4.2.30 [construction] and pages 4.2.32-4.2.45 [operations]) and the analyses of cumulative impacts (on pages 4.2.26-4.2.35). The cumulative air quality impacts are discussed in **Section 5.2 of Chapter 5.0: Cumulative Impacts** analysis under the DEIR, on pages 5.3-5.5(sic). Therefore, air quality impacts that can exacerbate EJ issues have already been addressed in the air quality analysis performed for the DEIR

The CalEEMOD software includes a CalEnviroScreen 4.0 score for the proposed Project location. This information is readily available in the CalEEMod output that is provided in Appendix B to the DEIR.

Section 7.3 Overall health and Equity Scores in the CalEEMod output details the following: The CalEnviroScreen 4.0 Score for the project location is 33.0. The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state. The Healthy Places Index Score for the Project Location is 8.00. The maximum Healthy Places Index Score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state. The project is not located in a designated disadvantaged community (Senate Bill 535). The project is located in a low-income community (Assembly Bill 1550). The project is not located in a Community Air Protection Program Community (Assembly Bill 617). The information presented in comment C-5 did not change the findings of the AQIA and did not add any additional information that was not already disclosed in the AQIA and the DEIR. The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary
Source: <https://www.caleemod.com/>

Comment C-6

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

¹ Source: <https://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

The State of California lists three approved compliance modeling softwares⁹ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod and EMFAC modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes unapproved software programs as sources in its methodology and analysis, which does not adequately analyze the project's impacts in accordance with California Energy requirements.

Response C-6

The comment has been noted.

This comment is not an accurate statement as the software listed in the comment is related to Code Compliance and is not for estimating project-related emissions. None of the software listed in the comment CBECC-Com, Energy Pro, and IES VE is approved for use by SCAQMD for estimating criteria pollutant emissions and/or GHG emissions

While not mandated by South Coast Air Quality Management District (SCAQMD) as a legal requirement, the South Coast AQMD strongly recommends the use of CalEEMod (California Emissions Estimator Model) for land use projects. The use of CalEEMod is standard and acceptable practice for air quality analyses conducted in areas under the jurisdiction of the SCAQMD. As shown on the SCAQMD's website², none of the software listed in the comment above are recommended for use by the SCAQMD for analyzing a project under CEQA (California Environmental Quality Act). CalEEMod incorporates up-to-date state and locally approved emission factors, making it SCAQMD's preferred tool for estimating emissions and is widely used in California for CEQA compliance.

The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary.

Comment C-7

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR concludes that the proposed project operations will generate 23,623.06 MTCO_{2e} annually, which exceeds the applicable threshold of 3,000 MTCO_{2e} by nearly four times. The EIR attempts to mitigate the project's significant and unavoidable impacts in stating that, "The City of Palm Springs determined that the County of Riverside CAP provided the threshold standard for determining GHG impacts since the City's 2013 CAP does not allow for project-specific analysis. 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," and that, "Since the project exceeds the 3,000 MTCO_{2e} year threshold, the project is required to demonstrate compliance with the County's CAP Screening Tables and achieve a minimum of 100 points as identified in the CAP." The EIR concludes that "The CAP Screening Tables (included in the Air Quality Report available in Appendix A) show that the project will garner 101 points from the CAP Screening Tables. Therefore, as the project accrues at least 100 points from the CAP Screening Tables, operation of the proposed project would comply with the County's

² <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-modeling>

CAP,” and provides the following Mitigation Measure in an attempt to reduce the project’s impacts to less than significant:

“Mitigation GHG-1: The project is to provide a minimum of 101 points per the County Screening Tables. The City shall verify incorporation of the identified Screening Table Measures within the project building plans and site designs prior to the issuance of building permit(s). The City shall verify implementation of the identified Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.”

Response C-7

The comment has been noted.

As stated on page 4.7.22 of the DEIR “The City’s currently approved CAP developed in 2013 does not provide criteria applicable for the proposed private development. Therefore, the City determined that the appropriate threshold for GHG reduction was the use of the methodology of County of Riverside Climate Action Plan Update.”

The County’s reduction strategies are applicable to any development project with applicable design features, regardless of jurisdiction. In particular, as Palm Springs is located within the County of Riverside, application of the County’s reduction strategies by the project would reduce GHG emissions in accordance with the County-established GHG emissions reductions methods, such as those outlined in the County’s CAP Checklist. The City’s currently approved CAP does not provide criteria to evaluate proposed private development. Therefore, use of the County’s CAP to demonstrate consistency with statewide GHG reduction goals (such as SB 32 and the CARB Scoping Plan) is appropriate for this project, as it reflects the regional analysis undertaken by Riverside County in developing the screening methodology and associated tables.

As stated on page 2-2 of the Riverside County CAP Update (November 2019), the County’s methodology used in the CAP is supported by research/methods established by “International Council of Local Environmental Initiatives’ (ICLEI) United States Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions (Community Protocol, U.S. Community GHG Protocol Version 1.0, 2012), the Association of Environmental Professionals (AEP) California Supplement to the U.S. Community GHG Protocol (2013), The Climate Registry General Reporting Protocol (Version 2.1, 2016), and the Climate Registry Local Government Operations Protocol (LGOP, Version 1.1, 2010).” Furthermore, as stated in Appendix D of the CAP, “the purpose of the Screening Tables is to provide guidance in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. The analysis, methodology, and significance determination (thresholds) are based upon the County of Riverside CAP Update, which includes GHG emission inventory updates; the 2020, 2030, and 2050 emission reduction targets; and the reduction measures to reach the targets.”

Per the City of Palm Spring, the City is using the Riverside County Climate Action Plan (CAP)² to ascertain the significance of a project’s GHG emissions. Therefore, the proposed Project was analyzed using the protocol from the Riverside County CAP. The 2019 Climate Action Plan (CAP) Update was approved on December 17, 2019. The 2019 CAP Update refines the County’s efforts to meet greenhouse gas (GHG) reduction strategies, specifically for the years 2035 and 2050. The 2019 CAP Update builds upon the GHG reduction strategies in the 2015 Climate Action Plan. Page 6 of Appendix D, Screening Tables, contained in the CAP, describes the procedure for “Projects that Exceed 3,000 MTCO_{2e} Emission Level. As the project used the Screening Tables, the procedure for using the Screening tables (detailed on page 7 of Appendix D of the CAP. “Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the County’s CAP Update. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.” As shown

the AQIA and the GHG Section of the DEIR, the project garnered 101 points; therefore, the proposed Project was shown to have a less than significant individual and cumulative impact for GHG emissions.

Additionally, as shown on page 4.7.26 of the DEIR, the proposed Project is consistent with the 2022 CARB Scoping Plan. Therefore, the proposed development is consistent with both County and State plans that have been adopted for the purpose of reducing the emissions of greenhouse gases. The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary.

Comment C-8

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

CEQA Guidelines Section 15183.5(a) states the following: “Lead agencies may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level, such as in a general plan, a long range development plan, or a separate plan to reduce greenhouse gas emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review. Project-specific environmental documents may rely on an EIR containing a programmatic analysis of greenhouse gas emissions as provided in section 15152 (tiering), 15167 (staged EIRs) 15168 (program EIRs), 15175–15179.5 (Master EIRs), 15182 (EIRs Prepared for Specific Plans), and 15183 (EIRs Prepared for General Plans, Community Plans, or Zoning).”

Response C-8

The comment has been noted.

Please see response to comment C-7 above.

As stated on page 4.7.22 of the DEIR “The City’s currently approved CAP developed in 2013 does not provide criteria applicable for the proposed private development. Therefore, the City determined that the appropriate threshold for GHG reduction was the use of the methodology of County of Riverside Climate Action Plan Update.” Therefore, use of the County’s CAP to demonstrate consistency with statewide GHG reduction goals (such as SB 32 and the CARB Scoping Plan) is appropriate for this project, as it reflects the regional analysis undertaken by Riverside County in developing the screening methodology and associated tables. The CAP Screening Tables (included in Appendix A of the DEIR) show what reductions the project will implement in order to reduce the emissions by the requisite amount to achieve 101 points, Compliance with the Reduction Measures in the CAP Checklist are included as Mitigation Measure GHG-1.

Per the City of Palm Spring, the City is using the Riverside County Climate Action Plan (CAP)² to ascertain the significance of a project’s GHG emissions. Therefore, the project was analyzed using the protocol from the Riverside County CAP. The 2019 Climate Action Plan (CAP) Update was approved on December 17, 2019. The 2019 CAP Update refines the County’s efforts to meet greenhouse gas (GHG) reduction strategies, specifically for the years 2035 and 2050. The 2019 CAP Update builds upon the GHG reduction strategies in the 2015 Climate Action Plan. Page 6 of Appendix D, Screening Tables, contained in the CAP, describes the procedure for “Projects that Exceed 3,000 MTCO_{2e} Emission Level. As the proposed Project used the Screening Tables, the procedure for using the Screening tables (detailed on page 7 of Appendix D of the CAP. “Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the County’s CAP Update. Consistent with CEQA Guidelines, such projects would be

determined to have a less than significant individual and cumulative impact for GHG emissions.” As shown the AQIA and the GHG Section of the DEIR, the proposed Project garnered 101 points; therefore, the project was shown to have a less than significant individual and cumulative impact for GHG emissions. The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary.

Comment C-9

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR has stated that the City’s adopted CAP does not provide for project-specific analysis and subsequently utilizes the County of Riverside’s adopted CAP. The County’s CAP is not an appropriate or allowable source to support a methodology for a less than significant finding. Several issues exist with this methodology, the primary being that the County of Riverside is not the lead agency and the City has not adopted the County’s CAP. Further, the County’s CAP does not account for emissions or reductions in emissions within the City of Palm Springs or any other incorporated City within the County. The County’s CAP methodology states that, “The analysis herein is tailored to include all existing and projected emission sources within the unincorporated areas of Riverside County to provide, to the fullest extent feasible, a comprehensive analysis of GHG reductions,” and the GHG emissions inventory states that, “The community-wide emissions inventory identifies and categorizes the major sources and quantities of GHG emissions produced by residents, businesses, and municipal operations in the unincorporated areas of Riverside County using the best available data.”

Therefore, the EIR may not utilize the County’s CAP to support any GHG mitigation or less than significant finding. Since the EIR has accurately concluded the City’s CAP cannot be utilized on a project-specific basis, no method for tiered analysis, mitigation, or streamlining exists. The EIR must be revised to include a finding of significance in order to provide an adequate and accurate environmental analysis.

Response C-9

The comment has been noted

Please see response to comment C-7 above.

As stated on page 4.7.22 of the DEIR “The City’s currently approved CAP developed in 2013 does not provide criteria applicable for the proposed private development. Therefore, the City determined that the appropriate threshold for GHG reduction was the use of the methodology of County of Riverside Climate Action Plan Update.” Therefore, use of the County’s CAP to demonstrate consistency with statewide GHG reduction goals (such as SB 32 and the CARB Scoping Plan) is appropriate for this project, as it reflects the regional analysis undertaken by Riverside County in developing the screening methodology and associated tables. The CAP Screening Tables (included in Appendix A of the DEIR) show what reductions the project will implement in order to reduce the emissions by the requisite amount to achieve 101 points, Compliance with the Reduction Measures in the CAP Checklist are included as Mitigation Measure GHG-1.

Per the City of Palm Spring, the City is using the Riverside County Climate Action Plan (CAP)² to ascertain the significance of a project’s GHG emissions. Therefore, the project was analyzed using the protocol from the Riverside County CAP. The 2019 Climate Action Plan (CAP) Update was approved on December 17, 2019. The 2019 CAP Update refines the County’s efforts to meet greenhouse gas (GHG) reduction strategies, specifically for the years 2035 and 2050. The 2019 CAP Update builds upon the GHG reduction strategies in the 2015 Climate Action Plan. Page 6 of Appendix D, Screening Tables, contained in the CAP,

describes the procedure for “Projects that Exceed 3,000 MTCO₂e Emission Level. As the proposed Project used the Screening Tables, the procedure for using the Screening tables (detailed on page 7 of Appendix D of the CAP. “Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the County’s CAP Update. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.” As shown the AQIA and the GHG Section of the DEIR, the proposed Project garnered 101 points; therefore, the project was shown to have a less than significant individual and cumulative impact for GHG emissions. The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary.

Comment C-10

4.11 Population and Housing

The EIR states that, “the Project would generate approximately 700 new employment opportunities in the City of Palm Spring,” without providing any source methodology to support how this quantity of employees was calculated. The EIR is internally inconsistent as the Project Description states that, “The proposed Project would employ approximately between 700 and 725 employees,” which is also asserted without meaningful supporting evidence. Local data is available to provide accurate calculations. The City’s General Plan Land Use Buildout Methodology includes Table 2: City of Palm Springs General Plan Update Existing Land Use Employment Generation Factors and the following data is applicable to the proposed project:

*1. employee per 700 sf of Industrial area 1 employee per 300 sf of Office area
Application of these ratios results in the following calculation:*

Warehouse: 1,907,678 sf / 700 sf = 2,726 employees

Total: 2,726 employees

Utilizing the City’s local data, the project will generate 2,726 employees. Table 8: Proposed General Plan Land Use Designations and Potential for Development within the City’s General Plan Land Use Buildout Methodology calculates that buildout of the Industrial land use designation will result in 11,598 new jobs. Utilizing the General Plan Employment Generation Factors, the project represents 23.5% of the City’s employment growth from 2025 - 2040. Further, SCAG’s Connect SoCal Demographics and Growth Forecast¹¹ notes that the City will add 6,300 jobs from 2019 to 2035. The project represents 43.2% of the City’s job growth over 16 years as estimated by SCAG. A single project accounting for this amount of the projected employment growth estimated by the Lead Agency and SCAG represents a significant amount of growth. A revised EIR must be prepared to include this information for analysis.

Response C-10

The comment has been noted.

The proposed Project has the potential to employ between approximately 700 and 725 new employees at the site, as stated in the Project Description. Section 4.11: Population and Housing has been revised to reflect this consistency with the Project Description.

Under CEQA Guidelines §15125(a), an EIR must “...include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The baseline is therefore the environmental setting which represents the physical conditions in the area at the time a project’s Notice of Preparation (NOP) is published and the start of the environmental analysis for a project. For the proposed First Palm Springs Commerce Center EIR, the NOP was posted for public and agency notification was posted on January 8, 2024. Therefore, the proposed Project’s baseline is January 8, 2024. At the time of this baseline, the City’s applicable General Plan was the ***Palm Springs 2007 General Plan***. Please refer to **Section 4.11: Population and Housing** of the Draft EIR for the proposed First Palm Springs Commerce Center Project.

The commenter references employment estimates under Table 2: City of Palm Springs General Plan Update Existing Land Use Employment Generation Factors in the City’s General Plan Buildout Methodology. This Table has been developed under the ***Palm Springs by Design General Plan 2040***, which was adopted by the Palm Springs City Council on January 9, 2025. Therefore, at the time of environmental determination and analysis for the proposed Project, according to baseline conditions were all established requirements under the 2007 General Plan, which does not have a minimum (or maximum) number of employees per land use category.

Also, population buildout and employment generation capacities are just that – estimates and maximum capacities that may be created under a particular type of project. General Plan buildout estimates are not goals to be achieved by every development project in a jurisdiction, but rather the total capacities that should be accommodated under each type of development. As stated under Comment 10, a project similar to the proposed development has the potential to generate 2,726 new employment opportunities. The proposed Project is not required to generate 2,726 new jobs but is allowed to provide for a maximum of 2,726 new employment. Since the proposed Project would generate approximately 700 new employment opportunities, its development would serve to provide additional new employment opportunities in the city, well within proposed limits under the City’s General Plan buildout scenarios.

Therefore, the preparation of a revised EIR is not required.

The commenter states that the Draft EIR does not utilize the Southern California Association of Governments (SCAG) projected employment growth and therefore the EIR should be revised and recirculated to provide this analysis. However, SCAG states in its Demographics and Growth Forecast Technical Report, that “*County-level growth projections provide an underpinning to Connect SoCal development. In order to meet the statutory targets described in Section 1.2 and implement the policies of Connect SoCal, these projections must be regionally balanced.*” One of the main objectives of SCAG and its Connect SoCal document that is developed for its Regional Transportation Plan (RTP) is to develop and maintain regional growth forecasts, which, for the proposed Project, broadly includes all of Riverside County, which in turn takes into account all potential for growth amongst its various jurisdictions. Therefore, the County’s and SCAG’s projections for employment growth have already considered growth potential in all jurisdictions within Riverside County, including the City of Palm Springs. Employment growth resulting from proposed Project implementation 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 (ConnectSoCal; 2020). SCAG’s 2019 Local Profile reports for each City in the Coachella Valley shows that there is an average of 85% of workers who reside in their cities of employment. 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. Connect SoCal anticipated approximately 41,000 new jobs in the City of Palm Springs by 2035 (Connect SoCal. 2024). According to the 2023 Updated Land Use Element, the Land Use Plan for the City of Palm Springs

estimated that growth in the city would result in the development of approximately 11,638,620 square feet of industrial spaces and result in an increase in employment from approximately 28,000 jobs in 2020 to almost 60,000 jobs under the City's build out. Since development under the proposed Project would not cause an exceedance of the City's or SCAG's employment projections or induce substantial indirect population or housing growth related to project-generated employment opportunities. Therefore the preparation of a revised EIR is not required.

Comment C-11

The EIR has not provided a cumulative analysis discussion of approved projects and projects "in the pipeline" to quantify the project's contributions towards the City's buildout scenario and/or SCAG's employment growth forecast. For example, other recent industrial projects such as Palm Springs Fulfillment Center (739,360 square feet of industrial/warehouse space; 1,057 employees¹²) and piecemealed project First Industrial Commerce II as listed in Table 3.1: City of Palm Springs Cumulative Projects (1,000,000 square feet of industrial/warehouse space; 1,429 employees) combined with the proposed project will cumulatively generate 5,212 employees, which is 44.9% of the City's Industrial General Plan buildout scenario over 15 years and 82.7% of SCAG's total employment growth forecast for the City through 2035 accounted for by only three recent projects. These totals increase exponentially when commercial and other industrial development activity is added to the brief list of recent development above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved and "in the pipeline" to determine the City's progress towards General Plan buildout capacity and SCAG's forecasts.

Response C-11

The comment has been noted.

The commenter states that the Draft EIR does not include a discussion of cumulative analysis of approved projects and "projects in the pipeline" in the City of Palm Springs. The commenter is directed to Section 5.0 Cumulative Impacts of the DEIR for the proposed Project, which has been developed in accordance with CEQA Guidelines Section §15355 that 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)).

Under CEQA Section §15130(b), the requirements for an adequate analysis of a project's cumulative impacts should include an analysis based on either:

- A. "A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or"
- B. "A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect..."

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. Therefore, in accordance with Section §15130(b)(1)(B), the cumulative impacts analysis in this DEIR is premised on projections of growth anticipated by the City of Palm Springs 2007 General Plan. The

cumulative analysis for the proposed Project 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 this DEIR**. As discussed in Chapter 5.0: Cumulative Impacts of the DEIR, future proposed development under the City’s General Plan Update has the potential to increase land use intensities within the city and its SOI. Given that 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. However, the proposed Project and any future development in the city would also be consistent with the Southern California Association of Governments (SCAG) Connect SoCal/2020 Regional Transportation Plan and Sustainable Communities Strategy that reviewed long term growth potential in Riverside County as a whole. Connect SoCal estimated that population in Riverside County would increase to 606,000 persons with an estimated 338,000 employed persons, under SCAG’s future growth horizon of 2050. The proposed Project would satisfy the Connect SoCal goal to support a sustainable, efficient and productive regional economic environment that would improve access to jobs in the region, as well as advancing a resilient and efficient goods movement system that supports the economic vitality of the region. Also, the City’s 6th Cycle Housing Element estimates that with its existing and planned future residential development, the City would have a surplus of housing units under the City’s General Plan buildout scenarios. While the GPU has the potential to increase the intensity of land uses in the city and increase the potential growth of the city, applicable GPU policies would ensure that land uses are compatible with each other and are consistent with zoning, resulting in compatible communities. Although there is no housing proposed for the site, the proposed Project has the potential to generate approximately 700 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. In addition, the 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. In addition, the other cities in Riverside County under SCAG’s jurisdiction are required to develop 31,125 housing units by 2029. This would ensure that current and future residents of the Coachella Valley are of Riverside County, which include the city of Palm Springs, would have access to adequate housing within the city of Palm Springs, in the surrounding cities, as well as in Riverside County.

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. The preparation of a revised EIR is therefore not required.

Comment C-12

4.14 Transportation

Appendix H within the EIR concludes the following intersections require improvements to address the deficiencies per the City’s thresholds:

1. *Intersection #4: Indian Canyon Dr. / 19th Av.*

Table 12 within Appendix H provides a list of fair-share calculations for improvements that will allegedly mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to intersection #4 are located in the City of Desert Hot Springs. Any improvements planned/constructed or in-lieu fees/fair share fees paid for City of Desert Hot Springs facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The improvements required are not part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City of Plan Springs or City of Desert Hot Springs. Any improvements recommended or fees paid to mitigate impacts for City of Desert Hot Springs facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by City of Desert Hot Springs has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold 1 and Land Use and Planning Impact Threshold 2 because it is not consistent with the following General Plan Policy:

1.CR2.1: Maintain Level of Service D or better for the City's circulation network, as measured using "in season" peak hour conditions.

The City of Desert Hot Springs also maintains level of service requirements for CEQA, with its 2020 General Plan¹³ stating, "The City standard for the minimum LOS for intersections is LOS D or better. For intersections or roadway segments with a LOS E or F, if a proposed project's traffic study identifies increases in the volume-to-capacity ratio above the thresholds identified in the City's transportation traffic guidelines, then the impact would be considered significant and mitigation would be required."

Response C-12

The comment has been noted.

The fair share calculations for improvements at the intersection of Indian Canyon Drive / 19th Avenue pertain to automobile delay/Level of Service standards established by the City of Desert Hot Springs. CEQA Guidelines Section §15064.3(a) explicitly state that "a project's effect on automobile delay shall not constitute a significant environmental impact." The Level of Service analysis is included in the technical study for evaluation of local requirements, however, consideration of these impacts as significant environmental effects is contrary to the current CEQA provisions establishing that "vehicle miles traveled is the most appropriate measure of transportation impacts." (Cal. Code Regs. Tit. 14, §15064.3(a)).

Comment C-13

4.14 Transportation

Even though the EIR concludes the project will have significant and unavoidable impacts to VMT, it has still underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed fulfillment center, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a fulfillment center, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

Response C-13

The comment has been noted.

The legislative intent of Senate Bill 743 was to shift away from automobile delay (as measured by Level of Service) to Vehicle Miles Traveled (VMT) as the primary metric for measuring transportation impacts under CEQA. This change is intended to better align with other Statewide goals of reducing greenhouse gas emissions, promoting a multimodal transportation system, and improving air quality. CEQA Guidelines Section §15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project. Guidance from the OPR Technical Advisory further clarifies that:

- *"Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks." (OPR Technical Advisory, page 4)*
- *"Current targets for the State's largest MPOs call for a 19 percent reduction in GHG emissions from cars and light trucks from 2005 emissions levels by 2035." (OPR Technical Advisory, page 8)*

CEQA Guidelines allow for Lead Agency discretion in establishing methodologies and thresholds provided there is substantial evidence to demonstrate that the established procedures promote the intended goals of the legislation. Accordingly, the City established a threshold of VMT per service population, in alignment with available guidance from the OPR Technical Advisory and the legislative intent of SB 743 and other Statewide goals that are focused on on-road passenger vehicles. Therefore, the VMT impact analysis accurately reports all applicable VMT for purposes of VMT impact assessment.

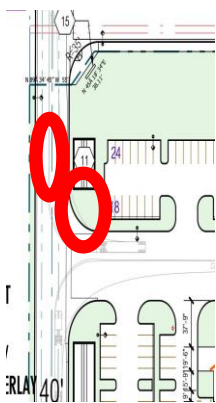
Notwithstanding the above, the Greenhouse Gas Emissions section of the Draft EIR includes a separate calculation of the total greenhouse gas emissions from the proposed Project using the CalEEMod software, which accounts for all mobile source emissions, including VMT from all vehicle types. Therefore, the total greenhouse gas emissions from the project are fully reported for all vehicle types under the Greenhouse Gas Emissions analysis and the project VMT impacts are adequately reported with respect to the appropriate Transportation thresholds.

Comment C-14

4.14 Transportation

The EIR has not adequately analyzed the project’s potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project’s potential to result in inadequate emergency access. The Scoping Agreement (Appendix B within Appendix H) states that the traffic analysis will include truck turning templates, but those templates were not included as part of Appendix H or the EIR. Although the EIR is deficient here, the building site plans (Exhibit 2.8 and 2.9 within the EIR) depicts some truck/trailer maneuvering.

Exhibit 2.8 (Building 1) and Exhibit 2.9 (Building 2) depicts there is not adequate maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. For example, trucks exiting the Building 1 site via the northernmost driveway on Indigo Avenue require additional maneuvering space across the centerline of each street, meaning that the truck will need to drive on the “wrong side” of the street into oncoming traffic in order to leave the site. The width of the driveway cannot accommodate the turning maneuver as the truck is depicted to turn onto the adjacent landscaped area.



Further, trucks accessing the site via the southeastern driveways on Indian Canyon Drive require additional maneuvering space onsite. The truck entering the site and the truck exiting the site both require nearly the entire maneuvering area in the driveway in order to execute a turn. If a vehicle is queued at the driveway to exit the site, the incoming truck/trailer would collide into it, and vice versa.



The EIR states that, “The proposed Project would be required to be designed and constructed in accordance with the City’s engineering standards, for roadway design, traffic signing, striping, pedestrian walkways/crossovers, and traffic control improvements. All final site and circulation plans for the proposed Project would be required to be submitted to the City for review and would be constructed following applicable State/Federal engineering standards. 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.”

This does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details regarding the City’s

engineering standards and/or “State/Federal engineering standards” for the items listed above and/or road development, stacking distances, lines of sight, or meaningful analysis of the project’s compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA’s requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

Response C-14

The comment has been noted.

The architect or civil engineer shall modify the site plan as necessary to ensure that the trucks can maneuver within the appropriate space and or revise curb returns to enable trucks to turn without running over curbs. It is noted that minor truck path overlaps within the project driveways may be deemed acceptable subject to City of Palm Springs engineering review based on consideration of low truck volumes and the likelihood of simultaneous ingress/egress movements at any given driveway.

As stated in the Draft EIR (pages 4.13.34), roadway improvements in and around the project site would be designed and constructed to satisfy all City and Caltrans requirements for street widths, corner radii, intersection control. Final construction plans are commonly refined after completion of the environmental analysis, as many details are not available at this phase, and it is common practice that compliance with engineering standards is ensured at the permitting phase. As City standards must conform to State/Federal standards, namely the Manual on Uniform Traffic Control Devices as adapted by the State of California (and referenced on page 4.14.35), City review and approval during the permitting phase ensure the project will not result in hazardous design features. If a design feature cannot comply with applicable standards, permits cannot be issued. These conditions are discussed and evaluated on page 4.14.34-36 and 4.14.39-40; the analysis is not deferred.

The proposed Project would develop the existing vacant site per applicable City regulations with industrial and office uses as allowed under the City’s General Plan and Zoning Code and no incompatible uses would be developed on the site. These requirements would be ensured per standard conditions of approval. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

As stated in the Draft EIR (page 4.14.34) : “Direct access to the proposed Project would be from the major access point along N Indian Canyon Avenue to the east of the site, and from secondary access off 18th Avenue and 19th Avenue. Construction activities would occur within the proposed Project site and would not restrict access of emergency vehicles to the site or adjacent areas. In addition, travel along N, Indian Canyon Avenue and 19th Avenue would remain open and would not interfere with emergency access to the site vicinity. The proposed Project would also be required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) 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 to the included assessment described above, emergency access would further be ensured by Fire District review of the final development plans. Therefore, meaningful analysis of the project’s compliance has been provided and adequacy of emergency access is ensured by standard conditions of approval; implementation of the proposed Project would not result in inadequate emergency access.

Comment C-15**4.14 Transportation**

The EIR states regarding emergency access that, "The proposed Project would also be required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform with the City' 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)," and that, "...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's General Plan Safety Element, the final plans would also be required to show City 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, as discussed above, in accordance with the City's engineering standards, all on-site and off-site roadway design, signing/stripping, and traffic control improvements relating to the proposed Project would be required to be submitted to the City for review and constructed following applicable State/Federal engineering standards; the final grading, landscaping, and street improvement plans shall demonstrate that applicable sight distance requirements are 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; the proposed Project will also be required to demonstrate compliance with the City of Palm Springs municipal parking requirements which would be reviewed as a part of the standard development review process."

This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details regarding the requirements for emergency access or meaningful analysis of the project's compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

Response C-15

The comment has been noted.

The Draft EIR includes a general assessment that the project will not interfere with the four main points of roadway access to the City and outlines the various fire and engineering review requirements that the project will be required to comply with per standard conditions of approval to ensure the project does not result in inadequate emergency access, such as the California Fire Code (Title 24, California Code of Regulations, Part 9). (pages 4.14.40-41). Based on the review provided in pages 4.14.40-41, there is no indication that the project would result in inadequate emergency access. As part of the standard development review process, fire department review shall verify compliance with the California Fire Code. If the final construction plans do not comply with applicable regulations, permits will not be issued and there would be no impact. The environmental analysis is not deferred and no evidence is provided to the contrary.

Comment C-16**6.1 Growth Inducing Impacts**

The EIR does not adequately discuss or analyze the commitment of resources is not consistent with regional and local growth forecasts. As noted below, the project represents a significant amount of building area growth in the City and a significant amount of the City's employment growth. The EIR must also include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting, including the associated cumulative impacts of the project's significant and unavoidable Transportation (VMT) impacts.

Response C-16

The comment has been noted.

The proposed Project has been analyzed with regard to cumulative impacts for all of the CEQA required and proposed Project specific issue areas under the proposed development. The reader is directed to **Chapter 5.0: Cumulative Impacts** for the proposed First Plam Springs Commerce Center Project.

Under CEQA, the discussion of cumulative impacts should focus on the severity of the impacts and the likelihood of their occurrence. According to CEQA Guidelines Section §15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the additional effects of a project have been evaluated to be considerable when assessed in connection with the effects of past projects, other current projects, and probable future projects (as defined by Section §15130). Cumulative impacts could result from individually minor but collectively significant projects taking place over a period of time." State CEQA Guidelines also requires that an EIR must examine "reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project" (State CEQA Guidelines Sections §15130(a)(3) and §15130(b)(5)). A cumulative impact is not considered significant if the impact can be decreased to below the level of significance through mitigation measure(s), including providing improvements and/or contributing funds through mitigation fee payment programs. CEQA requires that an EIR examine the cumulative impacts associated with a project, in addition to project-specific impacts. The discussion of cumulative impacts, therefore, must 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)).

In addition, the CEQA requirements of Section §15130(b), the requirements for an adequate analysis of a project's cumulative impacts "...shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact..." (State CEQA Guidelines Section 15130(b)). An adequate analysis of a project's cumulative impacts should include an analysis based on either:

- C. "A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or"
- D. "A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect..."

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. Therefore, in accordance with Section §15130(b)(1)(B), the cumulative impacts analysis in this DEIR is premised on projections of growth anticipated by the City of Palm Springs 2007 General Plan. The

cumulative analysis for the proposed Project therefore considers 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 this DEIR.

The cumulative analysis for the proposed Project therefore 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 this DEIR. The reader is referred to Chapter 5: Cumulative Impacts of the Draft EIR which explains that there are no significant cumulative impacts under the proposed Project.

Also, no further detailed response is required to Comment 16 since no specific defects were identified in the comment which is a general comment on the Draft EIR and does not raise any defects in the analysis. Therefore, further or additional detailed response is not required.

Comment C-17

6.1 Growth Inducing Impacts

The EIR does not provide any analysis here regarding the buildout conditions of the City's General Plan. Table 2-2: Nonresidential Land Buildout Estimates in the Updated Land Use Element 14 of the General Plan states that the City estimates 11,638,620 square feet of industrial development to occur during the City's buildout. The proposed project's 1,907,678 square feet of industrial building area accounts for 16.4% of the General Plan Industrial land buildout attributed to a single project. The EIR has not provided any analysis of this information and does not provide any cumulative development calculation for the City's progress towards General Plan buildout. For example, other recent industrial projects such as Palm Springs Fulfillment Center (739,360 square feet of industrial/warehouse space; 1,057 employees¹⁵), piecemealed project First Industrial Commerce II as listed in Table 3.1: City of Palm Springs Cumulative Projects (1,000,000 square feet of industrial/warehouse space; 1,429 employees), and piecemealed project PAR-000024- 202316 (1,000,000 sf industrial building located on APN 666-320-026) combined with the proposed project will cumulatively generate 5,212 employees, which is 40% of the City's Industrial General Plan buildout scenario accounted for by only four recent projects. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved and "in the pipeline" to determine the City's progress towards General Plan buildout capacity in order to provide an adequate and accurate environmental document.

Response C-17

The comment has been noted.

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. 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 City's 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.

State CEQA Guidelines Section §15126.2(e), Growth Inducing Impact of the Proposed Project, requires 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. However, the CEQA Guidelines do not require an EIR to predict or speculate specifically where such growth would occur, in what form it would occur, or when it would occur. The CEQA Guidelines also do not provide specific criteria for evaluating growth inducement, but 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 has been analyzed with regard to cumulative and growth inducing impacts for all of the CEQA required and proposed Project specific issue areas under the proposed development. The reader is directed to **Chapter 5.0: Cumulative Impacts** and **Chapter 6.0: Other CEQA Required Discussions** for the proposed First Palm Springs Commerce Center Project. The commenter is also referred to Response C-11.

Under CEQA Guidelines §15125(a), an EIR must *"...include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."* The baseline is therefore the environmental setting which represents the physical conditions in the area at the time a project's Notice of Preparation (NOP) is published and the start of the environmental analysis for a project. For the proposed First Palm Springs Commerce Center EIR, the NOP was posted for public and agency notification was posted on January 8, 2024. Therefore, the proposed Project's baseline is January 8, 2024. At the time of this baseline, the City's applicable General Plan was the ***Palm Springs 2007 General Plan***. Further, the type of future development as being developed under the proposed Project has been contemplated within buildout of the City's General Plan. The reader is referenced to the ***Palm Springs 2007 General Plan*** which was the applicable General Plan document at the time of proposed Project submittal, and which therefore has been utilized for all baseline references in the Draft EIR.

Also, no further detailed response is required to Comment 16 since no specific defects were identified in the comment which is a general comment on the Draft EIR and does not raise any defects in the analysis. Therefore, further or additional detailed responses nor the preparation of a revised EIR is not required.

Comment C-18

6.1 Growth Inducing Impacts

The EIR states here that, "While the proposed Project would contribute to employment growth through the development at the site, projected increases in employment from the proposed Project are well within SCAG's 2020-2045 RTP/SCS projected increases for Riverside County and its jurisdictions." However, updated data is provided in SCAG's 2024 release of the RTP/SCS. Table 8: Proposed General Plan Land Use Designations and Potential for Development within the City's General Plan Land Use Buildout Methodology calculates that buildout of the Industrial land use designation will result in 11,598 new jobs. Utilizing the

General Plan Employment Generation Factors as discussed above, the project represents 23.5% of the City's employment growth from 2025 - 2040. Further, SCAG's Connect SoCal Demographics and Growth Forecast¹⁷ notes that the City will add 6,300 jobs from 2019 to 2035. The project represents 43.2% of the City's job growth over 16 years as estimated by SCAG. A single project accounting for this amount of the projected employment growth estimated by the Lead Agency and SCAG represents a significant amount of growth.

Response C-18

The comment has been noted.

The proposed Project has been analyzed with regard to cumulative and growth inducing impacts for all of the CEQA required and proposed Project specific issue areas under the proposed development. The reader is directed to **Chapter 5.0: Cumulative Impacts** and **Chapter 6.0: Other CEQA Required Discussions** for the proposed First Palm Springs Commerce Center Project.

Under CEQA Guidelines §15125(a), an EIR must “...include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The baseline is therefore the environmental setting which represents the physical conditions in the area at the time a project's Notice of Preparation (NOP) is published and the start of the environmental analysis for a project. For the proposed First Palm Springs Commerce Center EIR, the NOP was posted for public and agency notification was posted on January 8, 2024. Therefore, the proposed Project's baseline is January 8, 2024. At the time of this baseline, the City's applicable General Plan was the ***Palm Springs 2007 General Plan***.

The commenter references employment estimates under the Table 2: City of Palm Springs General Plan Update Existing Land Use Employment Generation Factors in the City's General Plan Buildout Methodology. This Table has been developed under the ***Palm Springs by Design General Plan 2040***, which was adopted by the Palm Springs City Council on January 9, 2025. Therefore, at the time of environmental determination and analysis for the proposed Project, according to baseline conditions were all established requirements under the 2007 General Plan, which does not have a minimum (or maximum) number of employees per land use category. Therefore, the preparation of a revised EIR is not required.

The commenter states that the Draft EIR does not utilize the Southern California Association of Governments (SCAG) projected employment growth and therefore the EIR should be revised and recirculated to provide this analysis. However, SCAG states in its Demographics and Growth Forecast Technical Report, that “*County-level growth projections provide an underpinning to Connect SoCal development. In order to meet the statutory targets described in Section 1.2 and implement the policies of Connect SoCal, these projections must be regionally balanced.*” One of the main objectives of SCAG and its Connect SoCal document that is developed for its Regional Transportation Plan (RTP) is to develop and maintain regional growth forecasts, which, for the proposed Project, broadly includes all of Riverside County, which in turn takes into account all potential for growth amongst its various jurisdictions. Therefore, the County's and SCAG's projections for employment growth have already considered growth potential in all jurisdictions within Riverside County, including the City of Palm Springs.

The commenter references employment estimates under SCAG's Connect SoCal 2024, which had been approved in April 2024. The commenter also references the City of Palm Springs General Plan Update Buildout Methodology which has developed under the ***Palm Springs by Design General Plan 2040***, which was adopted by the Palm Springs City Council on January 9, 2025. Therefore, at the time of environmental determination and analysis for the proposed Project, according to baseline conditions were all established

requirements under the 2007 General Plan and the 2020 Connect SoCal RTP/SCS, which were the appropriate and approved documents at the time of proposed Project initiation.

Comment C-19

6.1 Growth Inducing Impacts

The EIR also has not provided any cumulative analysis on this topic. For example, other recent industrial projects such as Palm Springs Fulfillment Center (739,360 square feet of industrial/warehouse space; 1,057 employees¹⁸) and piecemealed project First Industrial Commerce II as listed in Table 3.1: City of Palm Springs Cumulative Projects (1,000,000 square feet of industrial/warehouse space; 1,429 employees) combined with the proposed project will cumulatively generate 5,212 employees, which is 44.9% of the City's Industrial General Plan buildout scenario over 15 years and 82.7% of SCAG's total employment growth forecast for the City through 2035 accounted for by only three recent projects. These totals increase exponentially when commercial and other industrial development activity is added to the brief list of recent development above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved and "in the pipeline" to determine the City's progress towards General Plan buildout capacity and SCAG's forecasts.

The EIR also utilizes uncertain and misleading language in stating that, "the proposed Project would create jobs that 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 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." Since the EIR relies upon the entire workforce of Riverside County to fill its jobs, the project would contribute to the increasing percentages of residents that commute outside of their residence City for work. The EIR has not provided any analysis or meaningful evidence that the unemployed workforce in Palm Springs is qualified for or interested in work in the industrial sector. A revised EIR must be provided to include this information for analysis in order to provide an adequate and accurate environmental analysis.

Response C-19

The proposed Project has been analyzed with regard to cumulative and growth inducing impacts for all of the CEQA required and proposed Project specific issue areas under the proposed development. The reader is directed to **Chapter 5.0: Cumulative Impacts** and **Chapter 6.0: Other CEQA Required Discussions** for the proposed First Palm Springs Commerce Center Project.

Under CEQA, the discussion of cumulative impacts should focus on the severity of the impacts and the likelihood of their occurrence. According to CEQA Guidelines Section §15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the additional effects of a project have been evaluated to be considerable when assessed in connection with the effects of past projects, other current projects, and probable future projects (as defined by Section §15130). Cumulative impacts could result from individually minor but collectively significant projects taking place over a period of time." As discussed under response C-14, cumulative impact is not considered significant if the impact can be decreased to below the level of significance through mitigation measure(s), including providing improvements and/or contributing funds through mitigation fee payment programs. CEQA requires that an EIR examine the cumulative impacts

associated with a project, in addition to project-specific impacts. The discussion of cumulative impacts, therefore must 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)).

In addition, the CEQA requirements of Section §15130(b), the requirements for an adequate analysis of a project's cumulative impacts "...shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact..." (State CEQA Guidelines Section 15130(b)). An adequate analysis of a project's cumulative impacts should include an analysis based on either:

- A. "A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or"
- B. "A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect..."

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. Therefore, in accordance with Section §15130(b)(1)(B), the cumulative impacts analysis in this DEIR is premised on projections of growth anticipated by the City of Palm Springs 2007 General Plan. The cumulative analysis for the proposed Project therefore 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 this DEIR**.

As discussed in Chapter 5.0: Cumulative Impacts of the DEIR, future proposed development under the City's General Plan Update has the potential to increase land use intensities within the city and its SOI. Given that 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. However, the proposed Project and any future development in the city would also be consistent with the Southern California Association of Governments (SCAG) Connect SoCal/2020 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) that reviewed long term growth potential in Riverside County as a whole. Connect SoCal estimated that population in Riverside County would increase to 606,000 persons with an estimated 338,000 employed persons, under SCAG's future growth horizon of 2050. The proposed Project would satisfy the Connect SoCal goal to support a sustainable, efficient and productive regional economic environment that would improve access to jobs in the region, as well as advancing a resilient and efficient goods movement system that supports the economic vitality of the region. While the GPU has the potential to increase the intensity of land uses in the city and increase the potential growth of the city, applicable GPU 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. The preparation of a revised EIR is therefore not required.

Comment C-20

6.6 Effects Not Found to Have Potentially Significant Impacts: Land Use and Planning

The EIR does not provide any information or meaningful analysis regarding the buildout conditions of the City's General Plan. Table 2-2: Nonresidential Land Buildout Estimates in the Updated Land Use Element of the General Plan states that the City estimates 11,638,620 square feet of industrial development to occur during the City's buildout. The proposed project's 1,907,678 square feet of industrial building area accounts for 16.4% of the General Plan Industrial land buildout attributed to a single project. The EIR has not provided any analysis of this information and does not provide any cumulative development calculation for the City's progress towards General Plan buildout. For example, other recent industrial projects such as Palm Springs Fulfillment Center (739,360 square feet of industrial/warehouse space; 1,057 employees²⁰), piecemealed project First Industrial Commerce II as listed in Table 3.1: City of Palm Springs Cumulative Projects (1,000,000 square feet of industrial/warehouse space; 1,429 employees), and piecemealed project PAR-000024-202321 (1,000,000 sf industrial building located on APN 666- 320-026) combined with the proposed project will cumulatively generate 5,212 employees, which is 40% of the City's Industrial General Plan buildout scenario accounted for by only four recent projects. Notably, Table 2.2: Nonresidential Land Buildout Estimates of the General Plan Land Use Element estimates a development intensity of 0.23 FAR for Industrial designated sites, and both buildings in the project are proposed at 0.47 FAR, which is more than twice the development scenario from which the project tiers. The City's General Plan Land Use Buildout Methodology²² includes Table 9: Proposed General Plan Land Use Buildout Assumptions that provides a footnote stating, "Industrial lands (1,570.8 acres) within the Wind Energy Overlay are calculated at 15% of the allowable intensity identified above," indicating that the General Plan analyzed the proposed project site at an even more reduced rate of development intensity (FAR). A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved and "in the pipeline" to determine the City's progress towards General Plan buildout capacity in order to provide an adequate and accurate environmental document.

Response C-20

Comment has been noted.

The commenter is directed to **Chapter 5.0 Cumulative Impacts** of the DEIR for the proposed Project, which has been developed in accordance with CEQA Guidelines Section §15355 that 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 under a jurisdiction's buildout conditions.

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 or buildout 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 DEIR is premised on projections of growth or buildout anticipated by the City of Palm Springs 2007 General Plan. The cumulative analysis for the proposed Project 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 this DEIR**.

Also, as discussed under Response 19 above, **Chapter 5.0: Cumulative Impacts** of the DEIR shows that future proposed development under the City’s General Plan Update has the potential to increase land use intensities within the city and its SOI. Given that 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. However, the proposed Project and any future development in the city would also be consistent with the Southern California Association of Governments (SCAG) Connect SoCal/2020 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) that reviewed long term growth potential in Riverside County as a whole. Connect SoCal estimated that population in Riverside County would increase to 606,000 persons with an estimated 338,000 employed persons, under SCAG’s future growth horizon of 2050. The proposed Project would satisfy the Connect SoCal goal to support a sustainable, efficient and productive regional economic environment that would improve access to jobs in the region, as well as advancing a resilient and efficient goods movement system that supports the economic vitality of the region. While the GPU has the potential to increase the intensity of land uses in the city and increase the potential growth of the city, applicable GPU 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. Therefore, the preparation of a revised EIR is not required.

Comment C-21

Appendix H within the EIR concludes the following intersections require improvements to address the deficiencies per the City’s thresholds:

1. Intersection #4: Indian Canyon Dr. / 19th Av

Table 12 within Appendix H provides a list of fair-share calculations for improvements that will allegedly mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to intersection #4 are located in the City of Desert Hot Springs. Any improvements planned/constructed or in-lieu fees/fair share fees paid for City of Desert Hot Springs facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167

Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The improvements required are not part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City of Palm Springs or City of Desert Hot Springs. Any improvements recommended or fees paid to mitigate impacts for City of Desert Hot Springs facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by City of Desert Hot Springs has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold 1 and Land Use and Planning Impact Threshold 2 because it is not consistent with the following General Plan Policy:

1. *CR2.1: Maintain Level of Service D or better for the City’s circulation network, as measured using “in season” peak hour conditions.*

The City of Desert Hot Springs also maintains level of service requirements for CEQA, with its 2020 General Plan 23 stating, “The City standard for the minimum LOS for intersections is LOS D or better. For intersections or roadway segments with a LOS E or F, if a proposed project’s traffic study identifies increases in the volume-to-capacity ratio above the thresholds identified in the City’s transportation traffic guidelines, then the impact would be considered significant and mitigation would be required.”

Response C-22

Appendix H within the EIR concludes the following intersections require improvements to address the deficiencies

1. Intersection #4: Indian Canyon Dr. / 19th Av.

Table 12 within **Appendix H** of the DEIR provides a list of fair-share calculations for improvements that will allegedly mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to intersection #4 are located in the City of Desert Hot Springs. Any improvements planned/constructed or in-lieu fees/fair share fees paid for City of Desert Hot Springs facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers.(2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The improvements required are not part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City of Palm Springs or City of Desert Hot Springs. Any improvements recommended or fees paid to mitigate impacts for City of Desert Hot Springs facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by City of Desert Hot Springs has not been provided.

A revised EIR would have to be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold 1 and Land Use and Planning Impact Threshold 2 because it is not consistent with the following General Plan Policy:

1. CR2.1: Maintain Level of Service D or better for the City’s circulation network, as measured
Using “in season” peak hour conditions.

The City of Desert Hot Springs also maintains level of service requirements for CEQA, with its 2020 General Plan 13 stating “The City standards for the minimum LOC for intersections is LOS D or better. For

intersections or roadway segments with a LOS E or F, if a proposed project's traffic study identifies increases in the volume-to-capacity ratio above the thresholds identified in the City's transportation traffic guidelines, then the impact would be considered significant and mitigation would be required."

The reader is also directed to the discussion and response to comments under Comment C-13.

Comment C-23

The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

- 1. Goal LU1: Establish a balanced pattern of land uses that complements the pattern and character of existing uses, offers opportunities for the intensification of key targeted sites, minimizes adverse environmental impacts, and has positive economic results.*
- 2. GOAL CD21: It is a goal of the City of Palm Springs to create convenient, attractive, and well-designed industrial and business parks.*
- 3. CD21.1 Strengthen the image of business park areas through entry monument signage, distinctive landscaping, and complementary architectural design elements.*
- 4. CD21.2 Encourage clean and distinctive industrial/office buildings with clearly visible entrances.*
- 5. CD21.3 Avoid the use of long, blank walls by breaking them up with vertical and horizontal façade articulation achieved through stamping, colors, materials, modulation, and landscaping.*
- 6. CD21.4 Use screening techniques, such as landscaping, walls, and berms, to minimize views of surface parking, storage and service areas.*
- 7. GOAL AQ4 Reduce vehicular emissions.*
- 8. GOAL AQ3 Protect people and land uses that are sensitive to air contaminants from sources of air pollution to the greatest extent possible.*
- 9. AQ3.1 Discourage the development of land uses and the application of land use practices that contribute significantly to the degradation of air quality.*

Response C-23

The discussions and analysis presented in the Aesthetics and Air Quality sections of the EIR address the Goals and Policies under the Community Design, Land Use and Air Quality Elements on the General Plan as posted on the City's website at:

City of Palm Springs CA – General Plan

and accessed at the following website link:

<https://www.palmspringsca.gov/government/departments/planning/general-plan>

The proposed Project does meet Goal LU1 of the City's General Plan in that it does develop a site zoned for industrial uses that is similar to existing and immediately proposed industrial uses in a designated industrial district within the City of Palm Springs. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Goal CD21 of the City's General Plan in that it does create an attractive and well-designed industrial development approximately one quarter (1.5) mile to the north of Interstate 10, with easy from the site's eastern boundary at N Indian Canyon Drive as well as from the site's southern boundary at 19th Avenue. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Policy CD21.1 of the City's General Plan in that the site design would include building architectural designs, landscaping, and signage that conform to the architectural image of the surrounding uses. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Policy CD21.1 of the City's General Plan in that the site design would include building architectural designs, landscaping, and signage that conform to the architectural image of the surrounding uses. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Policy CD21.2 of the City's General Plan in that the building design would include clean and distinctive building feature with clearly visible entrances. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Policy CD21.3 of the City's General Plan in that the building design would include vertical and horizontal façade articulation through colors, building materials, modulation and landscaping. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Policy CD21.4 of the City's General Plan in that the site design would include landscaping and other site articulations what would minimize views of surface parking, storage and service areas. The reader is directed to **Section 4.1: Aesthetics** of the Draft EIR.

The proposed Project does meet Goal AQ4 of the City's General Plan in that the air quality and emissions analysis conducted for the proposed development resulted in a less than significant impact with the incorporation of appropriate mitigation measures. The reader is directed to **Section 4.2: Air Quality** and **Appendix B** of the Draft EIR.

The proposed Project does meet Goal AQ3 of the City's General Plan in that the proposed development would incorporate appropriate mitigation measures such that people and land uses are protected from air pollution to the greatest extent possible. The reader is directed to **Section 4.2: Air Quality** and **Appendix B** of the Draft EIR.

The proposed Project does meet Policy AQ3.1 of the City's General Plan in that the proposed development would incorporate appropriate mitigation measures such that the proposed development in itself does not result in significant degradation of air quality. The reader is directed to **Section 4.2: Air Quality** and **Appendix B** of the Draft EIR.

Therefore, all appropriate analysis has been conducted for the proposed Project and the appropriate mitigation measures have been developed to address the proposed development's potential impacts to aesthetics and air quality and the reader is directed to **Sections 4.1** and **4.2** as well as **Appendix B** of the Draft DEIR. The proposed Project is consistent with all applicable land use plans, policies or regulations. The comment does not require recirculation of the Draft EIR.

Comment C-24

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Response C-24

The comment has been noted. No change is necessary to the EIR text. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment C-25

Attachments:

1. SWAPE Technical Analysis

Response C-25

The comment has been noted.

No change is necessary to the EIR text. Since the commenter adds independent technical analysis but does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

3.1.4 Comment Letter D: Advocates for the Environment

Please Note: Comment Letter D had been rescinded by the Commenter on June 2, 2025. There Responses to Letter D have not been provided in the Final EIR.

3.1.5 Comment Letter E: Agua Caliente Band of Cahuilla Indians

Comment E-1

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the First Palm Springs Commerce Center project. We have reviewed the documents and have the following comments:

Response E-1

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment E-2

Given that the scope of the project is large, we encourage an Agua monitor to be on-site during the initial grubbing and grading.

Response E-2

The comment has been noted.

As recommended, Mitigation Measure CUL-1 has been updated to require initial grubbing and grading of the property (first five feet) be monitored by a qualified archeologist and Native American monitor from either the ACBCI or other consulting tribe.

Comment E-3

For large projects, please notify our office to partake in phase I cultural surveys.

Response E-3

The comment has been noted.

No change is necessary to the EIR text. Tribal Consultation, in accordance with CEQA, was conducted by the City in November 2023 as outlined within the Tribal Cultural Resources section of the EIR.

Comment E-4

Please include into the Mitigation Measures, an Agua monitor and archaeological monitor to be present and both have the power to halt construction.

Response E-4

The comment has been noted.

As recommended, Mitigation Measure CUL-3 has been updated to include that in the event 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 Archaeological Monitoring and Treatment Plan (AMTP). See response to following comment regarding the AMTP

Comment E-4

Please include Inadvertent Discoveries section into the MM or a Treatment Plan in case cultural resources are found. The section should include options of leaving cultural resources in place or reburial place.

Response E-4

The comment has been noted.

As recommended, Mitigation Measure CUL-1 has been updated to include a requirement for the project archaeologist, prior to grading, to develop an 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.

Comment E-5

Please delete paleontology from the Tribal Cultural Resources section.

Response E-5

The comment has been noted.

The paleontological information has been moved to the Geology and Soils section, removing it from the Cultural Resources and Tribal Cultural Resources sections as requested.

Comment E-7

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1137. You may also email me at ACBCI-THPO@aguacaliente.net.

Response E-7

The comment has been noted.

No change is necessary to the EIR text. Tribal Consultation, in accordance with CEQA, was conducted by the City in November 2023 as outlined within the Tribal Cultural Resources section of the EIR.

3.1.6 Comment Letter F: California Department of Fish and Wildlife

Comment F-1

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Palm Springs (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Response F-1

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment F-2

CDFW Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent

implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Response F-2

The comment has been noted.

The comment discusses CDFW’s role as a Trustee Agency and a Responsible Agency. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment F-3

Project Description Summary

Proponent: First Industrial Realty Trust Inc.

Objective: The Project proposes the construction of two warehouse buildings with office spaces, truck docking areas, and employee parking spaces. Building 1 will be 1,516,174 square feet (sf), with 258 truck trailer docks, four grade doors, 929 parking spaces for cars and trucks, and 25 bicycle parking areas. Building 2 will be 388,530 sf with 42 truck trailer docks, two grade doors, 302 parking spaces for cars and trucks, and 14 bicycle parking areas. Site access will be gated and provided from the new roadway for Noble Drive to the north and 19th Avenue to the south. The Project will include stormwater channels along the site’s frontage along North Indian Canyon Drive and underground retention basins to collect and store on-site and off-site storm water. The Project’s artificial nighttime lighting will include street lighting along the internal roadways and along the site frontages along 18th Avenue, 19th Avenue, and North Indian Canyon Drive, and lighting outside building facades, gates, walkways, and parking areas. All light sources in the site’s parking areas, walkway, and on the exterior of proposed buildings will be shielded downward. The Project will 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.

Location: The Project site is located north of the I-10 and east of SR 62, in the northern portion of the City of Palm Springs, Riverside County, California. The site is composed of five parcels, including Accessor’s Parcel Numbers (APNs) 666-320-010, -011, -012, - 015, and -019, and is bounded by 18th Avenue to the north, North Indian Canyon Drive to the east, 19th Avenue to the south, and Karen Drive to the west of the site.

Timeframe: Construction of the Project is anticipated in 2025.

Response F-3

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment F-4

Comments and Recommendations

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

Response F-4

The comment has been noted.

The mitigation measures have been revised to address CDFW's comments and recommendations.

Comment F-5

CDFW's comments and recommendations on the DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW requests that additional information and analyses be added to a revised DEIR, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

Response F-5

The comment has been noted.

The Spring 2025 special status species surveys were completed. No Special Status Species were recorded (BLUE 2025, Spring Special Status Species Survey Report for the Proposed First Palm Springs Commerce Center, City of Palm Spring, Riverside County California. June 27, 2025). Mitigation measures have been revised to incorporate all CDFW's comments and recommendations.

Comment F-6

Existing Environmental Setting

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the DEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the DEIR may provide an incomplete analysis of Project-related environmental impacts.

Response F- 6

The comment has been noted.

The Spring 2025 special status species surveys were completed. No Special Status Species were recorded (BLUE 2025, Spring Special Status Species Survey Report for the Proposed First Palm Springs Commerce Center, City of Palm Spring, Riverside County California. June 27, 2025). Mitigation measures have been revised to incorporate all CDFW's comments and recommendations.

Comment F-7

The DEIR lacks a complete assessment of biological resources associated with special- status plants and burrowing owls within the Project site and surrounding area. A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Response F-7

The comment has been note.

The Spring 2025 special status species surveys were completed. No Special Status Species were recorded (BLUE 2025, Spring Special Status Species Survey Report for the Proposed First Palm Springs Commerce Center, City of Palm Spring, Riverside County California. June 27, 2025). Mitigation measures have been revised to incorporate all CDFW's comments and recommendations.

Comment F-8

Mitigation Measures

CEQA requires that a DEIR include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the DEIR are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for special-status plants, artificial nighttime lighting, CDFW Lake and Streambed Alteration Program, and salvage of sand-dependent covered species, as well as revising the mitigation measures for nesting birds and burrowing owl.

Response F-8

The comment has been noted.

Mitigation measures have been revised to address CDFW's comments and recommendations.

Comment F-9

1) Assessment of Biological Resources

*Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed project are adequately investigated and discussed. Page 13 of the Project's Biological Assessment Report for the First Palm Springs Commerce Center Project (Biological Assessment Report), dated October 17, 2024, indicates that the surveys were conducted in November and early December when it is unlikely that ribbed cryptantha (*Johnstonella costata*; California Rare Plant Rank [CRPR] 4.3), flat-seeded spurge (*Euphorbia platysperma*; CRPR 1B.2), slender cottonheads (*Nemacaulis denudate gracilis*; CRPR 2B.2), and white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*; CRPR 1B.2) would be detected. As indicated in Calflora, all four of these species are associated within the creosote bush scrub, the dominant plant community within the Project site.*

Also, observation data in Calflora includes historic occurrences of all four of these species in northwestern Coachella Valley. CDFW considers the Project site to contain suitable habitat for all four of these species. Per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 20182), CDFW recommends that botanical field surveys are conducted at the times of year when plants will be both evident and identifiable. Since surveys were conducted outside of the peak bloom period for the four special-status plant species discussed above, CDFW is concerned that the assessment of the existing environmental setting with respect to special-status plants has not been adequately analyzed in the DEIR. Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project.

Response F-9

The comment has been noted.

CDFW staff refers to surveys conducted in November and December. No surveys were conducted in November and December. As stated, the general survey was conducted on February 20, 2023 (BLUE, 2024. Biological Assessment Report For The First Palm Springs Commerce Center Project City Of Palm Springs).

Follow-up surveys for burrowing owl (negative) were conducted on April 3rd, April 10th and April 14th, 2023 (BLUE, 2024. Biological Assessment Report For The First Palm Springs Commerce Center Project City Of Palm Springs).

The Spring 2025 special status species survey was conducted (negative). No special status species were observed (BLUE, 2025. June. Special Status Spring Survey for the First Palm Springs Commerce Center Project City Of Palm Springs). Species specifically surveyed for included: ribbed cryptantha (*Johnstonella costata*; California Rare Plant Rank [CRPR] 4.3), flat-seeded spurge (*Euphorbia platysperma*; CRPR 1B.2), slender cottonheads (*Nemacaulis denudate gracilis*; CRPR 2B.2), and whitebracted spineflower (*Chorizanthe xanti var. leucotheca*; CRPR 1B.2).

Comment F-10

CDFW is concerned that without a complete and accurate description of the existing environmental setting, the DEIR likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant.

CDFW is further concerned about the accuracy of information regarding special-status plant species in the Biological Resources Assessment. Regarding flat-seeded spurge, the Biological Assessment Report indicates that "there are no records of its presence on or adjacent to the project site"; however, Calflora includes a historical observation of this species within the Project site. Regarding slender cottonheads, the Biological Assessment Report indicates that the "species usually occurs on sandy benches adjoining washes, a habitat not found within, or immediately adjacent to, the project site. [...] It is a covered species under the CVMSHCP. No other actions are required." CDFW has identified at least three ephemeral streams located within the Project site (see Lake and Streambed Alteration Program section below), which contain suitable habitat for this species. CDFW also clarifies that slender cottonheads is not a Covered Species under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

Information on CVMSHCP Covered Species, and information on the obligations of CVMSHCP Permittees, can be found here: <https://cvmshcp.org/>. Further, regarding the presence of special-status plants, page 8 of the Biological Assessment Report states that "due to the historical disturbance and lack of observations during the surveys, the habitat within the Survey Area is considered unsuitable to support potentially occurring special status plants. None were observed and none are expected to occur." CDFW is concerned

about the accuracy of this conclusion. Although the central portion of the site has been subject to disturbance over the past five years from the removal of a row of wind turbines, much of the Project site is undisturbed based on review of historical aerial and street view imagery accessed using Google Earth. Because the habitat within the Project site is largely undisturbed, including at least two of the ephemeral streams located within the Project site, CDFW does not consider the recent disturbance to the site associated with the removal of wind turbines to preclude the presence of special-status plants. CDFW recommends the DEIR and its supporting documents be revised to include accurate information on the status and potential presence of special-status plant species within the Project site.

Response F-10

The comment has been noted.

The mitigation measures have been revised to address CDFW's comments and recommendations. The revised mitigation language has been incorporated into the MMRP.

The CDFW noted historical observation of flat-seeded spurge on the Calflora website states that this general observation is from 1964. Further, CDFW notes that it was observed onsite – the data is not that accurate from 1964 so the noted location is general. Since 1964 significant environmental changes, development and increased public use have occurred in the area and onsite. As such, the area is disturbed.

The site has been generally disturbed with the surrounding and onsite development of the road infrastructure, upstream development, underground powerlines, overhead power transmission road access, general offroad use, dumping and the elimination of natural sheet flow of storm water through the area. As described from the field surveys, no ephemeral channels are located onsite. As described in the Hydrology Report and Hydrology Report Addendum (Kimley Horn, 2025) due to the lack of appropriate hydrological conditions, there is no appropriate habitat for slender cottonheads. None were observed during the completed spring 2025 survey and due to the inappropriate conditions onsite, none are expected to occur.

Comment F-11

Without an appropriate assessment of the biological resources, particularly focused on special-status plants, appropriate avoidance, minimization, and/or mitigation measures cannot be identified, and it is uncertain if impacts to biological resources have been reduced to a level less than significant. CDFW recommends the DEIR and its supporting documents be revised to include the results of 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 Natural Communities (CDFW 20183), which includes conducting botanical field surveys at the times of year when plants will be both evident and identifiable. Based on the findings of a thorough, recent floristic-based assessment, CDFW recommends that the DEIR be revised to include appropriate avoidance, minimization, and mitigation measures.

Given the DEIR's lack of a complete assessment of biological resources associated with special-status plants, CDFW recommends the City add the following mitigation measure to a revised DEIR to support the City in reducing impacts to a level less than significant:

Mitigation Measure BIO-[A]: Special-Status Plants

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 should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-1 and MM BIO-2, as well as CDFW-recommended MM BIO-[A], MM BIO-[B], MM BIO-[C], and MM BIO-[D].

Response F-11

The comment has been noted.

CDFW listed mitigation measure language has been incorporated into the EIR. Spring 2025 botanical field survey were conducted (negative) in May, at the time of year when special-status plants would be both evident and identifiable.

Comment F-12

2) Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), per its associated Implementing Agreement and Permits from CDFW and the U.S. Fish and Wildlife Service (USFWS), Take associated with Covered Activities will not be in violation of the Migratory Bird Treaty Act and will be consistent with Fish and Game Code sections 3503 and 3503.5; therefore, all Covered Activities within and outside Conservation Areas must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds. Having conferred Take Authorization of Covered Species and/or their habitats to this Project, the City of Palm Springs is obligated to take all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the Project's compliance with the CVMSHCP, the state and federal permits associated with the CVMSHCP, and the CVMSHCP Implementing Agreement, which include avoiding the take of individuals, nests, and eggs of nesting birds including birds of prey.

Page 4.3.15 of the DEIR indicates that "site does have some Sonoran creosote shrub and provides suitable nesting habitat for the breeding, foraging and dispersing of nesting birds." CDFW concurs that the Project

site contains suitable habitat for nesting birds and notes that the majority of the Project site contains sparse cover of native shrubs that are suitable for nesting birds. The DEIR includes a Mitigation Measure BIO- 2 for nesting birds, indicating that “due to the presence of shrubs and the potential for avian nesting sites, in accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.” Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys regardless of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 20174).

CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates.

CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on- site. CDFW is concerned that ground-disturbing and vegetation removal activities conducted outside of the peak nesting season have the potential to impact nesting birds. CDFW considers Mitigation Measure BIO-2 to be insufficient in scope and timing to reduce impacts to a level less than significant.

To support the City in reducing impacts to nesting birds to a level less than significant, CDFW recommends that the City revise Mitigation Measure BIO-2 with the following additions in bold and removals in strikethrough:

Mitigation Measure BIO-2: Nesting Birds

To the greatest extent feasible, Project construction activities will 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 may 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. ~~*In accordance with the Migratory Bird Treaty Act and all applicable section of the California Fish and Game Code, ground disturbance and vegetation clearance shall take place before typical avian nesting seasons of February 1 and August 31.*~~

Response F-12

The comment has been noted.

The mitigation measure has been incorporated into the EIR.

Spring 2025 botanical field survey were conducted (negative) in May, at the time of year when special-status plants would be both evident and identifiable.

Comment F-13

3) Burrowing Owls

On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, the CDFW Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 does not provide Take Authorization for burrowing owl individuals, nests, or eggs. Section 3.5.6 of the NCCP Permit states burrowing owl “pairs or individuals will not be Taken” and reiterates that the “HCP/NCCP does not authorize Take of [burrowing owl] nests [or] eggs[.]” Therefore, throughout the CVMSHCP area—both within and without Conservation Areas—Permittees must ensure that activities occurring within their jurisdictions do not result in the take, possession, or destruction of burrowing owl individuals, nests, or eggs. Any activity occurring within the CVMSHCP area that results in the take of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP.

Page 4.3.12 of the DEIR indicates “two (2) special-status, avian species potentially occurring within the project boundaries are the loggerhead shrike (*Lanius ludovicianus*) and burrowing owl (*Athene cunicularia*). [...] 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.” Page 17 of the Project’s Biological Resources Assessment states that “potentially suitable burrows were present on site due to small mammal activity (e.g. ground squirrel)”. Given the habitat type within and surrounding the Project site, including sparse cover with few shrubs, gentle topography, and presence of potentially suitable burrows, CDFW concurs that the Project site contains suitable habitat for burrowing owl. CDFW also notes that the Project’s site’s potential to support burrowing owl is evidenced by the documented, recent presence of burrowing owls occupying similar habitat located less than a mile to the southeast in areas that are currently subject to various levels of disturbance by development activities (e.g., Project Viento, Desert Gateway, etc.).

Regarding survey methods, page 9 of the Biological Assessment Report indicates that “a burrowing owl assessment and subsequent protocol burrowing owl surveys were completed according to the Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area (City of Palm Springs 2006).” The Biological Assessment Report appears to mistakenly conflate requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP) and the CVMSHCP; CDFW clarifies that the Project is located within the CVMSHCP, which has requirements that are separate and distinct from those associated with the WRMSHCP. Page 9 of the Biological Assessment Report indicates that three focused surveys for burrowing owl were conducted in April 2023, and “transects were spaced no more than 30 meters to ensure 100 percent coverage.

Rodent burrows were thoroughly examined for presence of sign (i.e., pellets, white wash, feathers, or prey remains), and suitable perches were inspected for BUOW pellets.” The DEIR lacks additional information on the survey methods used and findings from surveys for burrowing owl. For example, the DEIR and its supporting documents lack a complete description of survey methods, a map showing the locations of all burrows suitable for burrowing owl, the qualifications of surveyor(s), photos of the Project site, and signed field forms, among other survey report components as recommended in the CDFW 2012 Staff Report on Burrowing Owl Mitigation⁵ under the Survey Reports section of Appendix D (Breeding and Non-breeding Season Surveys and Reports). Given the DEIR’s lack of clarity on survey methods and the lack of appropriate reporting, the number of suitable and occupied burrows within the Project site and surrounding areas is unknown. CDFW recommends that the DEIR be revised to include the findings of focused surveys for burrowing owl within the Project site following the guidelines in the Staff Report on Burrowing Owl Mitigation, including a complete description of survey methods and survey reports, along with appropriate avoidance, minimization, and mitigation measures for burrowing owl.

Response F-13

The comment has noted.

The mitigation measure has been incorporated.

As described on pages 5 and 8 of the Biological Assessment (BLUE, 2024), the methods for the survey followed the following parties: Coachella Valley CVMSHCP Area (County of Riverside 2008), the recommendations of the California Burrowing Owl Consortium, Santa Cruz Predatory Bird Research Group Burrowing Owl Survey Protocol (1993), and the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (updated, 2012). No burrows that could potentially support owls (all too small) were observed. As a result of no additional findings or details, no additional mapping and graphics were generated to show no data – lack of sign and/or direct observation.

Comment F-14

With regard to avoidance and minimization measures, the DEIR includes Mitigation Measure BIO-1 for burrowing owl, which indicates that a “pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the

presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit.” CDFW appreciates the inclusion of requirements to coordinate with CDFW to determine appropriate methods of any planned burrowing owl relocations.

However, CDFW is concerned that the measure lacks requirements for focused burrowing owl surveys, details on what to include within a burrowing owl plan if burrowing owls are detected, and appropriate avoidance, minimization, and mitigation measures. CDFW considers Mitigation Measure BIO-1 to be insufficient in scope and timing to reduce impacts to a level less than significant.

Response F-14

The comment has been noted.

The mitigation measure have been revised to address CDFW’s comments and recommendations. Due to suitable breeding, foraging, and dispersing habitat for BUOW within the BSA, protocol burrowing owl surveys were conducted. Although various rodent burrows were located within the Project and the buffer area, neither BUOW nor BUOW sign were observed. assessed on foot by BLUE senior biologist Michael Jefferson on three additional occasions (April 3rd, April 10th and April 14th, 2023).

Per protocols, conditions for the surveys were appropriate, as follows:

1. On April 3, 2023 - beginning at 9:30 and ending at 2:30. Weather conditions during the surveys included 50% clear skies, with temperatures ranging from 66° to 73° Fahrenheit, and winds from 5-7 miles per hour.
2. On April 10, 2023 - beginning at 9:15 and ending at 2:30. Weather conditions during the surveys included 40% clear skies, with temperatures ranging from 69° to 75° Fahrenheit, and winds from 1-5 miles per hour.
3. On April 13, 2023 - beginning at 9:30 and ending at 2:30. Weather conditions during the surveys included 60% clear skies, with temperatures ranging from 64° to 71° Fahrenheit, and winds from 5-7 miles per hour.

Transects were spaced no more than 30 meters to ensure 100 percent coverage. Rodent burrows were thoroughly examined for presence of sign (i.e., pellets, white wash, feathers, or prey remains), and suitable perches were inspected for BUOW pellets.

Comment F-15

*To support the City in reducing impacts to burrowing owl to a level less than significant, CDFW recommends the City revise Mitigation Measure BIO-1 with the following additions in **bold** and removals in ~~strikethrough~~:*

Mitigation Measure BIO-1: Burrowing Owl Habitat Assessment and Surveys

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 will be implemented.

Proposed implementation of burrow exclusion and closure should 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 should 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. ~~A pre-construction protocol survey for burrowing owls in accordance with the Coachella Valley Multiple Species Conservation Plan Area shall be conducted. This mitigation measure requires a clearance survey be conducted not more than 14 days prior to grubbing, grading, or other surface disturbances to determine whether the species still occurs on the site. A final clearance survey must be conducted 24 hours prior to ground disturbance. If the owl is present during the breeding season (February 15 through September 15), a qualified biologist will establish a buffer area (a no disturbance zone) around the active burrow. When it is determined that all young owls have permanently left the burrow (fledged), the buffer area may be abandoned, and the adult owls captured and relocated. All these activities must be governed by a plan approved by CDFW. If an owl is present, regardless of the presence of young, a qualified biologist must develop either an avoidance or a relocation plan for review and approval by the CDFW, approved under permit.~~

Response F-15

The comment has been noted.

The mitigation Measure has been incorporated into the EIR.

Comment F-16

2) Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or deposit or dispose of material into any river, stream, or lake. Note that "any river, stream, or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Response F-16

The comment has been noted.

See attached hydrology report addendum letter from Kimley Horn (6-11-25; Proposed Mitigation Measure BIO-[B]: CDFW Lake and Streambed Alteration Program First Palm Springs Commerce Center, DEIR, SCH#2024010068). As described in the Existing Condition and Conclusion sections of the letter, it states:

Existing Condition:

During a 100-year storm event, sheet flows may enter the site after being collected within the incised graded dirt roads to the north and over-topping the downstream road berm adjacent to the northern Property Line. Because the maintained dirt road is a cut/berm, all offsite flows are collected in the road/berm cut and would percolate in-place or be diverted east/west to the low spot on the downstream maintained dirt road berm (potentially offsite). As a result, no active flows within the historic channels are expected to occur. This is demonstrated in the onsite flow rates (sheet flows) which are comparatively low for a site that is approximately 100 acres; see Page 1,976 of the Draft EIR Report for the existing condition onsite flow rates. Note, the blue dash lines shown in the exhibit indicate sheet flow patterns for onsite drainage areas and not USGS blue-line streams or actively eroded bed and bank channels.

Conclusion:

As demonstrated, the project site is receiving offsite flow rates that are substantially less than those identified in the Master Drainage Plan. The study indicates the presence of sheet flow patterns for onsite drainage areas and not USGS blue-line streams or actively eroded bed and bank channels.

At the request of City and through the plan review process, the project has kept the oversized channel design capable of conveying the MDP identified flow rates, though the offsite study prepared by Kimley-Horn found the flow rates to be substantially less.

As the hydrology report addendum states, the significant road grading and ongoing road maintenance upstream of the Property and parallel to the northern property line precludes potential offsite flows from entering the property. In rain events less than 100-year storm events, no channelized flows reach the property across the graded road network to the north. The aerial view of 'channels' are historic and due to upstream development, no longer convey storm event flows. The project has been designed with the general county watershed findings and has been designed to accommodate those flows. No jurisdictional water enters the property. The channels observed on the aerials have no connection to the upstream (northern) portion of the historic channels and no connection to any historic downstream channel(s).

Comment F-17

Page 4.3.14 of the DEIR indicates the “BAR [Biological Assessment Report] conducted on August 22, 2023 (see Appendix C) did not indicate the presence of any riparian habitat on the Project site. Therefore, implementation of the proposed Project would have no impact on riparian habitat or other sensitive natural community as identified in local or regional plans, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.” Also, page 6 of the Biological Assessment Report states that “disturbance along the northern Project boundary in the form of a maintained road and recently installed underground infrastructure (electric) precludes potential offsite flows from entering the property.” The DEIR and its supporting documents lack additional information describing how the maintained road and recently installed underground infrastructure would stop stormflows from entering the Project site from the north. In contrast, the DEIR indicates that the Project proposes the construction of significant flood control infrastructure to address stormflows; page 4.9.22 states that “four (4) underground infiltration basins, two (2) above ground detention basins around Building 1 as well as two (2) underground detention basins around Building 2 would capture all offsite flows and runoff at the site.” CDFW has identified several ephemeral streams within the Project site, which are subject to Fish and Game Code section 1600 et seq. Based on review of historical aerial imagery using Google Earth, a minimum of two ephemeral streams are located within the western half of the Project site and one ephemeral stream within the eastern half of the Project site. Stormflows for these ephemeral streams located onsite originate from Mission Creek, west of Highway 62, and move through a network of ephemeral washes traversing a broad alluvial plain to the north before entering the Project site. Stream indicators for the ephemeral streams located onsite include, but are not limited to, evidence of erosion, scour, and stream- aligned vegetation visible in historical aerial imagery. CDFW considers the Project site to contain streams subject to Fish and Game Code section 1600 et seq.

To ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant, CDFW recommends that the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[B]: CDFW Lake and Streambed Alteration Program

Prior to construction, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

Response F-17

The comment has been noted.

As described in the Kimley Horn letter dated 6-11-2025 (Proposed Mitigation Measure BIO-[B]: CDFW Lake and Streambed Alteration Program First Palm Springs Commerce Center, DEIR, SCH#2024010068), no storm event flows enter the Property during a 100-year storm event. CDFW review of aeriels to delineate jurisdictional features in the desert is a deficient and non-viable method to delineate current/active jurisdictional features. As reported in the Hydrology analysis, there are no storm flows entering the property during and up to 100-year storm events. As a result, there are no active jurisdictional waters or features onsite. The features noted by CDFW are historic and created prior to the significant development of the area, particularly upstream of the property. Therefore, no jurisdictional impacts are proposed, no additional permitting and/or mitigation for compensatory jurisdictional impacts is required.

Comment F-18

5. *Lake and Streambed Alteration Program*

The Project site is located adjacent to vacant areas containing native habitat to the north and east—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats including western yellow bat (*Lasiurus xanthinus*; CVMSHCP Covered Species), and other nocturnal and crepuscular wildlife. The Project’s proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in these vacant, vegetated areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation.⁶ Many species use photoperiod cues for communication (e.g., bird song⁷), determining when to begin foraging,⁸ behavioral thermoregulation,⁹ and migration.¹⁰ Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.

Although the Project description indicates that “all light sources in the site’s parking areas, walkway and on the exterior of proposed buildings would be shielded downward” (page 4.1.16 of the DEIR), CDFW considers these plans to shield lighting insufficient in scope and timing to reduce impacts to a level less than significant. To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[C]: Artificial Nighttime Lighting

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.

Response F-18

The comment has been noted.

Mitigation Measure **BIO-C** has been incorporated into the EIR.

Comment F-19

6. *Coachella Valley Multiple Species Habitat Conservation Plan*

Salvage of Sand-Dependent Covered Species

Section 6.6.1 of the CVMSHCP (Obligations of Local Permittees) states that within and outside conservation Areas “on parcels approved for Development, the Permittees shall encourage the opportunity to salvage Covered sand-dependent species in accordance with the Implementation Manual.” The DEIR and Biological Assessment Report lack information on the potential for Coachella Valley round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) to occupy the Project site and surrounding

area and appropriate avoidance and minimization measures. The Project site contains CVMSHCP modeled habitat for Coachella Valley round-tailed ground squirrel. To be consistent with CVMSHCP requirements, CDFW recommends that the City include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[D]: Salvage of Sand-Dependent Covered Species

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

Response F-19

The comment has been noted.

Mitigation Measure **BIO-C** has been incorporated into the EIR.

Comment F-20

7. Landscaping

Page ES.3 of the DEIR indicates that 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.” The DEIR lacks additional information on plant species that will be used as part of the landscape plan. CDFW recommends that the DEIR include recommendations regarding landscaping from Section 4.0 of the CVMSHCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>). CDFW also recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California’s Save our Water website: <https://saveourwater.com/>.

Response F-20

The comment has been noted.

The mitigation measure has been incorporated into the EIR.

Comment F-21

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Response F-21

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment F-22

Environmental Document Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response F-22

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment F-23

Conclusion

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for a meaningful review of impacts to biological resources, including a complete assessment of biological resources for special-status plants and burrowing owl. CDFW recommends that a revised DEIR, including a complete assessment of biological resources be recirculated for public comment. The CEQA Guidelines indicate that recirculation is required when insufficient information in the DEIR precludes a meaningful review (§ 15088.5). CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised DEIR.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Response F-23

The comment has been noted.

Mitigation Measure BIO-1 has been incorporated into the EIR.

3.1.7 Comment Letter G: Department of California Highway Patrol

Comment G-1

The California Highway Patrol (CHP), Indio Area, received the "Notice of Completion" of the Environmental document for the proposed project regarding the State Clearinghouse (SCH) number listed above. After review, we have concerns with the potential impact this project could have regarding traffic congestion.

Response G-1

The comment has been noted.

This comment is an introduction acknowledging CHP's receipt and review of the Environmental document and concerns with potential impacts described in the following comments; no revisions or additional analysis are necessary.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment G-2

Our concern relates to the proposed construction of two large warehouse buildings. The first building is estimated to be 1,516,174 square feet in size, with 258 truck trailer docks, four grade doors, and 928 parking spaces. The second building is estimated to be 388,530 square feet in size, with 42 truck trailer docks, two grade doors and 302 parking spaces. The proposed project is located in close proximity to Interstate I 0, which is a major arterial route for commuters and commerce through the Coachella Valley and the State of California. It would be anticipated with the volume of truck trailer docks proposed, commercial traffic would significantly increase in the area of North Indian Canyon Drive and Interstate 10. This project could have a negative impact on CHP operations due to the increased commercial traffic congestion. Specifically, commercial traffic entering and exiting Interstate I Oat North Indian Canyon Drive. The increased traffic could necessitate the need for additional traffic control measures to mitigate the potential increase in traffic crashes within CHP jurisdiction.

Response G-2

The comment has been noted.

This comment expresses general concerns regarding the increase in commercial traffic and the project's potential to increase traffic crashes within the California Highway Patrol (CHP) jurisdiction. The comment does not contain specific issues with the technical analysis. The project's impact on roadway operations, including at Interstate 10 ramp terminals, and related circulation improvements are addressed in the traffic impact analysis attached in **Appendix H** of the Draft EIR, which has also been reviewed by the California Department of Transportation (Caltrans). The traffic analysis found that no traffic improvements are warranted at the Interstate 10 interchange as a result of the proposed project; therefore, the project does not necessitate the need for additional traffic control measures within CHP jurisdiction. The comment does not present any specific issues or evidence contrary to the findings; no revisions or additional analysis are necessary.

Comment G-3

If you have any questions regarding these concerns, please contact me or Lieutenant Kyle Johnson at (760) 772-5300.

Response G-3

The comment has been noted.

This comment acknowledges that Caltrans has revised the Draft EIR. The comment has been noted. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

3.1.8 Comment Letter H: California Department of Transportation District 8

Comment H-1

The California Department of Transportation (Caltrans) Local Development Review (LDR) unit has completed the evaluation of the First Palm Springs Commerce Center Draft EIR.

Response H-1

The comment has been noted.

This comment acknowledges that Caltrans has reviewed the Draft EIR. Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment H-2

The project proposes a Major Development Permit application for a high cube warehouse in two (2) separate buildings. Building 1 equaling 1,516,174-square feet including office space, with 258 truck trailer docks, and 929 parking spaces for cars and trucks. Building 2 equaling 388,530-square feet including office space with 42 truck trailer docks, and 302 parking spaces for cars and trucks. The proposed project will connect to existing infrastructure to provide electricity, water, natural gas and a sanitary sewer line via connections from North Indian Canyon Drive. The project site occupies approximately 91.97 acres west of Indian Canyon Drive and south of 18th Avenue in the northern part of the City of Palm Springs.

Based on the information provided in the Draft EIR and its associated documents, we are submitting the following comments for your consideration:

Response H-2

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment H-3

If applicable, please ensure that the project complies with the standards, designs, and other requirements outlined in Assembly Bill 98.

Response H-3

The comment has been noted.

California Assembly Bill (AB) 98 establishes statewide design and build standards for new or expanded logistics facilities, including warehouses, beginning January 1, 2026. The bill also requires local agencies

to update their General Plan circulation elements by January 1, 2028 to establish truck routes that avoid sensitive areas. AB 98 does not apply to “logistics use” projects that commenced the local entitlement process prior to September 30, 2024, as long as development activity has commenced within 5 years of securing the entitlement approvals. All proposed Project applications had been submitted to the City on.

Comment H-4

The study segments in the TIA include:

7. I-10 EB Ramps (NS) at Garnet Avenue (EW)

8. I-10 WB Ramps (NS) at 20th Avenue (EW)

The following segments should be studied:

I-10 EB Ramps (EW) at Indian Canyon Drive

I-10 WB Ramps (EW) at Indian Canyon Drive (both of them)

Response H-4

The comment has been noted.

This comment incorrectly refers to study intersections #7 and #8 as “segments.” Study intersections #7 & #8 are included in the study area as these freeway off-ramp terminals are controlled by traffic signals, resulting in control delay and Level of Service that can be measured in accordance with the Highway Capacity Manual delay methodology. The “intersections” of I-10 EB Ramps/Indian Canyon Drive and I-10 WB Ramps at Indian Canyon Drive are uncontrolled/free right turn on-ramps. Absent existing traffic controls, the right turn movements to enter the on-ramps are free-flow movements that do not experience control delay were therefore omitted as study intersection for delay/LOS analysis since free flow movements operate at LOS A based on the control delay methodology.

Comment H-5

The following intersections were not evaluated and should be added as study intersections:

I-10 EB Ramps (EW) at Indian Canyon Drive

I-10 WB Ramps (EW) at Indian Canyon Drive (both of them)

Response H-5

The comment has been noted.

This comment incorrectly refers to study intersections #7 and #8 as “segments.” Study intersections #7 & #8 are included in the study area as these freeway off-ramp terminals are controlled by traffic signals, resulting in control delay and Level of Service that can be measured in accordance with the Highway Capacity Manual delay methodology. The “intersections” of I-10 EB Ramps/Indian Canyon Drive and I-10 WB Ramps at Indian Canyon Drive are uncontrolled/free right turn on-ramps. Absent existing traffic controls, the right turn movements to enter the on-ramps are free-flow movements that do not experience control delay were therefore omitted as study intersection for delay/LOS analysis since free flow movements operate at LOS A based on the control delay methodology.

Comment H-6

The total Project Trips assigned in Figure 24 don't add up to the values shown in Table 3 (see below). There should be a total of 263 trips entering driveways at the site; however, there are only 124 (17 + 17 + 17 + 8 + 12 + 14 + 13 + 12 + 14). Furthermore, there are missing trips between Intersections 5 and 6; further illustrating the need to study the I-10 WB on ramp.

Response H-6

The comment has been noted.

There are additional driveways on the west site of Building 1 that would provide access on the future roadway of Indigo Drive. Volumes traveling through these future driveway intersections would consist solely of proposed Project trips and were therefore not labeled as "study intersections"; while these driveways are not illustrated, the full Project trip assignment is accurately accounted for at the off-site study intersections. The proposed Project trip assignment shown on Figure 24 was double checked and determined to accurately show the Project trips based on the following breakdown for proposed Project trips entering the site:

Driveway 10:	17 trips
Driveway 11:	26 trips
Driveway 12:	17 trips
Driveway 13:	8 trips
Driveway 14:	26 trips
Driveway 15:	13 trips
Driveway 16:	12 trips
Driveway 17:	14 trips
Indigo Driveways:	130 trips (see WB left at #9 + WB through at #15)
TOTAL INBOUND TRIPS:	263 trips

The "missing" trips between intersections 5 and 6 would utilize the right-turn only, free-flow WB and EB ramps for the I-10 Freeway at Indian Canyon Drive. While these movements are not illustrated (see response to Comment H-4), the trip assignment is accurately shown at the labeled study intersections.

Comment H-7

The "Other Development Trip Generation" includes the amphitheater trips (1,000+ daily); however, those trips are for special events and not for a typical day.

a. Please remove the trips from the event and revise the analysis.

b. The fair share analysis should be updated accordingly.

Response H-7

The comment has been noted.

In response to this comment, the PM peak hour LOS analysis was re-calculated without amphitheater special events use, thus reducing the PM peak hour trip generation for other developments by 1,000 trips. This scenario does not change the mitigation for either intersection #4 (LOS F without events) or intersection #6 (PM right turn volume still over 400 trips). Based on the fair share analysis shown in Table 12 of the TIA, the proposed Project's fair share is determined as the greater of the AM or PM peak hour percentage. In this case, the Project's fair share is greater during the AM peak hour at both intersections #4 and #6; therefore, since removing the amphitheater special event use only reduces the PM peak hour volumes, the proposed Project fair share calculations contained in the TIA would remain the same.

Comment H-8

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Response H-8

The comment has been noted.

As specified in the TIA, Section 7 (page 64), the analysis assumes standard conditions of approval will require all off-site design to be constructed in accordance with applicable State/Federal standards and preparation of a construction worksite traffic control plan.

Comment H-9

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

*Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
<https://dot.ca.gov/programs/traffic-operations/ep>*

Response H-9

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

Comment H-10

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-925-7520.

Response H-10

The comment has been noted.

Since this comment does not raise any specific issues in relation to the content and adequacy of the Draft EIR, no further response is required.

4.0 REPORT PREPARERS

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