



## CITY COUNCIL STAFF REPORT

DATE: April 3, 2013

PUBLIC HEARING

SUBJECT: GARNET SOLAR POWER GENERATION STATION 1, LLC. FOR AN AMENDMENT TO THE TEXT OF "D" (DESERT) GENERAL PLAN LAND USE DESIGNATION AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 5.0-MEGAWATT SOLAR ENERGY CONVERSION SYSTEM WITH 17,000 PHOTOVOLTAIC PANELS ON APPROXIMATELY 39.7 ACRES AT 5400 NORTH INDIAN CANYON DRIVE.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider a request by Garnet Solar Power Generation Station 1, LLC to amend the General Plan text to allow renewable energy uses within the "D" (Desert) Land Use designation. Additionally, under consideration will be a Conditional Use Permit (CUP) to construct and operate a 5.0-megawatt solar energy conversion system consisting of 17,000 photovoltaic (PV) panels on approximately 39.7 acres of the 134.3-acre located at 5400 North Indian Canyon Drive.

### RECOMMENDATION

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (CASE 5.1252 GPA) TO ALLOW RENEWABLE ENERGY USES WITHIN THE "D" (DESERT) LAND USE DESIGNATION OF THE 2007 CITY OF PALM SPRINGS GENERAL PLAN LAND USE ELEMENT."
3. Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CONDITIONAL USE PERMIT, CASE NO. 5.1252 CUP, FOR THE CONSTRUCTION AND OPERATION OF A 5.0-MEGAWATT SOLAR ENERGY CONVERSION SYSTEM CONSISTING OF 17,000 PHOTOVOLTAIC PANELS ON APPROXIMATELY 39.7 ACRES OF A 134.3-ACRE SITE LOCATED AT 5400 NORTH INDIAN CANYON DRIVE."

ITEM NO. 13

## PRIOR ACTIONS

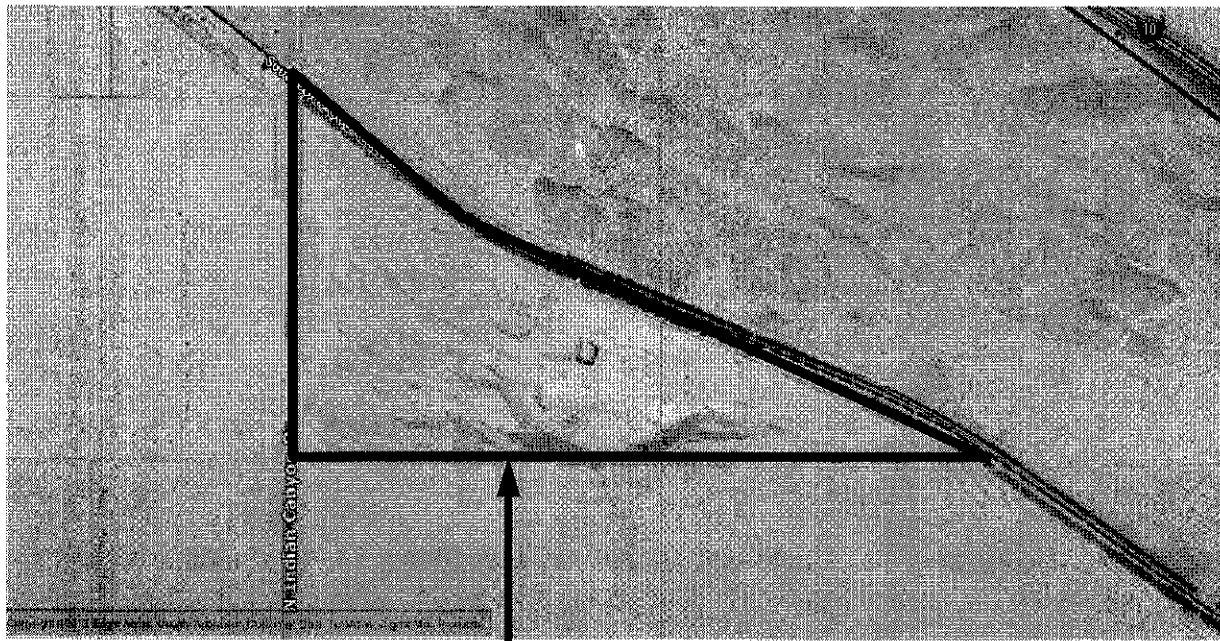
On November 13, 2012, the Architectural Advisory Committee (AAC) reviewed the project and voted 7-0 to recommend approval to the Planning Commission as submitted. The AAC commented that the improvements in front of the site along Indian Canyon Drive should be completed if possible.

On February 13, 2013, the Planning Commission continued the project at the request of the applicant to the date certain meeting of March 13, 2013.

On March 13, 2013, the Planning Commission reviewed the proposed requests and unanimously recommended approval of both applications to the City Council. Additionally, the Planning Commission unanimously voted to recommend that the Council require utility undergrounding as part of the solar project.

## BACKGROUND AND SETTING:

The project site is located on a portion of an active, 134.3 AC aggregate (sand and gravel) quarry that is mined on an as-needed basis. The project site is vacant and situated on an alluvial fan consisting of Aeolian (wind-blown) sand deposits and scattered cobbles, north of the Whitewater River. The project site is sparsely dominated by non-native species, particularly Sahara mustard. Several piles of inert construction debris including concrete, asphalt, and brick are located on the project site. Garnet Hill and the Southern Pacific railway are located north of the project site and the quarry. Indian Canyon Drive, a four to two lane major arterial, is located along the western boundary of the project site. An approximately 35-foot berm is located along the western and southern boundary of the project site.



**OVERALL SITE**

**Table 1: Surrounding Land Uses, Zoning and General Plan Designations**

| Orientation | Land Use                                  | General Plan                              | Zoning   |
|-------------|---|---|--|
| North       | Southern Pacific Railroad and Garnet Hill | Desert and Open Space Mountain            | O-20 (Open Land) and W-M-1-P (Planned Research and Development Park) |
| South       | Vacant Whitewater River                   | Open Space Conservation                   | W (Watercourse) and O (Open Land)                                    |
| East        | Southern Pacific Railroad and Garnet Hill | Desert and Open Space Mountain            | O-20 (Open Land) and W-M-1-P (Planned Research and Development Park) |
| West        | Vacant Whitewater River and Wind Turbines | Open Space Water with Wind Energy Overlay | W (Watercourse)  |

The project includes the construction and operation of a solar power plant on roughly 39.7 acres. The project consists of approximately 17,000 photovoltaic (PV) panel array mounted on single-axis trackers connected to eight 500-kilowatt (kW) power conditioning inverters that can deliver a total of five megawatts (MW) of energy. The single-axis trackers allow the panels to follow the movement of the sun throughout the day. The height of the PV array will be approximately six to seven feet when positioned for solar noon (parallel to the ground). At sunrise and sunset, the panels will be oriented at a 45-degree angle to the ground, bringing the array to a maximum height of approximately 9.5 to 10.5 feet.

**STAFF ANALYSIS:**

*General Plan Amendment*

The site is located within the D (Desert) General Plan land use designation, which is intended to identify areas to be retained to protect natural, scenic and wildlife resources unique to Palm Springs. Solar energy uses are not described as being permitted within this designation. Thus, the applicant seeks to amend the General Plan description of this designation as follows (amendment includes additional underlined text):

***Desert (1 dwelling unit per 10 acres).*** *This designation is intended to identify areas to be retained to protect natural, scenic, and wildlife resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas. Residential development in this area is permitted as long as it does not exceed 1 unit per 10 acres and is incidental to the overall desert use. Cluster development is encouraged to respond to the environmental sensitivity of the area. Other permitted uses in this land use designation include recreational facilities and public facilities that comply with the*

*intent of the goals and policies identified in the General Plan. Where mineral deposits are present or are found within areas designated for Desert land use, mineral extraction is permitted, provided that appropriate buffers are established to minimize conflicts between residential and mining uses and the appropriate environmental analysis has been conducted. Renewable energy uses may also be permitted, if located outside the boundaries of the Palm Springs International Airport Influence Area, and provided the necessary environmental analysis has occurred.*

California Governmental Code, Sections 65350 – 65362, outlines the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff believes the proposed amendment will implement the following:

General Plan Priority:

- ***Establish the City as a leader in efficient use of resources: land, water, and energy.*** Promote energy efficiency and the efficient use of natural resources. Promote the development of alternative energy industries and use of alternative energy sources such as wind and solar in new and existing construction to minimize resource depletion and conserve resources for future generations. (Page 1-12)

General Plan Policies:

- RC8.2 *Support and encourage the use of alternative energy sources, such as cogeneration, solar, wind, ethanol and natural gas, fuel cell technologies, and other alternative and sustainable fuel sources and generating industries to provide more reliability in the supply of electricity to the City and to promote the development of clean, sustainable, and alternative energy industries in the City...*
- RC8.10 *Require appropriate review and environmental clearance of solar generation, cogeneration facilities, mining, and wind energy conversion systems related to commercial uses to ensure proper siting and operation.*
- RC8.13 *Make the maximum use of solar electric capabilities on an individual and community wide basis.*
- CD29.6 *Encourage the use of solar energy systems and energy- and water-conserving appliances.*

The amendment allows the proposed facility at the subject site. In addition, other properties designated Desert in the City will benefit by the amendment. According to the General Plan Buildout Estimates, the Desert designation encompasses roughly 4,305 acres, which includes areas within the City's Sphere of Influence. However, approximately 930 acres of the Desert designation will not benefit by this amendment, as they are within the Airport Influence Area of the Riverside County Airport Land Use

Compatibility Plan<sup>1</sup>; this area is located in the vicinity of Gene Autry Trail, south of Interstate-10 and the railroad.

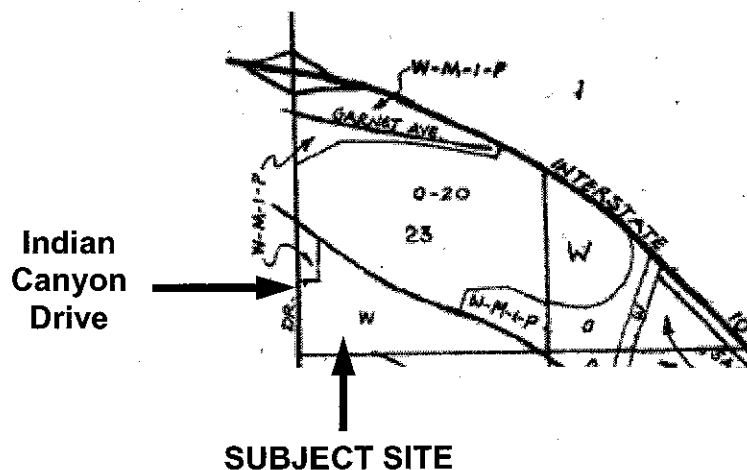
Staff has reviewed the affected areas of the Desert designation and determined that the underlying zones include W (Watercourse), W-M-1-P (Planned Research and Development Park and Watercourse Overlay), O (Open Land), O-5 (Open Land) and HC (Highway Commercial). Solar energy uses, subject to a Conditional Use Permit, are permitted in all of these zones, except HC. The HC zone covers an 80-acre area on the south side of I-10 at the Tipton Road Bridge.

Based on this analysis, nearly 3,300 acres of land in the City limits and City's sphere of influence may benefit from the proposed amendment. A draft resolution of approval is attached to this report.

### *Conditional Use Permit Analysis*

#### *Zoning*

The subject site is split zoned W and W-M-1-P. An excerpt of the zoning map is shown below. Pursuant to Palm Springs Zoning Code (PSZC) Sections 92.20.01(B)(1)(b)(i) and 92.20.01(B)(2)(a)(i), solar energy uses are permitted in the W and W-M-1-P zones, respectively, subject to a Type I Conditional Use Permit (CUP). Type I CUPs are normally approved by the Planning Commission; however, since this project requires an amendment to the General Plan, the CUP cannot be approved by the Planning Commission, but only by the Council.



A small portion at the northwest corner of the site is within the W-M-1-P zone; the remainder is within the W zone. Pursuant to Section 92.20.03 of the PSZC, the property development standards of the underlying zone and Chapter 8.68 (Flood Damage Prevention) apply. No development standards are indicated for properties without an underlying zone. Staff has evaluated the proposed project against the M-1-P

<sup>1</sup> All General Plan Amendments affecting an Airport Influence Area must be reviewed by the Riverside County Airport Land Use Commission (ALUC). The applicant did not wish to have the amendment reviewed by the ALUC, since the proposed project is not located within the Airport Influence Area.

zone development standards in Table 2 below.

**Table 2:** Proposed project compared to M-1-P Zone Development Standards

|                           | <b>M-1-P Zone Requirements</b>  | <b>Proposed Project</b>  |
|---------------------------|---|--|
| Minimum Lot Size          | 60,000 square feet  | 134.3 acres (conforms)   |
| Minimum Lot Width & Depth | 200 feet x 200 feet   | conforms   |
| Maximum Lot Coverage      | No requirement  | conforms   |
| Setbacks                  | Minimum 25 feet from street   | 139 feet   |
| Landscape                 | Front 25 feet to be landscaped  | No landscaping proposed.<br><b>(Does not conform)</b>  |
| Fencing                   | Maximum 4.5 feet high in front & 8 feet side & rear, no chain link in front yards, barbed wire is permitted at alternative energy sites | 8 feet tall chain link surrounding solar array and access road. Fence is setback 92.5 feet from street. (conforms) |
| Building Height           | 40 feet   | 10.5 feet for solar array<br>10 feet for service buildings (conforms)  |
| Outdoor storage           | Adequately screened & enclosed  | conforms   |

*Landscape*

No landscaping is proposed as a part of the project. Staff believes the entry to the site should be enhanced as a part of the project. A condition of approval has been included in the draft resolution requiring the applicant to submit a landscape plan for the site entry and install the landscaping prior to final site inspection.

*Planning Commission Review*

At it March 13, 2013 meeting, the Planning Commission discussed the following items:

- Utility undergrounding. Pursuant to Municipal Code requirements, the applicant is required to relocate an existing utility line underground along Indian Canyon Drive as a part of the solar project. The applicant is seeking deferral of this requirement due to economic constraints. After deliberation, the Commission took a separate action recommending that the Council impose undergrounding for this project (see Engineering Condition No. ENG 37).
- Term of Solar Project. The applicant has requested the allowance of a five year extension of the CUP after the approved twenty-two year term. The Commission recommended approval of this extension (see Planning Condition No. PLN 9).
- Fencing. The Commission requested that the perimeter fencing allow unimpeded movement of wildlife through the site, similar to a requirement imposed on other solar projects in the area (see Planning Condition No. PLN 11).

### *Applicant Requests*

Per the attached letter dated March 20, 2013, the applicant is seeking reconsideration of the following conditions:

- ADM 9 Public Art Fees. The condition requires that the applicant provide public art or payment of a \$4,000 per net acre in-lieu fee.

Based on further investigations by staff, it has been determined that the condition should be modified to require a fee calculation of 1/2 of 1% of the total building valuation for the project, pursuant to Municipal Code requirements.

- ENG 7 Earthen Berm. The condition imposed reflects a mitigation measure requiring that any modification of the westerly berm as a result of construction, will be engineered to California Building Code standards at a 2:1 slope to minimize landslide potential.

Staff is opposed to removing this condition since the project initially described modification of the berm. If no construction or modification of the berm is proposed, then the condition will not apply.

- ENG 37 Undergrounding Adjacent Utilities. As discussed above, the applicant wishes to defer undergrounding the existing overhead utility lines.

Staff supports the Commission's recommendation to require undergrounding the westerly utility line for this project.

- PLN 10 Mining Operation. The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation Plan 129, as approved in 1990, prior to annexation by the City. Should the mining operation deviate from Reclamation Plan 129, the City reserves the right to require a conditional use permit at that time.

The applicant has requested that condition of approval PLN 10 above be modified to state as follows: *"The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan No. 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation No. 129. Nothing in this CUP shall undermine or reduce the land owner's underlying vested mining rights on the property."*

Staff is not in agreement with this request and recommends that the Council accept the original condition of approval as recommended by the Planning Commission. The subject mine site was previously granted approval to operate under Reclamation Plan No. 129 issued by Riverside County. Pursuant to Section 94.02.00(K) of the Palm Springs Zoning Code, an approval issued under a previous

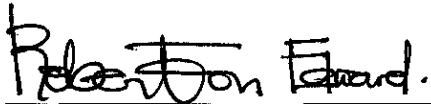
zoning code (e.g. the County Zoning Code) is allowed to continue. Since mining will continue on other portions of the overall site, the reclamation plan will remain active and in effect. Staff agrees that the site may continually operate as a mine, and the solar plant will not interfere with the mining approvals. However, a CUP may be required if the mining operation is determined to be out of compliance with the said reclamation plan. Staff is opposed to this condition modification.

CONCLUSION:

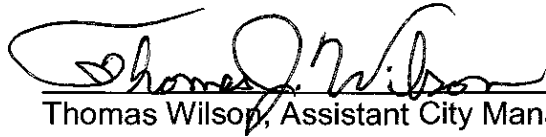
The Planning Commission has recommended approval of the proposed General Plan Amendment and provided favorable findings for the Conditional Use Permit for the proposed solar facility. Staff concurs with all recommendations of the Planning Commission and does not recommend modification or removal of other conditions as requested by the applicant.

FISCAL IMPACT:

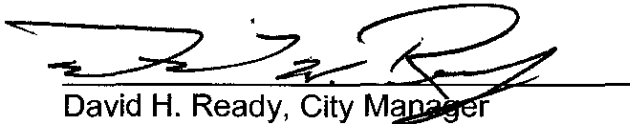
No Fiscal Impact.



Edward O. Robertson  
Principal Planner



Thomas Wilson, Assistant City Manager



David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft City Council Resolution, General Plan Amendment
3. Draft Resolution, Conditional Use Permit
4. Planning Commission Staff Reports
5. Planning Commission Resolution No. 6321
6. Planning Commission Resolution No. 6322
7. Applicant Letter, dated March 20, 2013
8. Applicant Letter, dated February 5, 2013
9. Initial Study / Mitigated Negative Declaration (MND)
10. Site Plan



**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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Date: April 3, 2013


Subject: Case 5.1252 GPA and CUP (5400 North Indian Canyon Drive)

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 23, 2013.


I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on March 21, 2013.


I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 21, 2013, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (30 notices)

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1252 GENERAL PLAN AMENDMENT AND CONDITIONAL USE PERMIT  
GARNET SOLAR POWER GENERATION STATION 1, LLC  
5400 NORTH INDIAN CANYON DRIVE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 3, 2013. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider a request to amend the text of the Palm Springs General Plan Land Use Element to allow renewable energy uses within the "D" (Desert) designation. Additionally, under consideration will be a Conditional Use Permit (CUP) to construct and operate a 5.0-megawatt solar energy conversion system consisting of 17,000 photovoltaic (PV) panels on approximately 39.7 acres of the 134.3-acre site previously used for mining activities.

**ENVIRONMENTAL DETERMINATION:** A Draft Mitigated Negative Declaration was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA) and will be reviewed by the City Council at the hearing.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

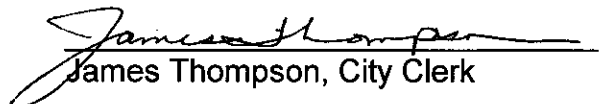
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)).

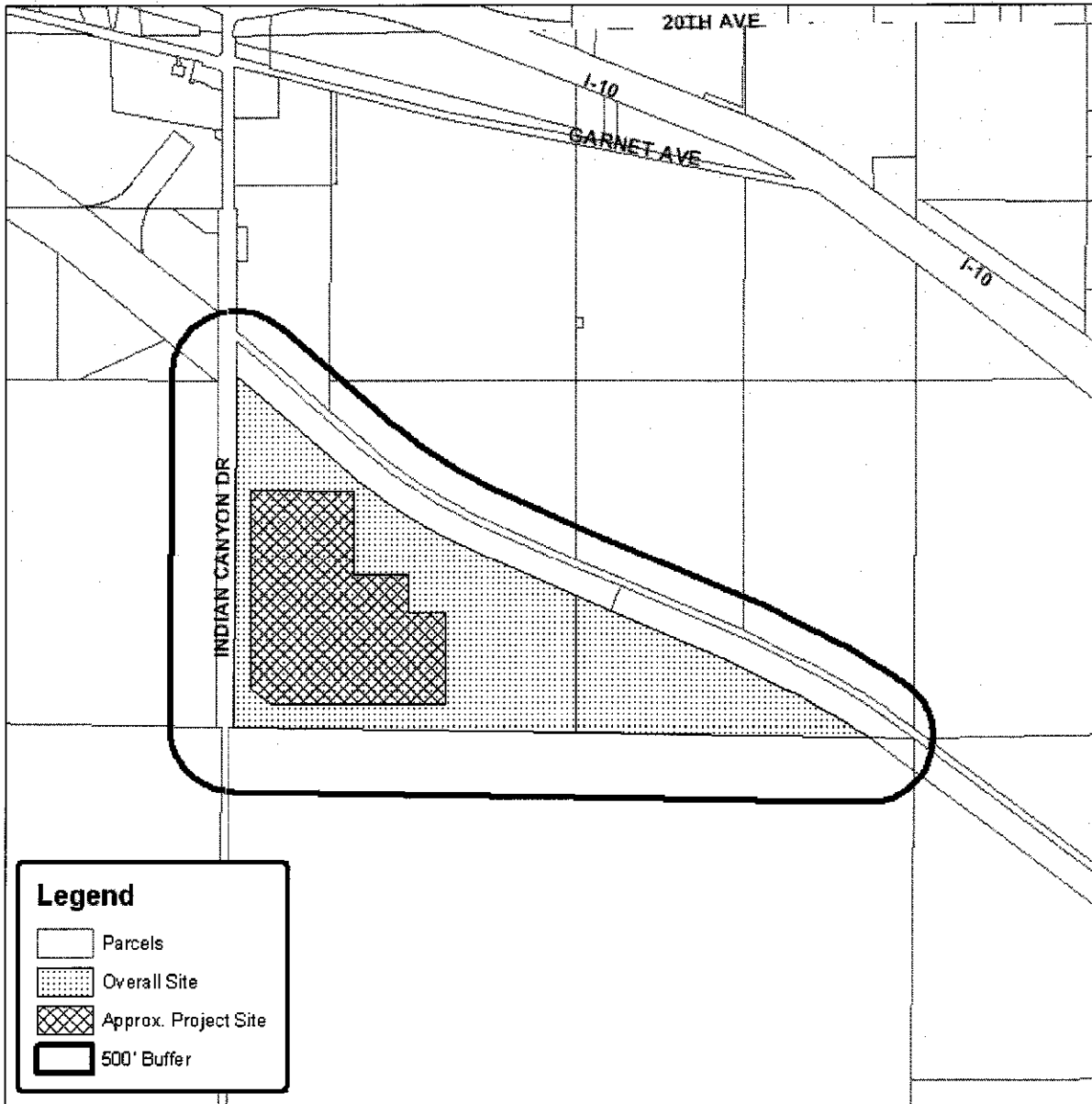
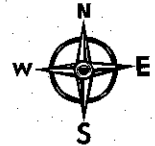
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.

  
James Thompson, City Clerk



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO.:** 5.1252 CUP & GPA

**APPLICANT:** Garnet Solar Power  
Generation Station 1,  
LLC

**DESCRIPTION:** A request to construct and operate 17,000 solar photovoltaic panels on approximately 39.7 acres of a 134.3-acre site located at the Granite Construction mine property at 5400 North Indian Canyon Drive, Zone W & W-M-1-P, Section 23.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (CASE 5.1252 GPA) TO ALLOW RENEWABLE ENERGY USES WITHIN THE "D" (DESERT) LAND USE DESIGNATION OF THE 2007 CITY OF PALM SPRINGS GENERAL PLAN LAND USE ELEMENT.

WHEREAS, the City of Palm Springs adopted its General Plan on October 17, 2008 by resolution 22077; and

WHEREAS, Garnet Solar Power Generation Station 1, LLC ("Applicant") has initiated a General Plan Amendment to the Land Use Element of the 2007 General Plan; specifically, adding the following text to the Desert designation on page 2-11, "...Renewable energy uses are also permitted outside the boundaries of the Palm Springs International Airport Influence Area, provided the necessary environmental analysis has occurred."; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1252 GPA, consisting of a General Plan Amendment to allow renewable energy uses within the Desert Land Use designation was given in accordance with applicable law; and

WHEREAS, on March 13, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on March 13, 2013, the Planning Commission adopted Resolution No. 6321, recommending approval of said General Plan Amendment to the City Council; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1252 GPA, consisting of a General Plan Amendment to allow renewable energy uses within the Desert Land Use designation was given in accordance with applicable law; and

WHEREAS, on April 3, 2013, a public hearing on the application was held by the City Council in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented, including but not limited to the staff report, and all written and oral

testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A Mitigated Negative Declaration (MND) has been completed in compliance with the State CEQA Guidelines. The City Council found that, with the incorporation of mitigation measures, the General Plan Amendment will have a less than significant impact on the environment. The City Council independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Council's independent judgment and analysis.

SECTION 2. The City Council believes the amendment will implement the following:

General Plan Priority:

- ***Establish the City as a leader in efficient use of resources: land, water, and energy.*** Promote energy efficiency and the efficient use of natural resources. Promote the development of alternative energy industries and use of alternative energy sources such as wind and solar in new and existing construction to minimize resource depletion and conserve resources for future generations. (Page 1-12)

General Plan Policies:

- RC8.2 *Support and encourage the use of alternative energy sources, such as cogeneration, solar, wind, ethanol and natural gas, fuel cell technologies, and other alternative and sustainable fuel sources and generating industries to provide more reliability in the supply of electricity to the City and to promote the development of clean, sustainable, and alternative energy industries in the City...*
- RC8.10 *Require appropriate review and environmental clearance of solar generation, cogeneration facilities, mining, and wind energy conversion systems related to commercial uses to ensure proper siting and operation.*
- RC8.13 *Make the maximum use of solar electric capabilities on an individual and community wide basis.*
- CD29.6 *Encourage the use of solar energy systems and energy- and water-conserving appliances.*

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves Case 5.1252 GPA, amending the Desert designation within the Land Use Element of the 2007 General Plan to read as follows:

***Desert (1 dwelling unit per 10 acres).*** This designation is intended to identify areas to be retained to protect natural, scenic, and wildlife

*resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas. Residential development in this area is permitted as long as it does not exceed 1 unit per 10 acres and is incidental to the overall desert use. Cluster development is encouraged to respond to the environmental sensitivity of the area. Other permitted uses in this land use designation include recreational facilities and public facilities that comply with the intent of the goals and policies identified in the General Plan. Where mineral deposits are present or are found within areas designated for Desert land use, mineral extraction is permitted, provided that appropriate buffers are established to minimize conflicts between residential and mining uses and the appropriate environmental analysis has been conducted. Renewable energy uses may also be permitted, if located outside the boundaries of the Palm Springs International Airport Influence Area, and provided the necessary environmental analysis has occurred.*

ADOPTED this 3rd day of April, 2013.

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David H. Ready, City Manager

ATTEST:

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James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CONDITIONAL USE PERMIT, CASE NO. 5.1252 CUP, FOR THE CONSTRUCTION AND OPERATION OF A 5.0-MEGAWATT SOLAR ENERGY CONVERSION SYSTEM CONSISTING OF 17,000 PHOTOVOLTAIC PANELS ON APPROXIMATELY 39.7 ACRES OF A 134.3-ACRE SITE LOCATED AT 5400 NORTH INDIAN CANYON DRIVE.

WHEREAS, Garnet Solar Power Generation Station 1, LLC ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Palm Springs Zoning Code (PSZC) for the construction and operation of a 5.0 Megawatt solar energy production facility on approximately 39.7 acres of a roughly 134.3-acre property located at 5400 North Indian Canyon Drive, W and W-M-1-P Zones, Section 23; and

WHEREAS, the applicant has requested an amendment to the General Plan Land Use Element to allow renewable energy uses within the "D" (Desert) designation; and

WHEREAS, on November 11, 2012, the Architectural Advisory Committee (AAC) voted 7-0 to recommend approval of the project; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit, Case No. 5.1252 CUP, and General Plan Amendment, Case 5.1252 GPA, was given in accordance with applicable law; and

WHEREAS, on March 13, 2013, a public hearing on the applications was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on March 13, 2013, the Planning Commission adopted Resolution No. 6322, recommending approval of said Conditional Use Permit to the City Council; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs to consider the application for Conditional Use Permit, Case No. 5.1252 CUP, and General Plan Amendment, Case 5.1252 GPA, was given in accordance with applicable law; and

WHEREAS, on April 3, 2013, a public hearing on the application was held by the City Council in accordance with applicable law; and



WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented, including but not limited to the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The City Council found that, with the incorporation of mitigation measures, the General Plan Amendment will have a less than significant impact on the environment. The City Council independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Council's independent judgment and analysis.

SECTION 2. Pursuant to Zoning Ordinance Section 94.02.00, the City Council finds that:

- a. *The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by the City Zoning Ordinance.*

The applicant proposes solar collector uses (solar energy conversion systems (SECS)) on an approximately 134.3-acre site in the W and W-M-1-P zones. Pursuant to Sections 92.20.01(B)(1)(b)(i) and 92.20.01(B)(2)(a)(i) of the Zoning Code, solar collector uses are permitted in the W and W-M-1-P zones, respectively, subject to a conditional use permit.

- b. *The use applied for is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed use will augment the production of electrical energy through a renewable source. With the approval of the associated General Plan Amendment, the facility will be in harmony and implement various elements and objectives of the General Plan, including policies RC8.2, RC8.10, RC8.13 and CD29.6. The SECS is consistent with other uses specifically permitted in the W and W-M-1-P zones and others have been approved in the general vicinity of North Palm Springs. Therefore, the proposed use is not likely to be detrimental to existing or future uses permitted in the zones and surrounding areas.

- c. *The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.*

The proposed site is approximately 134 acres in size and the project proposes approximately 39.7 acres of solar collectors. Service roads and auxiliary buildings are proposed in support of the solar collector installation. The project is proposed with perimeter fencing and security lighting that will conform to the City's outdoor lighting ordinance. The solar panels will be located behind a berm and setback from the street approximately ninety feet or more. Therefore, the site for the intended use is considered adequate in size and shape to accommodate the project, including those existing and permitted future uses of land in the area.

- d. *The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The project is designed to provide adequate access to the public streets via an entrance and service drive off Indian Canyon Drive. The use does not produce traffic impacts that would reduce the Level of Service (LOS) for the network of public roads in the vicinity. Therefore, it is anticipated that the type and quantity of traffic generated by the proposed facility will be adequately served by the existing roadways.

- e. *The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.*

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A of this staff report.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the Mitigated Negative Declaration and approves Conditional Use Permit, Case No. 5.1252, for the construction and operation of a 5.0-Megawatt SECS on approximately 39.7 acres of a 134.3-acre property located at 5400 North Indian Canyon Drive, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 3rd day of April, 2013.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

James Thompson, City Clerk  
City of Palm Springs, California

## EXHIBIT A

Case 5.1252 CUP  
Garnet Solar Power Generation Station 1, LLC  
5400 North Indian Canyon Drive

April 3, 2013

### CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

### ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1252 CUP; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped September 27, 2012, including site plans, architectural elevations, exterior materials and colors and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1252 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for

defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. The time limit for commencement of construction under a conditional use permit shall be two (2) years from the effective date of approval.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. ~~The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be \$4,000 per net acre. (For purposes of calculating the fee, net acreage is defined as the land area inclusive of all photo voltaic panels, inverters, transformers and other equipment enclosures, and service roads).~~ The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. In accordance with the mitigation measure B1 included in the Mitigated Negative Declaration adopted for the project: *Prior to issuance of building permits, pursuant to the City of Palm Springs local implementation procedures of the Coachella Valley Multiple Species Habitat Conservation Plan, the project proponent shall pay mitigation fees to the Building and Safety Department to offset potential impacts to special status species and habitat.*
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the mitigated negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment.
- ENV 4. Long Term Soil Stabilization and Dust Control. Those portions of the site that are to be graded, cleared, and grubbed of natural vegetation for the installation of the solar panel structures shall be provided with a long term soil stabilization program acceptable to the City of Palm Springs to control wind borne dust and particulates. This may be either an overlay of gravel at sizes of 3/4" or larger or other equivalent means as approved by the Dust Control Management Division of the City Public Works Department.
- ENV 5. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 6. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.

- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

## **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Site Entry Landscaping. Prior to issuance of building permits, the applicant shall submit a landscape plan to the Planning Department for review and approval. The landscaping and irrigation shall be installed prior to final inspection.
- PLN 2. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan.
- PLN 5. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 8. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 9. Time Limit on Solar Use. This CUP for a solar facility is limited to a twenty-two (22) year term of operation from the date of issuance of building permit. Prior to the expiration of the term, the applicant may request that the Planning Commission extend the term by up to five (5) years. The solar facility shall be decommissioned and removed from the site at the end of the approved term.
- PLN 10. Mining Operation. The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation Plan 129 as approved in 1990, prior to annexation by the City. Should the mining operation deviate from Reclamation Plan 129, the City reserves the right to require a conditional use permit at that time.
- PLN 11. Wildlife Passage. The required fences on-site shall be installed in such a way that will allow unimpeded movement of wildlife through the site.

**POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

**BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

**ENGINEERING DEPARTMENT CONDITIONS**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

**STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.



## N. INDIAN CANYON DRIVE

ENG 2. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

## ON-SITE CONSTRUCTION PHASE

ENG 3. The applicant shall obtain a Union Pacific Railroad (UPRR) right-of-way entry permit or Railroad Agreement for all work done within the UPRR right-of-way. A copy of an approved UPRR right-of-way entry permit or Railroad Agreement shall be provided to the City Engineer prior to the issuance of any permits related to the new waterline and 30 feet wide roadway installation, if the applicant is encroaching into the railroad right-of-way.

ENG 4. Applicant shall be prudent during installation of the new waterline and 30 feet wide roadway, while working in the 60 foot wide Southern California Edison utility easement, as well as the 16.5 foot wide Pacific Telephone & Telegraph Company easement.

ENG 5. The on-site perimeter access roads shall be a minimum of 20 feet wide and be accessible to fire apparatus weighing up to 73,000 pounds in accordance with the fire code.

ENG 6. Construct turn-around areas meeting the requirements of the Fire Marshall and City Engineer, at each of the project entries.

ENG 7. In accordance with Chapter 4.6 (Geology and Soils) of the Initial Study and Mitigated Negative Declaration for the Garnet Solar Power Plant, the earthen berm remaining at the site after construction of the project, will be engineered pursuant to the California Building Code requirements at a 2:1 slope to minimize potential for land sliding.

## ON-SITE OPERATIONAL PHASE

ENG 8. Construction, use, and maintenance of the all of the proposed on-site access roads shall comply with the Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.

## GRADING

ENG 9. The applicant shall employ an environmental consultant whose responsibility shall be to monitor the applicant's compliance with all required mitigation measures associated with the project on behalf of the City Engineer. The environmental consultant shall work independently of the applicant, and shall report to the City Engineer to identify measures satisfied in accordance with the Mitigated Negative Declaration adopted for the project. All applicable

mitigation measures shall be satisfied prior to issuance of a grading permit, or shall be satisfied during the course of construction, (as the case may be), as determined by the City Engineer upon recommendation by the environmental consultant.

ENG 10. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval.

a) A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

b) The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydraulics Study/Report; and a copy of the associated Final Project-Specific Water Quality Management Plan.

ENG 11. In accordance with the mitigation measure A1 included in the Mitigated Negative Declaration adopted for the construction period of the project: *Pursuant to the South Coast Air Quality Management District Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources), the project proponent shall prepare a fugitive dust plan identifying applicable dust suppression measures, including site watering a minimum 3 times a day.*

ENG 12. In accordance with the mitigation measure B2 included in the Mitigated Negative Declaration adopted for the project: *Prior to initiation of site clearing activities between February 1<sup>st</sup> and June 15<sup>th</sup>, a pre-construction survey will*

*be performed within 14 days to identify the presence and location of any nesting bird species. Pre-construction surveys shall be performed within 30-days of site clearing activities initiating between June 16<sup>th</sup> and August 31<sup>st</sup>. Active nests will be protected through use of temporary buffers at an appropriate range to be determined based on the species. Surveys shall be performed by a qualified biologist and the results reported to the City's Planning Services Department and Engineering Department prior to issuance of occupancy permits.*

- ENG 13. In accordance with the mitigation measure C1 included in the Mitigated Negative Declaration adopted for the project: *If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a "unique archaeological resource" as defined in Section 21083.2(g) of the State CEQA Statutes. If this determination is positive, the resource shall be left in place, if determined feasible by the project archeologist. Otherwise, the scientifically consequential information shall be fully recovered by the archeologist. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning the resource(s) is filed with the Planning Services Department and Engineering Department.*
- ENG 14. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 15. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 16. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

- ENG 17. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, temporary dust control perimeter fencing shall be removed, as required by the City Engineer.
- ENG 18. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 19. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. The project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request. This requirement shall apply to the project site only and not to the adjacent mining operations.
- ENG 20. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre of the project site at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 21. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 22. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all

compaction and other soils testing are to be provided. The City will not "final" the project until the required certification is provided to the City Engineer.

- ENG 23. The applicant shall provide pad elevation certifications for all structure pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any structure foundation.
- ENG 24. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

- ENG 25. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 26. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Rough Grading Plan.

- ENG 27. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 28. Prior to issuance of "final" approval by City, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

#### DRAINAGE

- ENG 29. The footprint of the solar arrays shall be small and shall not significantly change the drainage patterns as the site will remain almost completely pervious. A Preliminary Hydrology Study, as well as a Flood Hazard Assessment Report must be completed and approved by the City prior to project entitlement; a HEC-RAS analysis, establishment of the Base Flood Elevation, and delineation of the limits of the 100-year floodway and floodplain along the Whitewater River, shall be included and established in the Flood Hazard Assessment Report. For most of the site, the drainage pattern for a 100-year storm is sheet flow, which is expected to be minimally impacted by the development. There are no water resources, blueline streams, or other drainage channels existing on the project site. The Whitewater River is located about 0.75 miles south of the site; however, the project is not expected to impact the water quality of this river.
- ENG 30. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, concrete channel(s), rip rap, rip rap channel(s), and rip rap berm/levee, may be constructed on the eastern portion of the project area, for additional protection. Any other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for the Garnet Power Generation Station 1 (on that parcel identified by Assessor's Parcel No. 669-

100-001), prepared by KCT Consultants, Inc., as revised on January 14, 2013. Final sizing of all on-site storm drainage improvements shall be determined in the final hydrology study and approved by the City Engineer. Provisions for on-site retention of increased stormwater runoff shall be required.

- ENG 31. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (a) "Anchoring". In accordance with the Code, all structures shall be constructed with foundations adequately anchored to withstand the maximum total scour potential during the 100-year storm.
- ENG 32. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (c)(2) "Non Residential Construction". In accordance with the Code, all mechanical and electrical equipment shall be elevated a minimum of 2 feet above the base flood elevation (BFE); because there is no BFE shown at this location, the BFE shall be determined as shown under Municipal Code Section 83.68.140(c). Natural grade shall be determined as the average grade of native soils surrounding each foundation, not including gravel fill placed around the foundation.
- ENG 33. Construct all necessary on-site storm drain improvements, including but not limited to concrete channel(s), rip rap, rip rap channel(s), and rip rap berm/levee (or other facilities) to protect the east side of the project area from inundation of floodwater in the event of the 100-year storm or greater, as described in a Final Hydrology Study and Flood Hazard Assessment Report for the Garnet Solar Power Generation Station 1 (on that parcel identified by Assessor's Parcel No. 669-100-001), prepared by KCT Consultants, Inc., and reviewed and approved by the City Engineer.
- ENG 34. All on-site storm drain improvements shall be privately maintained.

#### GENERAL

- ENG 35. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt

concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 36. All proposed utility lines shall be installed underground.
- ENG 37. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the west property line and running south from the north property line approximately 2680 feet, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 38. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 39. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 40. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a "final" approval by City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.



- ENG 41. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 42. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.
- a. The project site is located within the Whitewater Floodplain Conservation Area and Required Measure 4 is applicable to this site; required Measure 4 includes Section 4.4 (Required Avoidance, Minimization, and Mitigation Measures) and Section 4.5 (Land Use Adjacency).

#### TRAFFIC

- ENG 43. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 44. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.

#### FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated and received on 9/27/2012. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 3. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire



apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- FID 4. **Fire Department Access:** Minimum width of 24' Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC) along the perimeter and interior roadways.
- FID 5. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 6. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 7. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 8. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.
- FID 9. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 10. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

**END OF CONDITIONS**



CITY OF PALM SPRINGS  
DEPARTMENT OF PLANNING SERVICES  
MEMORANDUM #2

**Date:** March 13, 2013  
**To:** Planning Commission  
**From:** Craig A. Ewing, AICP, Director of Planning Services   
**Case Planner:** David A. Newell, Associate Planner   
**Subject:** Case 5.1252 GPA / CUP – Garnet Solar Power Generation Station 1, LLC.

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Since the Planning Commission packet was completed for the subject project, staff determined that a Conditional Use Permit for the mining operations was non-existent. However, the mine operation was approved by the County through Reclamation Plan No. 129 on October 5, 1990. Subsequently, the City annexed the subject site and surrounding areas and assumed the approvals granted by the County.

As a result staff recommends that the following conditions be included in the draft resolution:

- ADM 7. Time Limit on Approval. The time limit for commencement of construction under a conditional use permit shall be two (2) years from the effective date of approval. ~~Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.~~
- PLN 9. Time Limit on Solar Use. This CUP for a solar facility is limited to a twenty-two (22) year term of operation from the date of issuance of building permit. The solar facility shall be decommissioned and removed from the site at the end of this term.
- PLN 10. Mining Operation. The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation Plan 129 as approved in 1990, prior to annexation by the City. Should the mining operation deviate from Reclamation Plan 129, the City reserves the right to require a conditional use permit at that time.



CITY OF PALM SPRINGS  
DEPARTMENT OF PLANNING SERVICES  
MEMORANDUM

**Date:** March 13, 2013  
**To:** Planning Commission  
**From:** Craig A. Ewing, AICP, Director of Planning Services   
**Case Planner:** David A. Newell, Associate Planner   
**Subject:** Case 5.1252 GPA / CUP – Garnet Solar Power Generation Station 1, LLC.

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At its meeting of February 13, 2013, the Planning Commission continued the subject project at the request of the applicant. No public hearing was held. Staff recommends that the Planning Commission receive a presentation by staff, open the public hearing and take public testimony and recommend approval of the project to the City Council per the attached draft resolution. The full staff report from February 13, 2013 is attached.

At the applicant's request, Planning Department and Engineering / Public Works staff met with the applicant to clarify and discuss the draft conditions. The following key items were discussed:

- **Applicant name.** The staff report incorrectly noted the applicant as Granite Construction Company. The correct name is Garnet Solar Power Generation Station 1, LLC.
- **Temporary use of site.** The applicant noted that the solar project is a temporary use and the solar facility would be decommissioned in the future. Further, they wanted to ensure that the proposed solar facility would not interfere with the mining rights granted under the Riverside County reclamation plan.

The subject mine site was previously granted approval to operate under a Riverside County Conditional Use Permit, which embodies the mentioned reclamation plan. Pursuant to Section 94.02.00(K) of the Palm Springs Zoning Code, a Conditional Use Permit (CUP) issued under a previous zoning code (e.g.

the County Zoning Code) is allowed to continue. Since mining will continue on other portions of the overall site, the CUP will remain active and in effect. Staff agrees that the site may continually operate as a mine, and the solar plant will not interfere with the mining approvals previously granted unless such approvals state otherwise.

- **Landscaping.** Staff is requesting the installation of landscaping at the site entry. The applicant expressed concern with the ability for planting to survive the harsh environment in this area. Staff acknowledged this concern and will review the landscape proposal with the Architectural Advisory Committee to ensure that the proposed design and plant selections will be able to survive the windy environment. (See Planning Department Condition No. PLN 1)
- **Local Development Mitigation Fee (LDMF).** The Multiple Species Habitat Conservation Plan (MSHCP) requires new development to pay a mitigation fee. The applicant believed that the project would be exempt from payment of this fee, pursuant to Section 8.95.110(D) of the Palm Springs Municipal Code. After consultation with the Coachella Valley Conservation Commission, staff determined that the referenced exemption does not apply to this project. The applicant will be required to pay the LDMF as required by the MSHCP and Municipal Code Section 8.95. (See Environmental Assessment Condition No. ENV 1)
- **Utility Undergrounding.** An existing above-ground power line is located on the west side of the subject property. Due to the electrical current size of the lines, the Municipal Code requires that the applicant underground these utility lines; see Engineering Condition No. ENG 37. Due to the unique circumstances related to the power line structure and related economic hardship, the applicant is seeking relief from undergrounding (see letter attached to staff report). Since this is a Municipal Code requirement, staff recommends that the applicant comply with this requirement. (See Engineering Department Condition No. ENG 37)

Staff has made a few minor refinements to the conditions of approval and a new draft resolution has been attached to this memorandum. The changes did affect the draft findings previously prepared in the staff report and draft resolution.

**Attachments:**

1. Revised draft resolution with conditions of approval
2. Planning Commission staff report, dated February 13, 2013



## Planning Commission Staff Report

Date: February 13, 2013

Case No.: 5.1252-GPA / 5.1252-CUP

Application Type: General Plan Amendment and Conditional Use Permit

Location: 5400 North Indian Canyon Drive

Applicant: Granite Construction Company

Zone: W-M-1-P (Planned Research & Development Park with Watercourse Overlay) and W (Watercourse)

General Plan: D (Desert)

APN: 669-100-001 & 669-100-005

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

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### **PROJECT DESCRIPTION:**

The applicant has requested a Conditional Use Permit (CUP) to construct and operate a 5.0-megawatt solar energy conversion system consisting of 17,000 photovoltaic (PV) panels on approximately 39.7 acres of the 134.3-acre site previously used for mining activities. The request also includes an Amendment to the General Plan text to allow renewable energy uses within the "D" (Desert) Land Use designation.

### **RECOMMENDATION:**

That the Planning Commission recommends the City Council:

1. Adopt of the Mitigated Negative Declaration as an adequate environmental document for the proposed project and its associated impacts;
2. Approve Case 5.1252 GPA, an amendment to the General Plan Land Use Element. Specifically, adding the following text to the Desert designation on

page 2-11, "...Renewable energy uses may also be permitted, if located outside the boundaries of the Palm Springs International Airport Influence Area, and provided the necessary environmental analysis has occurred." and

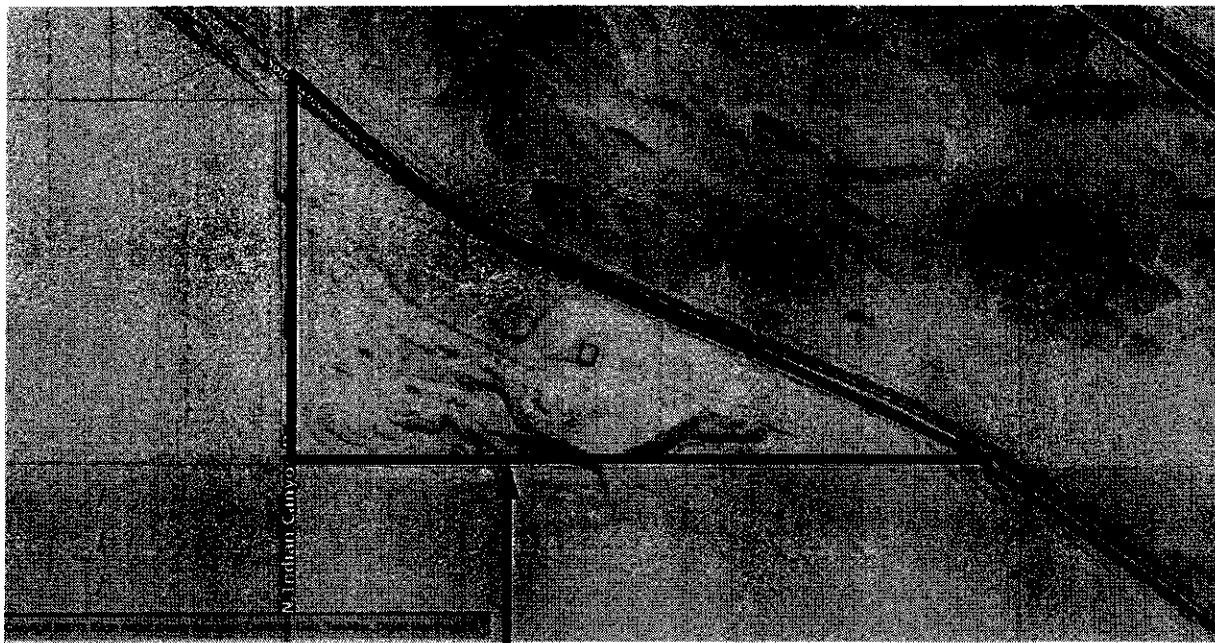
3. Approve Case 5.1252 CUP, a Conditional Use Permit to construct and operate a 5.0-megawatt solar energy conversion system consisting of 17,000 PV panels on approximately 39.7 acres of a 134.3-acre site located at 5400 North Indian Canyon Drive, subject to the conditions in the attached draft resolution.

#### **PRIOR ACTIONS:**

On November 13, 2012, the Architectural Advisory Committee (AAC) reviewed the project and voted 7-0 to recommend approval to the Planning Commission as submitted. The AAC commented that the improvements in front of the site along Indian Canyon Drive should be completed if possible.

#### **BACKGROUND AND SETTING:**

The project site is located on a portion of an active, 134.3 AC aggregate (sand and gravel) quarry that is mined on an as-needed basis. The project site is vacant and situated on an alluvial fan consisting of aeolian (wind-blown) sand deposits and scattered cobbles, north of the Whitewater River. The project site is sparsely dominated by non-native species, particularly Sahara mustard. Several piles of inert construction debris including concrete, asphalt, and brick are located on the project site. Garnet Hill and the Southern Pacific railway are located north of the project site and the quarry. Indian Canyon Drive, a four to two lane major arterial, is located along the western boundary of the project site. An approximately 35-foot berm is located along the western and southern boundary of the project site.



**OVERALL SITE**

**Table 1: Surrounding Land Uses, Zoning and General Plan Designations**

| Orientation | Land Use                                  | General Plan                              | Zoning   |
|-------------|---|---|--|
| North       | Southern Pacific Railroad and Garnet Hill | Desert and Open Space Mountain            | O-20 (Open Land) and W-M-1-P (Planned Research and Development Park) |
| South       | Vacant Whitewater River                   | Open Space Conservation                   | W (Watercourse) and O (Open Land)                                    |
| East        | Southern Pacific Railroad and Garnet Hill | Desert and Open Space Mountain            | O-20 (Open Land) and W-M-1-P (Planned Research and Development Park) |
| West        | Vacant Whitewater River and Wind Turbines | Open Space Water with Wind Energy Overlay | W (Watercourse)  |

**PROJECT DESCRIPTION:**

The project includes the construction and operation of a solar power plant on roughly 39.7 acres. The project consists of approximately 17,000 photovoltaic (PV) panel array mounted on single-axis trackers connected to eight 500-kilowatt (kW) power conditioning inverters that can deliver a total of five megawatts (MW) of energy. The single-axis trackers allow the panels to follow the movement of the sun throughout the day. The height of the PV array will be approximately six to seven feet when positioned for solar noon (parallel to the ground). At sunrise and sunset, the panels will be oriented at a 45-degree angle to the ground, bringing the array to a maximum height of approximately 9.5 to 10.5 feet.

The power inverters will be located around the perimeter of the array in eight-foot tall, 160 square-foot (SF) enclosures with roof mounted heating, ventilation, and air conditioning (HVAC) units. Power inverters convert direct current (DC) electricity into alternating current (AC) electricity. The inverter enclosures will contain four inverters with disconnect, two switchboards, and a transformer. AC electricity will be delivered to a medium voltage switchgear before interconnecting with an existing Southern California Edison (SCE) power-pole located on the east side of Indian Canyon Drive. Interconnection will be made via an underground conduit. The switchgear controls electricity flow and will be housed in a ten-foot tall, 200 SF enclosure located on the western portion of the project site.

A 9.5-foot tall, 480 SF equipment storage enclosure will be located on the eastern portion of the site, near the project entrance, and will house spare parts including replacement PV modules, racking, pipes, and miscellaneous parts. No hazardous materials will be stored on-site.

The project includes construction of a new 30-foot wide all weather access road (aggregate base) within the Granite property. The current access connecting to Indian Canyon Drive to serve the proposed solar plant and the existing, on-site quarry will not be relocated; thus, there will be no construction on Indian Canyon Drive. The current internal access road will be moved to accommodate the project as shown on the site plan. The entrance to the project area will be within the site via a 24-foot wide all weather road that will provide access to all portions of the solar PV array.



A new water main will be connected to an existing Desert Water Agency (DWA) main underlying Indian Canyon Drive. The proposed water main will underlie the new 30-foot internal access roadway and the project will gain service through lateral connection under the proposed access road. Water will be stored in an 8,000-gallon water tank for maintenance and fire protection purposes. The site will be secured with an eight-foot chain link fence and double entry gate.

The project site will require approximately 500,000 cubic yards (CY) of earthwork and will disturb approximately sixty (60) total acres. Soil will primarily be cut from an existing earthen berm around the perimeter of the project site to fill in the interior of the site. Approximately fifteen feet will be cut, leaving an approximate twenty-foot berm to screen views of the project site from the west and south. The PV array will be visible from the Indian Canyon Drive bridge that crosses over the Southern Pacific Railroad north of the project site. The site will slope at one percent to the east. The majority of the project site will remain pervious and stormwater flows will percolate into the soil and no drainage devices are proposed. No new landscaping is proposed.

Operation of the proposed PV array will occur remotely. No permanent on-site employees will be required. Routine maintenance will occur approximately four times a year. The solar plant will be in operation for twenty years under contract with Southern California Edison (SCE).

#### **ANALYSIS FOR THE GENERAL PLAN AMENDMENT:**

The site is located within the D (Desert) General Plan land use designation, which is intended to identify areas to be retained to protect natural, scenic and wildlife resources unique to Palm Springs. Solar energy uses are not described as being permitted within this designation. Thus, the applicant seeks to amend the General Plan description of this designation as follows (amendment includes additional underlined text):

***Desert (1 dwelling unit per 10 acres).** This designation is intended to identify areas to be retained to protect natural, scenic, and wildlife resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas. Residential development in this area is permitted as long as it does not exceed 1 unit per 10 acres and is incidental to the overall desert use. Cluster development is encouraged to respond to the environmental sensitivity of the area. Other permitted uses in this land use designation include recreational facilities and public facilities that comply with the intent of the goals and policies identified in the General Plan. Where mineral deposits are present or are found within areas designated for Desert land use, mineral extraction is permitted, provided that appropriate buffers are established to minimize conflicts between residential and mining uses and the appropriate environmental analysis has been conducted. Renewable energy uses may also be permitted, if located*

outside the boundaries of the Palm Springs International Airport Influence Area, and provided the necessary environmental analysis has occurred.

California Governmental Code, Sections 65350 – 65362, outlines the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff believes the proposed amendment will implement the following:

General Plan Priority:

- **Establish the City as a leader in efficient use of resources: land, water, and energy.** *Promote energy efficiency and the efficient use of natural resources. Promote the development of alternative energy industries and use of alternative energy sources such as wind and solar in new and existing construction to minimize resource depletion and conserve resources for future generations. (Page 1-12)*

General Plan Policies:

- RC8.2 *Support and encourage the use of alternative energy sources, such as cogeneration, solar, wind, ethanol and natural gas, fuel cell technologies, and other alternative and sustainable fuel sources and generating industries to provide more reliability in the supply of electricity to the City and to promote the development of clean, sustainable, and alternative energy industries in the City...*
- RC8.10 *Require appropriate review and environmental clearance of solar generation, cogeneration facilities, mining, and wind energy conversion systems related to commercial uses to ensure proper siting and operation.*
- RC8.13 *Make the maximum use of solar electric capabilities on an individual and community wide basis.*
- CD29.6 *Encourage the use of solar energy systems and energy- and water-conserving appliances.*

The amendment allows the proposed facility at the subject site. In addition, other properties designated Desert in the City will benefit by the amendment. According to the General Plan Buildout Estimates, the Desert designation encompasses roughly 4,305 acres, which includes areas within the City's Sphere of Influence. However, approximately 930 acres of the Desert designation will not benefit by this amendment, as they are within the Airport Influence Area of the Riverside County Airport Land Use Compatibility Plan<sup>1</sup>; this area is located in the vicinity of Gene Autry Trail, south of Interstate-10 and the railroad.

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<sup>1</sup> All General Plan Amendments affecting an Airport Influence Area must be reviewed by the Riverside County Airport Land Use Commission (ALUC). The applicant did not wish to have the amendment reviewed by the ALUC, since the proposed project is not located within the Airport Influence Area.

Staff has reviewed the affected areas of the Desert designation and determined that the underlying zones include W (Watercourse), W-M-1-P (Planned Research and Development Park and Watercourse Overlay), O (Open Land), O-5 (Open Land) and HC (Highway Commercial). Solar energy uses, subject to a Conditional Use Permit, are permitted in all of these zones, except HC. The HC zone covers an 80-acre area on the south side of I-10 at the Tipton Road Bridge.

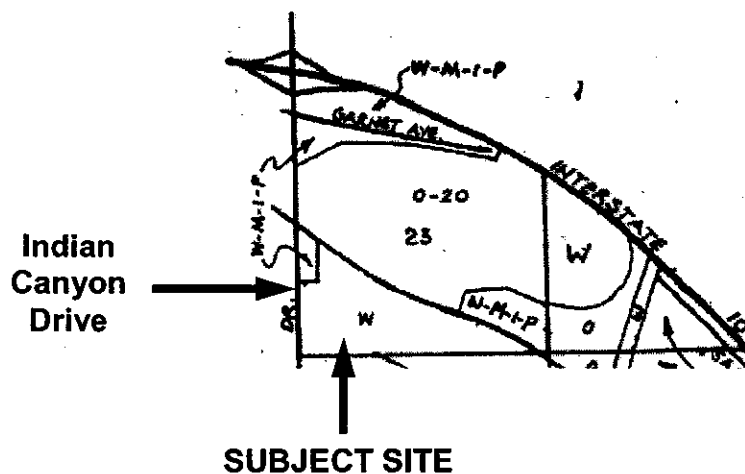
Based on this analysis, nearly 3,300 acres of land in the City limits and City's sphere of influence may benefit from the proposed amendment.

A draft resolution of approval is attached to this report.

### ANALYSIS:

#### Zoning

The subject site is split zoned W and W-M-1-P. An excerpt of the zoning map is shown below. Pursuant to Palm Springs Zoning Code (PSZC) Sections 92.20.01(B)(1)(b)(i) and 92.20.01(B)(2)(a)(i), solar energy uses are permitted in the W and W-M-1-P zones, respectively, subject to a Type I Conditional Use Permit (CUP). Type I CUPs are normally approved by the Planning Commission; however, since this project requires an amendment to the General Plan, the CUP cannot be approved by the Planning Commission, but only by the Council.



A small portion at the northwest corner of the site is within the W-M-1-P zone; the remainder is within the W zone. Pursuant to Section 92.20.03 of the PSZC, the property development standards of the underlying zone and Chapter 8.68 (Flood Damage Prevention) apply. No development standards are indicated for properties without an underlying zone. Staff has evaluated the proposed project against the M-1-P zone development standards in Table 2 below.

**Table 2: Proposed project compared to M-1-P Zone Development Standards**

|                           | <b>M-1-P Zone Requirements</b>  | <b>Proposed Project</b>  |
|---------------------------|---|--|
| Minimum Lot Size          | 60,000 square feet  | 134.3 acres (conforms)   |
| Minimum Lot Width & Depth | 200 feet x 200 feet   | conforms   |
| Maximum Lot Coverage      | No requirement  | conforms   |
| Setbacks                  | Minimum 25 feet from street   | 139 feet   |
| Landscape                 | Front 25 feet to be landscaped  | No landscaping proposed. <b>(Does not conform)</b>   |
| Fencing                   | Maximum 4.5 feet high in front & 8 feet side & rear, no chain link in front yards, barbed wire is permitted at alternative energy sites | 8 feet tall chain link surrounding solar array and access road. Fence is setback 92.5 feet from street. (conforms) |
| Building Height           | 40 feet   | 10.5 feet for solar array<br>10 feet for service buildings (conforms)  |
| Outdoor storage           | Adequately screened & enclosed  | conforms   |

*Fencing*

For security reasons, the applicant proposes eight-foot tall chain link fences at the entire perimeter of the solar array area. The M-1-P zone allows fences and walls up to eight feet in height in side and rear yards. Sections 93.02.00(A) of the Zoning Code allows the approval of eight foot fences at the front and side front if it is deemed that there are hazards on the site that warrant the additional height to protect the public. The potential hazard caused by the proposed electrical equipment and the need for security on the site warrant the proposed fencing.

*Parking*

Parking standards are regulated by Section 93.06.00 of the City's Zoning Code. There is no specific quantity of off-street parking prescribed for energy uses. The proposed project has no permanent employees on site; however, periodic service and maintenance vehicles and workers will access the site and will use the proposed compacted gravel service roads to access all the panels for routine cleaning, inspection, repair and maintenance.

*Architecture*

The equipment enclosures are simple painted steel structures. There are no habitable buildings proposed on the site.

*Landscape*

No landscaping is proposed as a part of the project. Staff believes the entry to the site should be enhanced as a part of the project. A condition of approval has been included in the draft resolution requiring the applicant to submit a landscape plan for the site entry and install the landscaping prior to final site inspection.

## REQUIRED FINDINGS:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

- 1) *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

The applicant proposes solar collector uses (solar energy conversion systems (SECS)) on an approximately 134.3-acre site in the W and W-M-1-P zones. Pursuant to Sections 92.20.01(B)(1)(b)(i) and 92.20.01(B)(2)(a)(i) of the Zoning Code, solar collector uses are permitted in the W and W-M-1-P zones, respectively, subject to a conditional use permit.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed use will augment the production of electrical energy through a renewable source. With the approval of the associated General Plan Amendment, the facility will be in harmony and implement various elements and objectives of the General Plan, including policies RC8.2, RC8.10, RC8.13 and CD29.6. The SECS is consistent with other uses specifically permitted in the W and W-M-1-P zones and others have been approved in the general vicinity of North Palm Springs. Therefore, the proposed use is not likely to be detrimental to existing or future uses permitted in the zones and surrounding areas.

- 3) *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*

The proposed site is approximately 134 acres in size and the project proposes approximately 39.7 acres of solar collectors. Service roads and auxiliary buildings are proposed in support of the solar collector installation. The project is proposed with perimeter fencing and security lighting that will conform to the City's outdoor lighting ordinance. The solar panels will be located behind a berm and setback from the street approximately ninety feet or more. Therefore, the site for the intended use is considered adequate in size and shape to accommodate the project, including those existing and permitted future uses of land in the area.

- 4) *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The project is designed to provide adequate access to the public streets via an entrance

and service drive off Indian Canyon Drive. The use does not produce traffic impacts that would reduce the Level of Service (LOS) for the network of public roads in the vicinity. Therefore, it is anticipated that the type and quantity of traffic generated by the proposed facility will be adequately served by the existing roadways.

5) *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

*Such conditions may include:*

- i. Regulation of use,*
- ii. Special yards, space and buffers,*
- iii. Fences and walls,*
- iv. Surfacing of parking areas subject to city specifications,*
- v. Requiring street, service road or alley dedications and improvements or appropriate bonds,*
- vi. Regulation of points of vehicular ingress and egress,*
- vii. Regulation of signs,*
- viii. Requiring landscaping and maintenance thereof,*
- ix. Requiring maintenance of the grounds,*
- x. Regulation of noise, vibration, odors, etc.,*
- xi. Regulation of time for certain activities,*
- xii. Time period within which the proposed use shall be developed,*
- xiii. Duration of use,*
- xiv. Dedication of property for public use,*
- xv. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A of this staff report.

#### **CONCLUSION:**

Staff believes that the proposed General Plan Amendment to allow renewable energy uses in the Desert Land Use designation will assist in meeting the purpose, goals and policies of the General Plan. Additionally, the proposed solar energy conversion system is consistent with the Zoning Code and is recommended for approval by the AAC. The project is consistent with the findings for a Conditional Use Permit. Furthermore, the facility will contribute to the City's growing number of alternative energy industries and provide an additional source of renewable electrical energy generation for the region.

#### **ENVIRONMENTAL DETERMINATION:**

This CUP application is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City has evaluated the project under CEQA

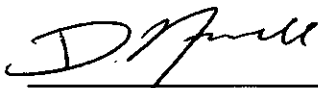
Guidelines and a Mitigated Negative Declaration has been prepared and circulated for a 20-day public comment period. The one comment received was from the Riverside County Airport Land Use Commission (ALUC), which noted that the General Plan Amendment would require approval by the ALUC. The Amendment has since been modified as shown in this report and will no longer require approval from the ALUC.

No comments have been received that would necessitate recirculation of the environmental analysis. Staff believes the analysis is a complete description of the project and its potential adverse impacts. The recommended Mitigation Measures are anticipated to reduce any potentially significant impacts to less than significant levels. The Initial Study and Mitigated Negative Declaration are attached to this report.

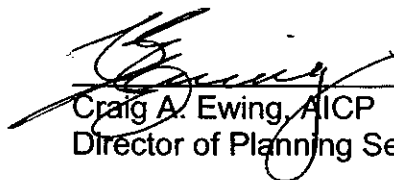
**NOTIFICATION:**

Noticing to Native American Tribal governments relative to California SB 18 was made in accordance with State law. At the request of the Agua Caliente Band of Cahuilla Indians, staff consulted with their Tribal Historic Preservation Office on the proposed amendment to the General Plan.

A notice was mailed to all property owners within a four hundred foot radius. As of the writing of this report, no correspondence from the public has been received by staff.



David A. Newell  
Associate Planner



Craig A. Ewing, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Draft Resolution of Approval for GPA
3. Draft Resolution of Approval for CUP
4. Exhibit A: Conditions of Approval
5. Reduced Plans (Site, Conceptual Grading, Site Sections, Equipment Details)
6. Letter from Applicant – Hanwha Solar Energy America
7. Letter from Applicant – MIG | Hogle-Ireland
8. Initial Study / Mitigated Negative Declaration

RESOLUTION NO. 6321

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CASE 5.1252 GPA, A GENERAL PLAN AMENDMENT TO ALLOW RENEWABLE ENERGY USES WITHIN THE "D" (DESERT) LAND USE DESIGNATION OF THE 2007 PALM SPRINGS GENERAL PLAN LAND USE ELEMENT.

WHEREAS, the City of Palm Springs adopted its General Plan on October 17, 2008 by resolution 22077; and

WHEREAS, Garnet Solar Power Generation Station 1, LLC ("Applicant") has initiated a General Plan Amendment to the Land Use Element of the 2007 General Plan; specifically, adding the following text to the Desert designation on page 2-11, "...Renewable energy uses are also permitted outside the boundaries of the Palm Springs International Airport Influence Area, provided the necessary environmental analysis has occurred."; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1252 GPA, consisting of a General Plan Amendment to allow renewable energy uses within the Desert Land Use designation was given in accordance with applicable law; and

WHEREAS, on March 13, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented, including but not limited to the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission found that, with the incorporation of mitigation measures, the General Plan Amendment will have a less than significant impact on the environment. The Planning Commission independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Planning Commission's independent judgment and analysis.



Section 2: The Planning Commission believes the amendment will implement the following:

General Plan Priority:

- ***Establish the City as a leader in efficient use of resources: land, water, and energy.*** Promote energy efficiency and the efficient use of natural resources. Promote the development of alternative energy industries and use of alternative energy sources such as wind and solar in new and existing construction to minimize resource depletion and conserve resources for future generations. (Page 1-12)

General Plan Policies:

- RC8.2 *Support and encourage the use of alternative energy sources, such as cogeneration, solar, wind, ethanol and natural gas, fuel cell technologies, and other alternative and sustainable fuel sources and generating industries to provide more reliability in the supply of electricity to the City and to promote the development of clean, sustainable, and alternative energy industries in the City...*
- RC8.10 *Require appropriate review and environmental clearance of solar generation, cogeneration facilities, mining, and wind energy conversion systems related to commercial uses to ensure proper siting and operation.*
- RC8.13 *Make the maximum use of solar electric capabilities on an individual and community wide basis.*
- CD29.6 *Encourage the use of solar energy systems and energy- and water-conserving appliances.*

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approve Case 5.1252 GPA, amending the Desert designation within the Land Use Element of the 2007 General Plan to read as follows:

***Desert (1 dwelling unit per 10 acres).*** This designation is intended to identify areas to be retained to protect natural, scenic, and wildlife resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas. Residential development in this area is permitted as long as it does not exceed 1 unit per 10 acres and is incidental to the overall desert use. Cluster development is encouraged to respond to the environmental sensitivity of the area. Other permitted uses in this land use designation include recreational facilities and public facilities that comply with the intent of the goals and policies identified in the General Plan. Where mineral deposits are present or are found within areas designated for

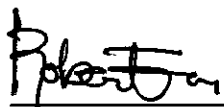
*Desert land use, mineral extraction is permitted, provided that appropriate buffers are established to minimize conflicts between residential and mining uses and the appropriate environmental analysis has been conducted. Renewable energy uses may also be permitted, if located outside the boundaries of the Palm Springs International Airport Influence Area, and provided the necessary environmental analysis has occurred.*

ADOPTED this 13th day of March 2013.

AYES: 4, Weremuik, Vice Chair Hudson, Roberts, Chair Donenfeld  
NOES: None  
ABSENT: 3, Calerdine, Klatchko, Munger  
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



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Edward O. Robertson  
Principal Planner

RESOLUTION NO. 6322

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT, CASE NO. 5.1252 CUP, FOR THE CONSTRUCTION AND OPERATION OF A 5.0-MEGAWATT SOLAR ENERGY CONVERSION SYSTEM CONSISTING OF 17,000 PHOTOVOLTAIC PANELS ON APPROXIMATELY 39.7 ACRES OF A 134.3-ACRE SITE LOCATED AT 5400 NORTH INDIAN CANYON DRIVE.

WHEREAS, Garnet Solar Power Generation Station 1, LLC ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Palm Springs Zoning Code (PSZC) for the construction and operation of a 5.0 Megawatt solar energy production facility on approximately 39.7 acres of a roughly 134.3-acre property located at 5400 North Indian Canyon Drive, W and W-M-1-P Zones, Section 23; and

WHEREAS, the applicant has requested an amendment to the General Plan Land Use Element to allow renewable energy uses within the "D" (Desert) designation; and

WHEREAS, on November 11, 2012, the Architectural Advisory Committee (AAC) voted 7-0 to recommend approval of the project; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit, Case No. 5.1252 CUP, and General Plan Amendment, Case 5.1252 GPA, was given in accordance with applicable law; and

WHEREAS, on March 13, 2013, a public hearing on the applications was held by the Planning Commission in accordance with applicable law; and

WHEREAS, a Mitigated Negative Declaration has been prepared for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines and that the Planning Commission hereby recommends to the City Council adoption of said Mitigated Negative Declaration as an adequate and complete assessment of the potential environmental impacts of the project; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission found that, with the incorporation of mitigation measures, the General Plan Amendment will have a less than significant impact on the environment. The Planning Commission independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Planning Commission's independent judgment and analysis.

Section 2: Pursuant to Zoning Ordinance Section 94.02.00, the Planning Commission finds that:

- a. *The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by the City Zoning Ordinance.*

The applicant proposes solar collector uses (solar energy conversion systems (SECS)) on an approximately 134.3-acre site in the W and W-M-1-P zones. Pursuant to Sections 92.20.01(B)(1)(b)(i) and 92.20.01(B)(2)(a)(i) of the Zoning Code, solar collector uses are permitted in the W and W-M-1-P zones, respectively, subject to a conditional use permit.

- b. *The use applied for is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed use will augment the production of electrical energy through a renewable source. With the approval of the associated General Plan Amendment, the facility will be in harmony and implement various elements and objectives of the General Plan, including policies RC8.2, RC8.10, RC8.13 and CD29.6. The SECS is consistent with other uses specifically permitted in the W and W-M-1-P zones and others have been approved in the general vicinity of North Palm Springs. Therefore, the proposed use is not likely to be detrimental to existing or future uses permitted in the zones and surrounding areas.

- c. *The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.*

The proposed site is approximately 134 acres in size and the project proposes approximately 39.7 acres of solar collectors. Service roads and auxiliary buildings are proposed in support of the solar collector installation. The project is proposed with perimeter fencing and security lighting that will conform to the City's outdoor lighting ordinance. The solar panels will be located behind a berm and setback from

the street approximately ninety feet or more. Therefore, the site for the intended use is considered adequate in size and shape to accommodate the project, including those existing and permitted future uses of land in the area.

*d. The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The project is designed to provide adequate access to the public streets via an entrance and service drive off Indian Canyon Drive. The use does not produce traffic impacts that would reduce the Level of Service (LOS) for the network of public roads in the vicinity. Therefore, it is anticipated that the type and quantity of traffic generated by the proposed facility will be adequately served by the existing roadways.

*e. The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.*

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A of this staff report.

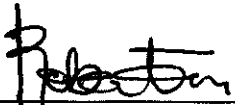
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and approve Conditional Use Permit, Case No. 5.1252, for the construction and operation of a 5.0-Megawatt SECS on approximately 39.7 acres of a 134.3-acre property located at 5400 North Indian Canyon Drive, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 13<sup>th</sup> day of March 2013.

AYES: 4, Roberts, Vice Chair Hudson, Weremuik, Chair Donenfeld  
NOES: None  
ABSENT: 3, Calerdine, Klatchko, Munger  
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Edward O. Robertson  
Principal Planner

RESOLUTION NO. 6322

**EXHIBIT A**

Case 5.1252 CUP  
Garnet Solar Power Generation Station 1, LLC  
5400 North Indian Canyon Drive

March 13, 2013

**CONDITIONS OF APPROVAL**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1252 CUP; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped September 27, 2012, including site plans, architectural elevations, exterior materials and colors and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1252 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City

of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. The time limit for commencement of construction under a conditional use permit shall be two (2) years from the effective date of approval.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be \$4,000 per net acre. (For purposes of calculating the fee, net acreage is defined as the land area inclusive of all photo voltaic panels, inverters, transformers and other equipment enclosures, and service roads). Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. In accordance with the mitigation measure B1 included in the Mitigated Negative Declaration adopted for the project: *Prior to issuance of building permits, pursuant to the City of Palm Springs local implementation procedures of the Coachella Valley Multiple Species Habitat Conservation Plan, the project proponent shall pay mitigation fees to the Building and Safety Department to offset potential impacts to special status species and habitat.*
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the mitigated negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment.
- ENV 4. Long Term Soil Stabilization and Dust Control. Those portions of the site that are to be graded, cleared, and grubbed of natural vegetation for the installation of the solar panel structures shall be provided with a long term soil stabilization program acceptable to the City of Palm Springs to control wind borne dust and particulates. This may be either an overlay of gravel at sizes of 3/4" or larger or other equivalent means as approved by the Dust Control Management Division of the City Public Works Department.
- ENV 5. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 6. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.



- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

## **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Site Entry Landscaping. Prior to issuance of building permits, the applicant shall submit a landscape plan to the Planning Department for review and approval. The landscaping and irrigation shall be installed prior to final inspection.
- PLN 2. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan.
- PLN 5. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 8. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 9. Time Limit on Solar Use. This CUP for a solar facility is limited to a twenty-two (22) year term of operation from the date of issuance of building permit. Prior to the expiration of the term, the applicant may request that the Planning Commission extend the term by up to five (5) years. The solar facility shall be decommissioned and removed from the site at the end of the approved term.
- PLN 10. Mining Operation. The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation Plan 129 as approved in 1990, prior to annexation by the City. Should the mining operation deviate from Reclamation Plan 129, the City reserves the right to require a conditional use permit at that time.
- PLN 11. Wildlife Passage. The required fences on-site shall be installed in such a way that will allow unimpeded movement of wildlife through the site.

#### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

#### **BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

#### **ENGINEERING DEPARTMENT CONDITIONS**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

#### **STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

## N. INDIAN CANYON DRIVE

- ENG 2. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

## ON-SITE CONSTRUCTION PHASE

- ENG 3. The applicant shall obtain a Union Pacific Railroad (UPRR) right-of-way entry permit or Railroad Agreement for all work done within the UPRR right-of-way. A copy of an approved UPRR right-of-way entry permit or Railroad Agreement shall be provided to the City Engineer prior to the issuance of any permits related to the new waterline and 30 feet wide roadway installation, if the applicant is encroaching into the railroad right-of-way.
- ENG 4. Applicant shall be prudent during installation of the new waterline and 30 feet wide roadway, while working in the 60 foot wide Southern California Edison utility easement, as well as the 16.5 foot wide Pacific Telephone & Telegraph Company easement.
- ENG 5. The on-site perimeter access roads shall be a minimum of 20 feet wide and be accessible to fire apparatus weighing up to 73,000 pounds in accordance with the fire code.
- ENG 6. Construct turn-around areas meeting the requirements of the Fire Marshall and City Engineer, at each of the project entries.
- ENG 7. In accordance with Chapter 4.6 (Geology and Soils) of the Initial Study and Mitigated Negative Declaration for the Garnet Solar Power Plant, the earthen berm remaining at the site after construction of the project, will be engineered pursuant to the California Building Code requirements at a 2:1 slope to minimize potential for land sliding.

## ON-SITE OPERATIONAL PHASE

- ENG 8. Construction, use, and maintenance of the all of the proposed on-site access roads shall comply with the Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.

## GRADING

- ENG 9. The applicant shall employ an environmental consultant whose responsibility shall be to monitor the applicant's compliance with all required mitigation measures associated with the project on behalf of the City Engineer. The environmental consultant shall work independently of the applicant, and shall report to the City Engineer to identify measures satisfied in accordance with the Mitigated Negative Declaration adopted for the project. All applicable

mitigation measures shall be satisfied prior to issuance of a grading permit, or shall be satisfied during the course of construction, (as the case may be), as determined by the City Engineer upon recommendation by the environmental consultant.

ENG 10. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval.

a) A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

b) The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydraulics Study/Report; and a copy of the associated Final Project-Specific Water Quality Management Plan.

ENG 11. In accordance with the mitigation measure A1 included in the Mitigated Negative Declaration adopted for the construction period of the project: *Pursuant to the South Coast Air Quality Management District Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources), the project proponent shall prepare a fugitive dust plan identifying applicable dust suppression measures, including site watering a minimum 3 times a day.*

ENG 12. In accordance with the mitigation measure B2 included in the Mitigated Negative Declaration adopted for the project: *Prior to initiation of site clearing activities between February 1<sup>st</sup> and June 15<sup>th</sup>, a pre-construction survey will*

*be performed within 14 days to identify the presence and location of any nesting bird species. Pre-construction surveys shall be performed within 30-days of site clearing activities initiating between June 16<sup>th</sup> and August 31<sup>st</sup>. Active nests will be protected through use of temporary buffers at an appropriate range to be determined based on the species. Surveys shall be performed by a qualified biologist and the results reported to the City's Planning Services Department and Engineering Department prior to issuance of occupancy permits.*

- ENG 13. In accordance with the mitigation measure C1 included in the Mitigated Negative Declaration adopted for the project: *If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a "unique archaeological resource" as defined in Section 21083.2(g) of the State CEQA Statutes. If this determination is positive, the resource shall be left in place, if determined feasible by the project archeologist. Otherwise, the scientifically consequential information shall be fully recovered by the archeologist. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning the resource(s) is filed with the Planning Services Department and Engineering Department.*
- ENG 14. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 15. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 16. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

- ENG 17. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, temporary dust control perimeter fencing shall be removed, as required by the City Engineer.
- ENG 18. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 19. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. The project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request. This requirement shall apply to the project site only and not to the adjacent mining operations.
- ENG 20. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre of the project site at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 21. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 22. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all

compaction and other soils testing are to be provided. The City will not "final" the project until the required certification is provided to the City Engineer.

- ENG 23. The applicant shall provide pad elevation certifications for all structure pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any structure foundation.
- ENG 24. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

- ENG 25. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 26. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Rough Grading Plan.

- ENG 27. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 28. Prior to issuance of "final" approval by City, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

#### DRAINAGE

- ENG 29. The footprint of the solar arrays shall be small and shall not significantly change the drainage patterns as the site will remain almost completely pervious. A Preliminary Hydrology Study, as well as a Flood Hazard Assessment Report must be completed and approved by the City prior to project entitlement; a HEC-RAS analysis, establishment of the Base Flood Elevation, and delineation of the limits of the 100-year floodway and floodplain along the Whitewater River, shall be included and established in the Flood Hazard Assessment Report. For most of the site, the drainage pattern for a 100-year storm is sheet flow, which is expected to be minimally impacted by the development. There are no water resources, blueline streams, or other drainage channels existing on the project site. The Whitewater River is located about 0.75 miles south of the site; however, the project is not expected to impact the water quality of this river.
- ENG 30. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, concrete channel(s), rip rap, rip rap channel(s), and rip rap berm/levee, may be constructed on the eastern portion of the project area, for additional protection. Any other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for the Garnet Power Generation Station 1 (on that parcel identified by Assessor's Parcel No. 669-



100-001), prepared by KCT Consultants, Inc., as revised on January 14, 2013. Final sizing of all on-site storm drainage improvements shall be determined in the final hydrology study and approved by the City Engineer. Provisions for on-site retention of increased stormwater runoff shall be required.

- ENG 31. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (a) "Anchoring". In accordance with the Code, all structures shall be constructed with foundations adequately anchored to withstand the maximum total scour potential during the 100-year storm.
- ENG 32. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (c)(2) "Non Residential Construction". In accordance with the Code, all mechanical and electrical equipment shall be elevated a minimum of 2 feet above the base flood elevation (BFE); because there is no BFE shown at this location, the BFE shall be determined as shown under Municipal Code Section 83.68.140(c). Natural grade shall be determined as the average grade of native soils surrounding each foundation, not including gravel fill placed around the foundation.
- ENG 33. Construct all necessary on-site storm drain improvements, including but not limited to concrete channel(s), rip rap, rip rap channel(s), and rip rap berm/levee (or other facilities) to protect the east side of the project area from inundation of floodwater in the event of the 100-year storm or greater, as described in a Final Hydrology Study and Flood Hazard Assessment Report for the Garnet Solar Power Generation Station 1 (on that parcel identified by Assessor's Parcel No. 669-100-001), prepared by KCT Consultants, Inc., and reviewed and approved by the City Engineer.
- ENG 34. All on-site storm drain improvements shall be privately maintained.

#### GENERAL

- ENG 35. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt

concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 36. All proposed utility lines shall be installed underground.

ENG 37. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the west property line and running south from the north property line approximately 2680 feet, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

ENG 38. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 39. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

ENG 40. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a "final" approval by City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

- ENG 41. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 42. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.
- a. The project site is located within the Whitewater Floodplain Conservation Area and Required Measure 4 is applicable to this site; required Measure 4 includes Section 4.4 (Required Avoidance, Minimization, and Mitigation Measures) and Section 4.5 (Land Use Adjacency).

#### TRAFFIC

- ENG 43. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 44. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.

#### FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated and received on 9/27/2012. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 3. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire

apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- FID 4. **Fire Department Access:** Minimum width of 24' Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC) along the perimeter and interior roadways.
- FID 5. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 6. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 7. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 8. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.
- FID 9. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 10. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

**END OF CONDITIONS**



RECEIVED

MAR 20 2013

PLANNING SERVICES DEPARTMENT

Via Electronic Delivery  
March 20, 2013

David Newell  
Associate Planner  
Planning Staff  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262

**RE:** Garnet Solar Power Generation Station 1, LLC, Case No. 5.1252 C.U.P and GPA;  
Comments on the Conditions of Approval for City Council -- Staff Report

Mr. Newell:

The Garnet Solar project is now on the April 3, 2013 agenda for the City Council. The staff will file the Conditions of Approval (COAs) as recommended by the Planning Commission on March 13, 2013 for the Garnet Solar project.

We believe the Council should *reconsider* four proposed Conditions of Approval, as presented in the March 13<sup>th</sup> staff report and recommended by the Planning Commission:

**ADM 9 – Public Arts Fees.** "... subject to Chapters 2.24 & 3.37 of the Municipal Code ...In case of the in-lieu fee, the fee shall be \$4,000.00 per acre..."

*The Applicant seeks clarification.*

The Applicant has *no objection* to the payment of the fee. However, we do not believe the Condition correctly states the basis for calculating the fee.

Our reading of the above Code references finds:

"The program allocation, as used in this chapter, is the percentage of the building cost which is set aside for the city's public arts program. The total building valuation shall be computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) unless, in the opinion of the building official, a different valuation measure more accurately represents the value of the building. Excluding land acquisition and off-site improvement costs, the program allocation shall be an amount equal to the percentage of the total building valuation for an applicable project, as listed herein:

- (1) *One-half of one percent for new commercial and industrial construction;*" (emphasis added)

We did not find a code reference to support a different basis for calculating the fee. We believe the Condition should be modified to reflect One-half of one percent as the basis for calculating the fee.

**ENG 7** – "... the earthen berm remaining at the site ... will be engineered .... at a 2:1 slope to minimize potential for land sliding."

**This Condition should be removed.**

The berm addressed in this Condition is under the jurisdiction of the Reclamation Plan for the mining site. The project does not propose to alter the berm for its site construction nor is the berm part of the project site plan. The berm will not be affected by the solar facility. Enclosed is the most recent Reclamation Plan drawing for the mining site, dated April 4, 2003 as an update to the Original 1990 Reclamation Plan drawing. The enclosed drawing shows that the western berm parallel N. Indian Canyon Drive is covered by the Reclamation Plan and is designed to a 2:1 slope.

Memorandum #2 of the March 13, 2013 staff report acknowledges the authority of the Reclamation Plan. The initial paragraph of the memorandum states:

“However, the mine operation was approved by the County through Reclamation Plan no. 129 on October 5, 1990. Subsequently, the City annexed the subject site and surrounding areas and assumed the approvals granted by the County.”

In light of the staff position that the Reclamation Plan is the governing authority for the mining operation and the absence of the alteration of the berm by the project, Condition ENG 7 should be removed. The intent of the Condition is fully covered by the existing Reclamation Plan.

**ENG 37- Undergrounding of Adjacent Utilities**

**The Applicant seeks removal of this condition.**

Staff has addressed this in its earlier staff report and provided the Applicant's earlier letter on the complexity and burden of the Condition on the project.

- City plans to widen N. Indian Canyon Drive, directly affecting the property, and
- Economic burden on Applicant for removal of large utility structures

The Applicant feels the Condition will increase the capital cost of the project in excess of 20% while providing limited benefit to the city objectives under the Ordinance. In the two mile area from Garnet Avenue south along N. Indian Canyon Drive, there are 67 SCE utility structures on the east side of the road. The Condition will remove only 4 structures of the 67 structures at considerable cost to the Applicant. These transmission structures carry two major 33.5kv getaway circuits that power north Palm Springs plus two 12.5kv distribution circuits and an additional telecom line on a three pole structure standing over 60 feet tall. An additional 14 feet is buried below the surface and the last 20 feet of the poles are encased in a concrete caisson for each pole. The robust design is to carry the multiple transmission circuits and one communication line and to ensure the electric service will not suffer disruptions in this flood prone area. The structures to the north of the site and outside the flood area are not encased in concrete. The rule of thumb in the electric industry is a buried line is 2x to 4x the cost of an overhead line and delays the return to service in cases of an outage, particularly if the area is underwater.

The site and the surrounding area are somewhat isolated with limited uses. The Interstate and Garnet Avenue area has fast food establishments and a gasoline service station lying 0.8 miles



north of the site. The Union Pacific Rail Road borders the northerly boundary of the active Garnet Quarry. Along the southern route of North Indian Canyon Drive, you have the Granite Mine on the east, the White Water River flood plain south /southwest and wind turbines to the west. The nearest residential area is 1.25 miles to the south.

It should be noted the city plans to widen N. Indian Canyon Drive in the future by raising the road elevation 14 ft. to 20 ft. along the Granite mining property. The disposition of the SCE lines under these proposed plans is unclear.

**PLN 10 –Mining Operation**

The applicant seeks to clarify the language of this condition by restating the Condition with changes:

*The mining facility may remain in operation during the term of this CUP, pursuant to Reclamation Plan No. 129. Once the solar operation is decommissioned and removed from the site, the mining operations may continue on the entire site as allowed under Reclamation Plan No. 129. Nothing in this CUP shall undermine or reduce the land owner's underlying vested mining rights on the property.*

The Applicant and Granite Construction Company would prefer to remove any ambiguity on the application of conditions for the solar facility as opposed to the mining operation. It is recommended the Council consider this new language to further clarify the Vested Rights of the land owner, Granite Construction Company.

As noted in the discussion of ENG 7 above, the city has acknowledged the standing of the Reclamation Plan with respect to the governance of the mining operation. The clarification of Condition PLN 10 as proposed will provide clarity to city staff in the enforcement of the CUP for the solar facility.

We would like to see this letter presented to the city council for its deliberations and our positions reflected in the staff report to the Council.

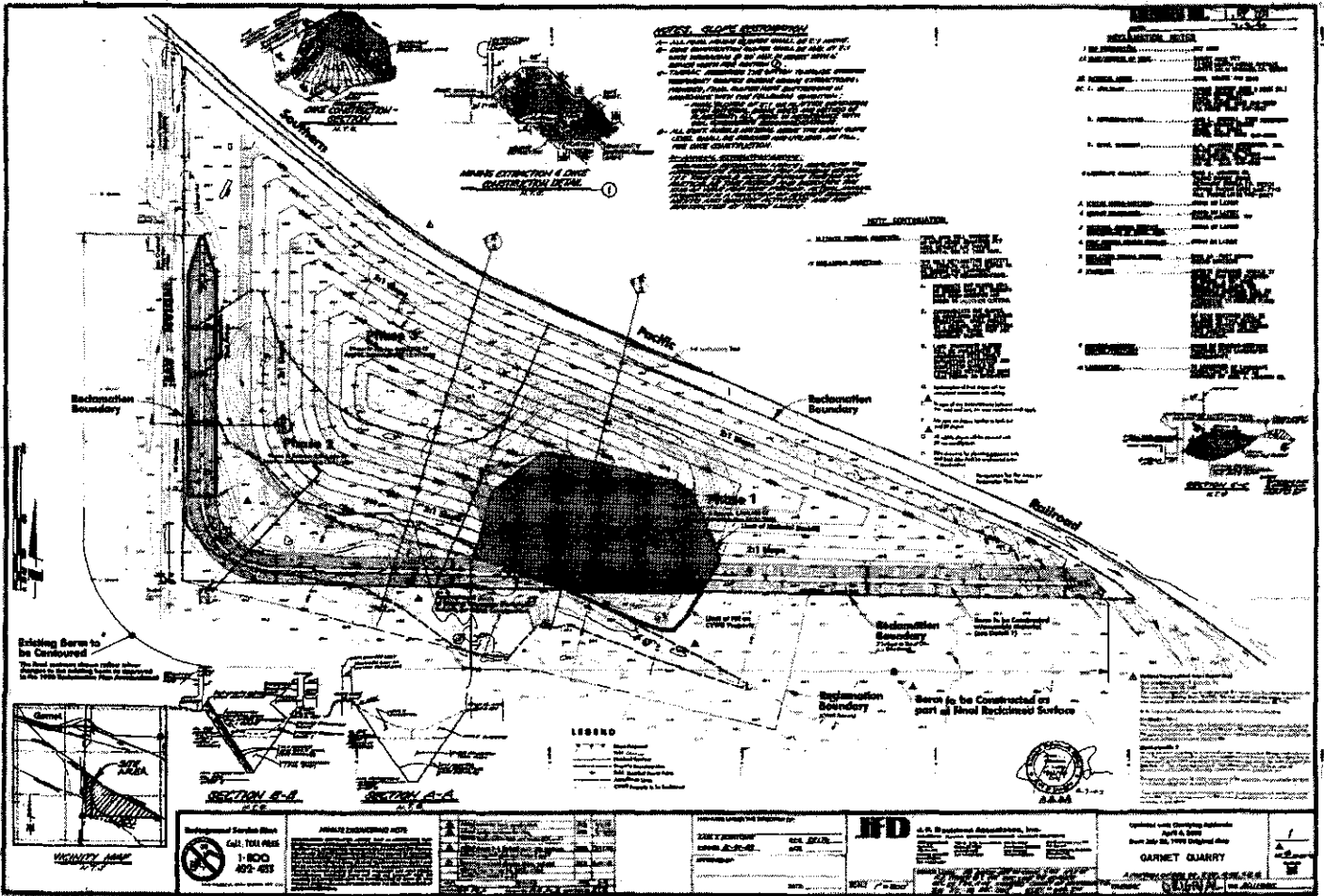
Thank you for your attention to this matter.

Sincerely,

Billy Owens  
Director, Utility Scale Business Development

**On Behalf of Garnet Solar Power Generation Station 1, LLC**

Enclosure – Reclamation Plan Drawing, dated April 4, 2003



**GENERAL NOTES**

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF CONTRACT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ENGINEER BEFORE CONSTRUCTION BEGINS.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RECLAMATION OF THE QUARRY SITE AFTER COMPLETION OF WORK.

**REVISIONS**

| NO. | DATE     | DESCRIPTION             |
|-----|----------|-------------------------|
| 1   | 04/06/99 | ISSUED FOR PERMITTING   |
| 2   | 04/06/99 | ISSUED FOR CONSTRUCTION |
| 3   | 04/06/99 | ISSUED FOR RECORD       |
| 4   | 04/06/99 | ISSUED FOR RECORD       |
| 5   | 04/06/99 | ISSUED FOR RECORD       |
| 6   | 04/06/99 | ISSUED FOR RECORD       |
| 7   | 04/06/99 | ISSUED FOR RECORD       |
| 8   | 04/06/99 | ISSUED FOR RECORD       |
| 9   | 04/06/99 | ISSUED FOR RECORD       |
| 10  | 04/06/99 | ISSUED FOR RECORD       |

**NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
2. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ENGINEER BEFORE CONSTRUCTION BEGINS.
3. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RECLAMATION OF THE QUARRY SITE AFTER COMPLETION OF WORK.

**LEGEND**

|        |   |
|--------|---|
| Symbol | Description   |
| ---    | Reclamation Boundary  |
| ---    | Substation Boundary   |
| ---    | Exploration Boundary  |
| ---    | Survey to be Constructed as part of Final Reclaimed Surface |

|                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |
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| <p><b>SECTION A-A</b></p> | <p><b>SECTION B-B</b></p> | <p><b>SECTION C-C</b></p> | <p><b>SECTION D-D</b></p> | <p><b>SECTION E-E</b></p> | <p><b>SECTION F-F</b></p> | <p><b>SECTION G-G</b></p> | <p><b>SECTION H-H</b></p> | <p><b>SECTION I-I</b></p> | <p><b>SECTION J-J</b></p> | <p><b>SECTION K-K</b></p> | <p><b>SECTION L-L</b></p> | <p><b>SECTION M-M</b></p> | <p><b>SECTION N-N</b></p> | <p><b>SECTION O-O</b></p> | <p><b>SECTION P-P</b></p> | <p><b>SECTION Q-Q</b></p> | <p><b>SECTION R-R</b></p> | <p><b>SECTION S-S</b></p> | <p><b>SECTION T-T</b></p> | <p><b>SECTION U-U</b></p> | <p><b>SECTION V-V</b></p> | <p><b>SECTION W-W</b></p> | <p><b>SECTION X-X</b></p> | <p><b>SECTION Y-Y</b></p> | <p><b>SECTION Z-Z</b></p> |
|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|



Via Electronic Delivery

February 5, 2013

David Newell  
Associate Planner  
Planning Staff  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262

**RECEIVED**

FEB 06 2013

**PLANNING SERVICES  
DEPARTMENT**

**RE: Garnet Solar Power Generation Station 1, LLC, Case No. 5.1252 C.U.P and  
GPA;**

Engineering Condition related to the undergrounding of Overhead Utilities on the West  
Property Line

Dear Mr. Newell,

Garnet Solar Power Generation Station 1, LLC (Garnet Solar) respectfully requests the Planning Commission and City Council consider a recommendation to remove or defer for 25-years the Condition for undergrounding of the adjacent utilities on the western property line of the Granite Construction, Inc. property identified in the project Application. Garnet Solar is also open to other potential solutions, including a lot line adjustment to eliminate it abutting the Right-of-Way. *The proposed Condition will make the project investment commercially uneconomic.*

Garnet Solar recognizes the city Condition for undergrounding utilities is a standard condition applied to all projects. However, we believe the economic burden of compliance, for this project and specific location, is not consistent with the original intent of the Ordinance and an unreasonable economic burden for the project.

The project is proposed to be located on a portion of the Granite mining site and will be decommissioned and removed from the site at the end of the lease. The mining operation has a useful life far in excess of the proposed solar electric generation use and quarry operations will continue.

Specifically the Condition will require the removal of four (4) to six (6) large structures consisting of three (3) large wooden poles for each structure with four (4) separate SCE transmission lines on two levels (2x33kv; 2x13kv; one telecom line) moving electricity through four (4) "getaway" circuits from the Garnet substation into city of Palm Springs. In addition to multiple electric lines and voltages, the location is in the Whitewater River flood plain and the lines will have to be buried approximately 14ft. below grade in concrete vaults. The electric lines split from the large supporting structures just south of the property line into two (2) separate, three level, and single wooden poles in different compass directions. The enclosed Exhibits contain photographs of the electric lines to indicate the complexity at the site location. Please note, the undergrounding of the electric lines to the south of the White Water River Flood Plain, adjacent to the housing development, occurs only when the lines are separated and on single poles.



Preliminary estimates for this undergrounding indicate capital costs in excess of \$2 million. The total value of the solar project is approximately \$10 million. *A 20% (+\$2 million) increase in capital costs will significantly reduce the project value and make it uneconomic.*

Garnet would appreciate the inclusion of this letter with the submission of the Planning Staff Report to the Planning Commission for consideration of the approval of the CUP, Mitigated Negative Declaration and General Plan Amendment for the Garnet Solar project.

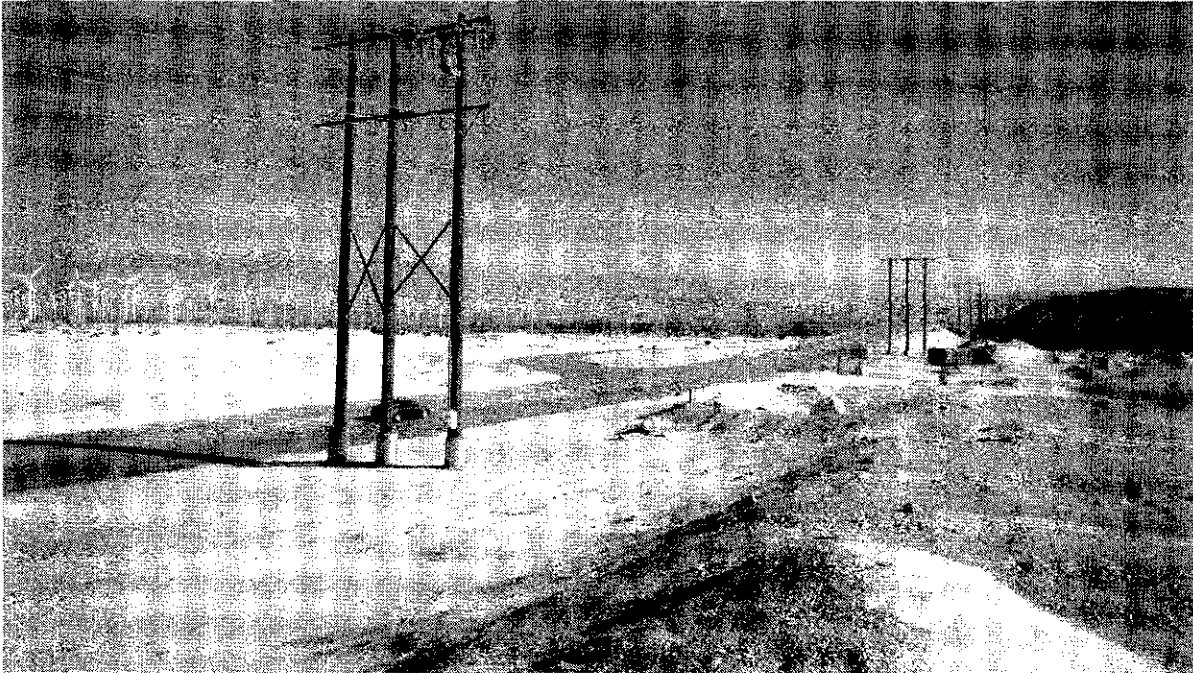
Respectfully,

A handwritten signature in black ink, appearing to read "Billy Owens".

Billy Owens  
Director Utility Scale Business Development

Enclosures

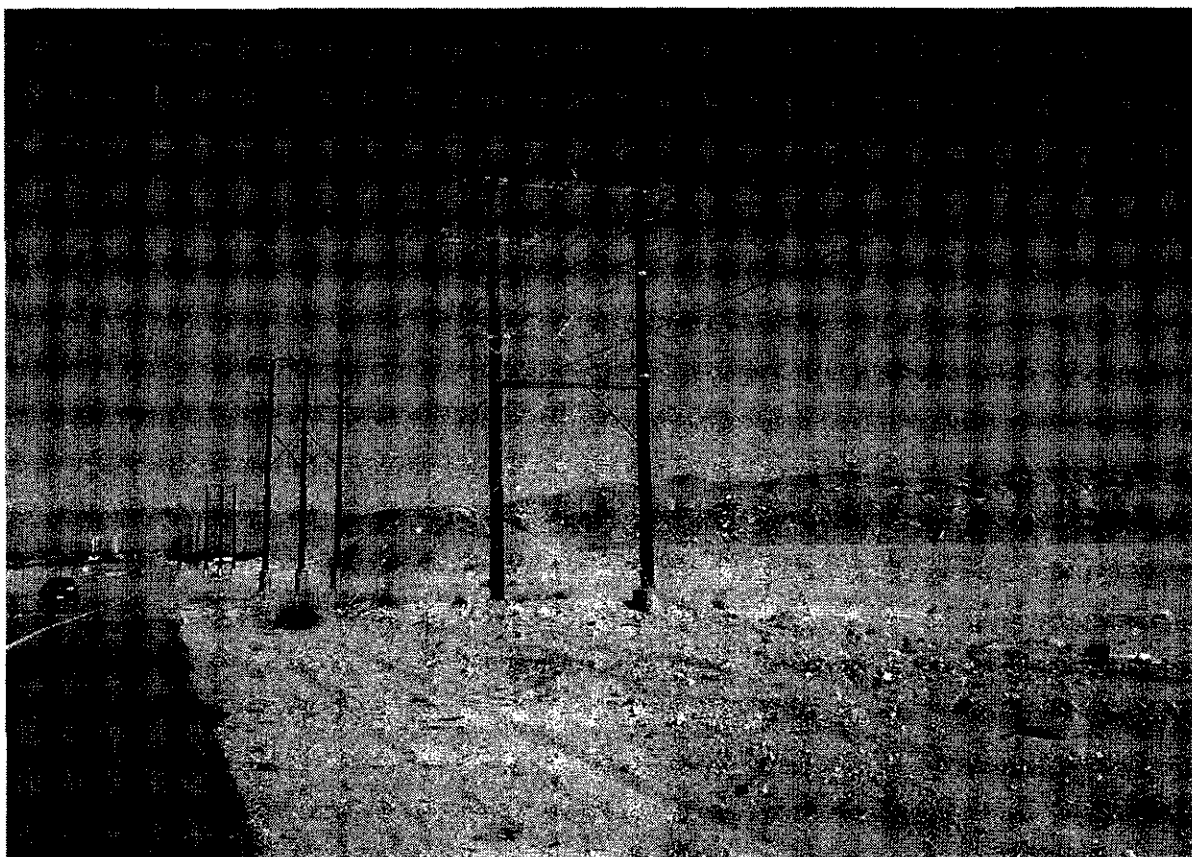
Exhibit 1



Large Structures with 2x33kv; 2x13kv; and telecom line – designated for removal

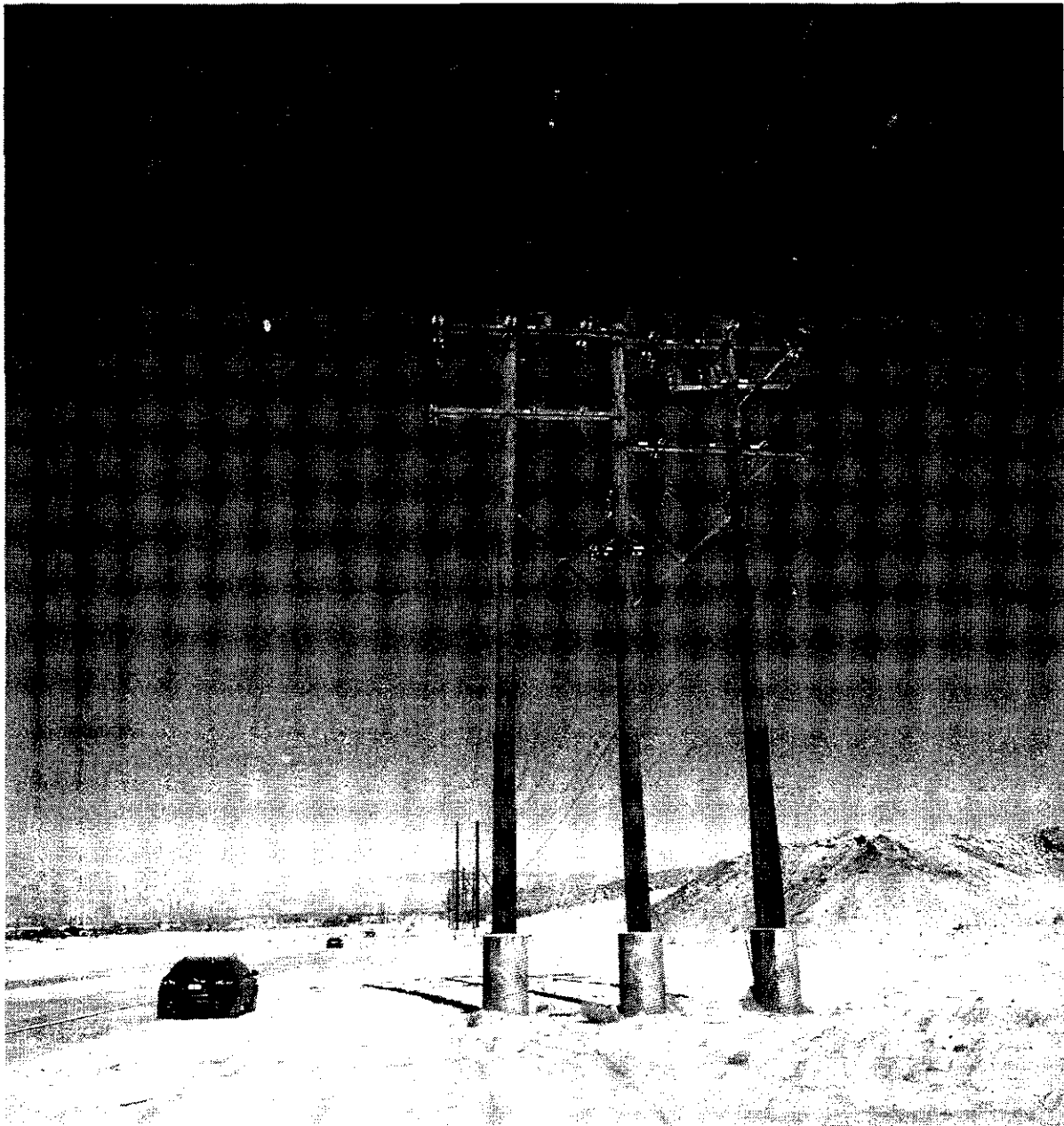
Looking North just below the quarry entrance

Exhibit 2



Transition Structure to split lines – south of Project site (looking north)

Exhibit 3



Large Structure just south of property Large Structures with 2x33kv; 2x13kv; and telecom line – designated for removal

Exhibit 4



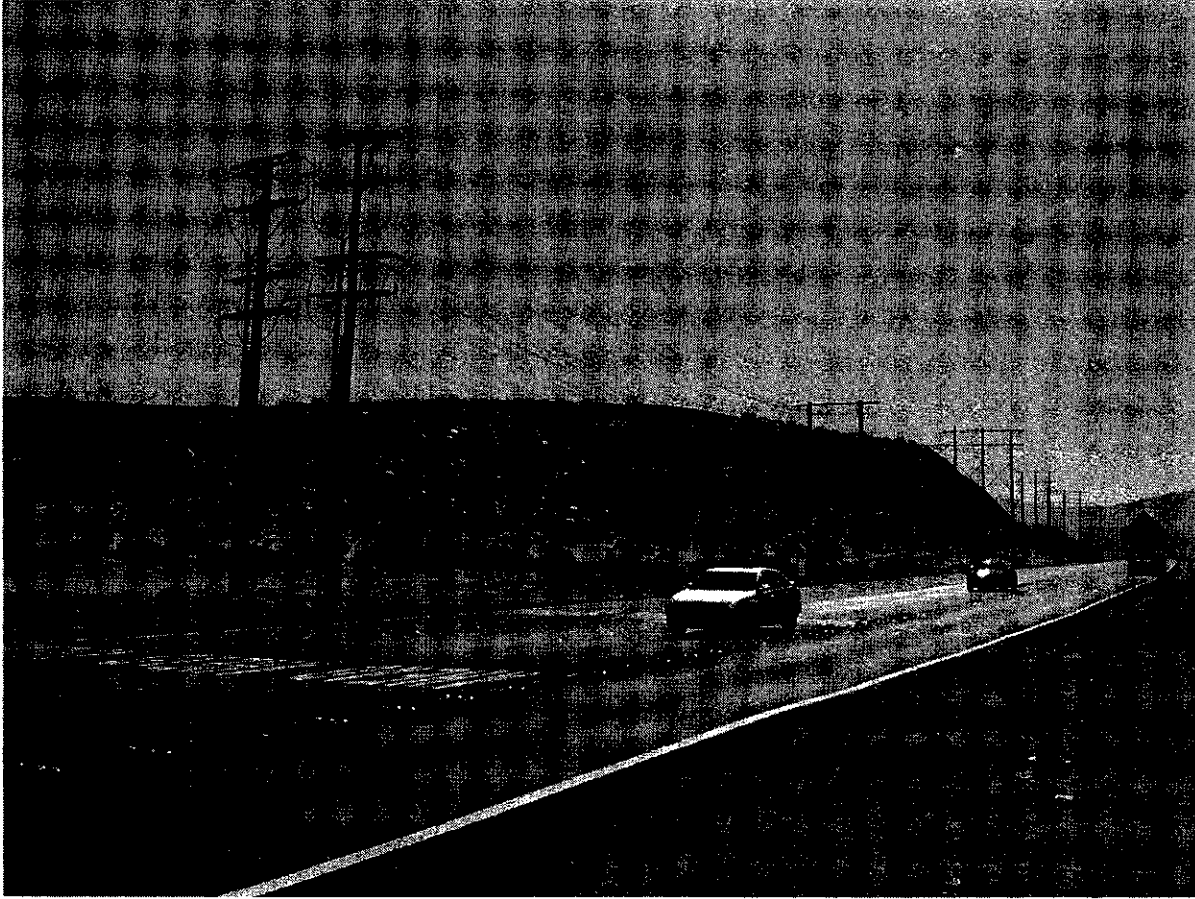
Base of large Structures – concrete

Exhibit 5



Large Pole just in front of Quarry Entrance

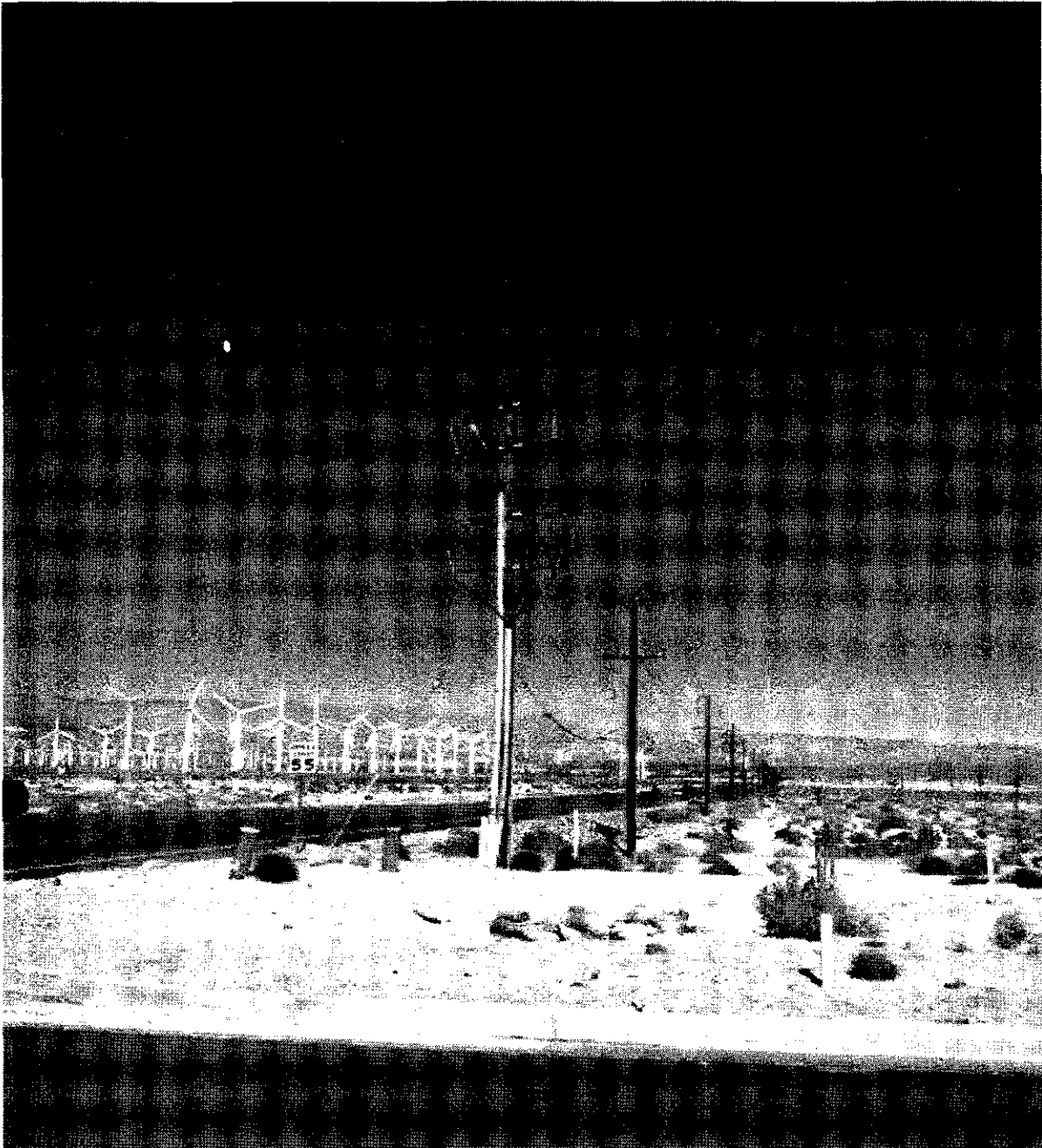
Exhibit 6



Looking South along North Indian Canyon Drive; NW corner of Quarry site; south of the Garnet substation



Exhibit 7



Single Pole structure – south of the project property

**Garnet Solar Power Plant  
Initial Study  
Mitigated Negative Declaration**

*Prepared for:*

City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262



*Project Proponent:*

Garnet Solar Power Generation Station 1, LLC  
8001 Irvine Center Drive, Suite 1250  
Irvine, California 92618

*Prepared by:*

Hogle-Ireland, Inc.  
1500 Iowa Avenue, Suite 110  
Riverside, California 92507



**December 2012**

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# 1 Introduction

The City of Palm Springs (Lead Agency) received applications for a Conditional Use Permit (CUP) for a 17,000 panel, five-megawatt solar power plant located at 5400 North Indian Canyon Drive. The approval of this application constitutes a *project* that is subject to review under the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Section 15000 et. seq.).

This Initial Study has been prepared to assess the short-term, long-term, and cumulative environmental impacts that could result from the proposed solar generation facility. This report has been prepared to comply with Section 15063 of the State CEQA Guidelines, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (See Section 2);
- Identification of the environmental setting (See Section 2.10);
- Identification of environmental effects by use of a checklist, matrix, or other methods, provided that entries on the checklist or other form are briefly explaining to indicate that there is some evidence to support the entries (See Section 4.);
- Discussion of ways to mitigate significant effects identified, if any (See Section 4);
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (See Sections 4.10); and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (See Section 5).

## 1.1 – Purpose of CEQA

The body of state law known as *CEQA* was originally enacted in 1970 and has been amended a number of times since then. The legislative intent of these regulations is established in Section 21000 of the California Public Resources Code, as follows:

*The Legislature finds and declares as follows:*

- a) *The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.*
- b) *It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.*
- c) *There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.*
- d) *The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.*
- e) *Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.*
- f) *The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.*
- g) *It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.*

## Introduction

*The Legislature further finds and declares that it is the policy of the State to:*

- h) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.*
- i) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.*
- j) Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.*
- k) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.*
- l) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.*
- m) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.*
- n) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.*

A concise statement of legislative policy, with respect to public agency consideration of projects for some form of approval, is found in Section 21002 of the Public Resources Code, quoted below:

*The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.*

### **1.2 – Tiering**

This Initial Study *tiers* from the City's General Plan EIR. Section 15152 et seq of the CEQA Guidelines describes *tiering* as a streamlining tool as follows:

- (a) Tiering refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.*
- (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of*

*environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.*

- (c) *Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.*
- (d) *Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to affects which:*

  - (1) *Were not examined as significant effects on the environment in the prior EIR; or*
  - (2) *Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.*
- (e) *Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.*
- (f) *A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.*

  - (1) *Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.*
  - (2) *When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).*
  - (3) *Significant environmental effects have been adequately addressed if the lead agency determines that:*

## Introduction

- (A) *they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or*
  - (B) *they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.*
- (g) *When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.*

### **1.3 – Public Comments**

Comments from all agencies and individuals are invited regarding the information contained in this Initial Study. Such comments should explain any perceived deficiencies in the assessment of impacts, identify the information that is purportedly lacking in the Initial Study or indicate where the information may be found. All comments on the Initial Study are to be submitted to:

David Newell, Associate Planner  
City of Palm Springs  
PO Box 2743  
Palm Springs, California 92262  
760-323-8245

Following a 20-day period of circulation and review of the Initial Study, all comments will be considered by the City of Palm Springs prior to adoption.

### **1.4 – Availability of Materials**

All materials related to the preparation of this Initial Study are available for public review at the Planning Services Department during normal business hours from 8:00am to 11:00am and 2:00pm to 6:00pm, Monday through Thursday. To request an appointment to review these materials, please contact:

David Newell, Associate Planner  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262  
760-323-8245



## **2 Project Description**

---

### **2.1 – Project Title**

Garnet Solar Power Plant

### **2.2 – Lead Agency Name and Address**

City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262

### **2.3 – Contact Person and Phone Number**

David Newell, Associate Planner  
760-323-8245

### **2.4 – Project Location**

5400 North Indian Canyon Drive  
Assessor's Parcels (APN) 669-100-001  
Latitude: 33°53'24" North, Longitude: 116°32'36" West  
(See Exhibit 1, Regional Context and Vicinity Map)

### **2.5 – Project Sponsor's Name and Address**

Garnet Solar Power Generation Station 1, LLC  
8001 Irvine Center Drive, Suite 1250  
Irvine, California 92618

### **2.6 – General Plan Land Use Designation**

Desert (1 DU/10 AC)

### **2.7 – Zoning District**

W (Watercourse), WM1P (Planned Research and Development within Watercourse)

### **2.8 – Project Description**

The project includes the construction and operation of a solar power plant on 39.7 acres. The project consists of approximately 17,000 poly-crystalline silicon (c-Si) photovoltaic (PV) panel array mounted on single-axis trackers connected to eight 500-kilowatt (kW) power conditioning inverters that can deliver a total of five megawatts (MW) of energy (see Exhibit 2, Site Plan). The single-axis trackers allow the panels to follow the movement of the sun throughout the day (see Exhibit 3, Equipment and Enclosure Elevations). The height of the PV array will be approximately six to seven feet when positioned for solar noon (parallel to the ground). At sunrise and sunset, the panels will be oriented at a 45-degree angle to the ground, bringing the array to a maximum height of approximately 9.5 to 10.5 feet. The power inverters will be located around the

## Project Description

perimeter of the array in eight-foot tall, 160 square-foot (SF) enclosures with roof mounted heating, ventilation, and air conditioning (HVAC) units. Power inverters convert direct current (DC) electricity into alternating current (AC) electricity. The inverter enclosures will contain four inverters with disconnect, two switchboards, and a transformer. AC electricity will be delivered to a medium voltage switchgear before interconnecting with an existing Southern California Edison (SCE) power-pole located on the east side of Indian Canyon Drive. Interconnection will be made via an underground conduit. The switchgear controls electricity flow and will be housed in a ten-foot tall, 200 SF enclosure located on the western portion of the project site. A 9.5-foot tall, 480 SF equipment storage enclosure will be located on the eastern portion of the site, near the project entrance, and will house spare parts including replacement PV modules, racking, pipes, and miscellaneous parts. No hazardous materials will be stored on-site.

The project includes construction of a new 30-foot wide all weather access road (aggregate base) within the Granite property. The current access connecting to Indian Canyon Drive to serve the proposed solar plant and the existing, on-site quarry will not be relocated (no construction on Indian Canyon Drive). The current internal access road will be moved to accommodate the project as described in the site plan. The project will enter its site area from the new relocated access road via a 24-foot wide all weather road that will provide access to all portions of the solar PV array. A new water main will be connected to an existing Desert Water Agency (DWA) main underlying Indian Canyon Drive. The proposed water main will underlie the new 30-foot internal access roadway and the project will gain service through lateral connection under the proposed access road. Water will be stored in an 8,000-gallon water tank for maintenance and fire protection uses. The site will be secured with an eight-foot chain link fence and double entry gate.

Construction of the solar array is anticipated to be completed in three months beginning in the spring of 2013. Balancing the project site will require approximately 500,000 cubic yards (CY) of earthwork and will disturb approximately sixty (60) total acres. Soil will primarily be cut from an existing earthen berm around the perimeter of the project site to fill in the interior of the site. Approximately 15-feet will be cut, leaving an approximate 20-foot berm to screen views of the project site from the west and south. The PV array will be visible from the Indian Canyon Drive bridge that crosses over the Southern Pacific Railroad north of the project site. The site will slope at one percent to the east. The majority of the project site will remain pervious and stormwater flows will percolate into the soil and no drainage devices are proposed.

Operation of the proposed PV array will occur remotely. No permanent on-site employees will be required. Routine maintenance will occur approximately four times a year. The solar plant will be in operation for twenty years under contract with Southern California Edison (SCE).

The project also requires a General Plan Amendment (GPA) to permit renewable energy uses in the Desert land use designation, subject to environmental review. A text change will be made to page 2-10 of the General Plan Land Use Element as follows (underlined below):

***Desert (1 dwelling unit per 10 acres).*** *This designation is intended to identify areas to be retained to protect natural, scenic, and wildlife resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas. Residential development in this area is permitted as long as it does not exceed 1 unit per 10 acres and is incidental to the overall desert use. Cluster development is encouraged to respond to the environmental sensitivity of the area. Other permitted uses in this land use designation include recreational*

*facilities and public facilities to comply with the intent of the goals and policies identified in the General Plan. Where mineral deposits are present or are found within areas designated for Desert land use, mineral extraction is permitted, provided that appropriate buffers are established to minimize conflicts between residential and mining uses and the appropriate environmental analysis has been conducted. Renewable energy uses are also permitted outside the boundaries of the Palm Springs International Airport Influence Area, provided the necessary environmental analysis has occurred.*

**2.9 – Surrounding Land Uses**

| Direction | General Plan Designation | Zoning District | Existing Land Use      |
|-----------|--------------------------|-----------------|------------------------|
| N         | Desert                   | WM1P            | Quarry                 |
| NW        | Open Space - Water       | W               | Train Station          |
| W         | Open Space - Water       | W               | Wind Energy Conversion |
| SW        | Open Space - Water       | W               | Wind Energy Conversion |
| S         | Open Space - Mountain    | W               | Vacant                 |
| SE        | Open Space - Mountain    | W               | Vacant                 |
| E         | Desert                   | W               | Quarry                 |
| NE        | Desert                   | W               | Quarry                 |

**2.10 – Environmental Setting**

The project site is located on a portion of an active, 134.3 AC aggregate (sand and gravel) quarry that is mined on an as-needed basis. The project site is vacant and situated on an alluvial fan consisting of aeolian (wind-blown) sand deposits and scattered cobbles, north of the Whitewater River. The project site is sparsely and dominated by non-native species, particularly Sahara mustard. Several piles of inert construction debris including concrete, asphalt, and brick are located on the project site. Garnet Hill and a Southern Pacific railway are located north of the project site and the quarry. Indian Canyon Drive, a four to two lane major arterial, is located along the western boundary of the project site. An approximately 35-foot berm is located along the western and southern boundary of the project site.

**2.11 – Required Approvals**

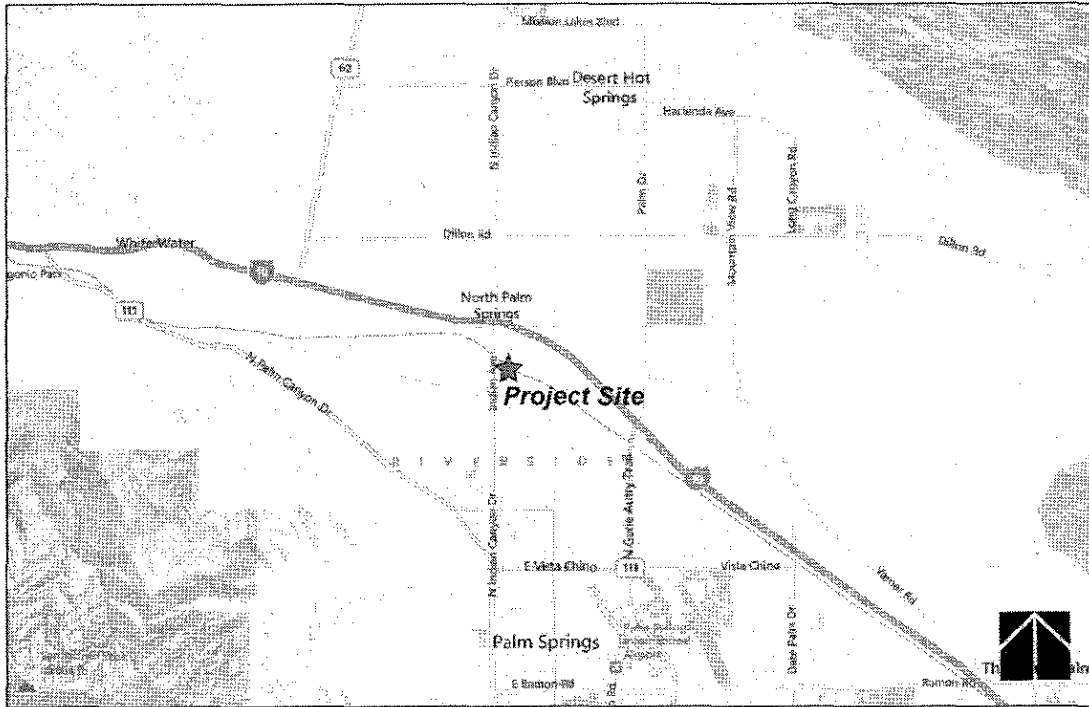
- General Plan Amendment
- Conditional Use Permit
- Grading Permit
- Building Permit

**2.12 – Other Public Agencies Whose Approval is Required**

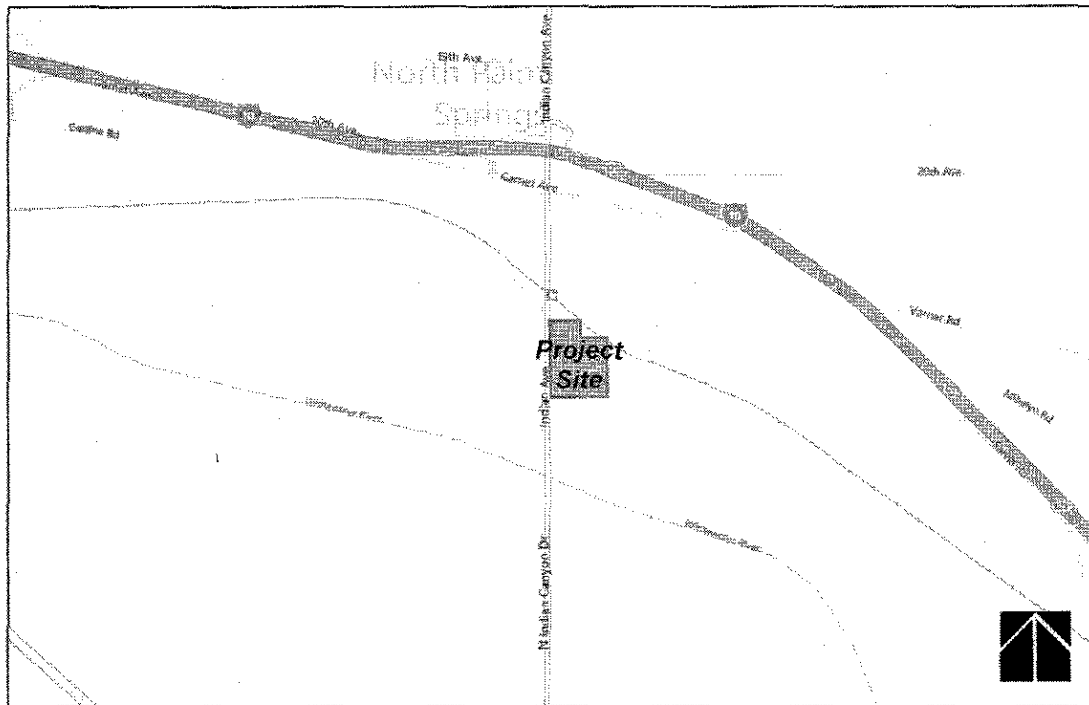
| Agency  | Permit  |
|---|---|
| Colorado Basin Regional Water Quality Control Board | Construction Stormwater General Permit            |
| South Coast Air Quality Management District         | PM10 Plan   |
| California Environmental Protection Agency          | Spill Prevention Control and Countermeasures Plan |

## Project Description





Regional Context Map



Vicinity Map



## Exhibit 1 - Regional Context and Vicinity Map

Garnet Solar Farm Initial Study  
Palm Springs, California

**Project Description**



**CONDITIONAL USE PERMIT  
SITE PLAN  
GARNET SOLAR POWER GENERATION STATION 1, LLC**

**ENGINEER:**  
HOGLE-IRELAND, INC.  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM

**SOILS ENGINEER:**  
HOGLE-IRELAND, INC.  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM

**ASSESSOR'S PARCEL NUMBER:**  
SHERMAN COUNTY REGISTERED PARCEL NUMBER: 000-000-000-000-000-000

**PROJECT SITE ADDRESS:**  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262

**LANDOWNER:**  
SHERMAN COUNTY REGISTERED PARCEL NUMBER: 000-000-000-000-000-000

**APPLICANT:**  
GARNET SOLAR POWER GENERATION STATION 1, LLC  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM

**DEVELOPER/PROJECT MANAGER:**  
HOGLE-IRELAND, INC.  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM

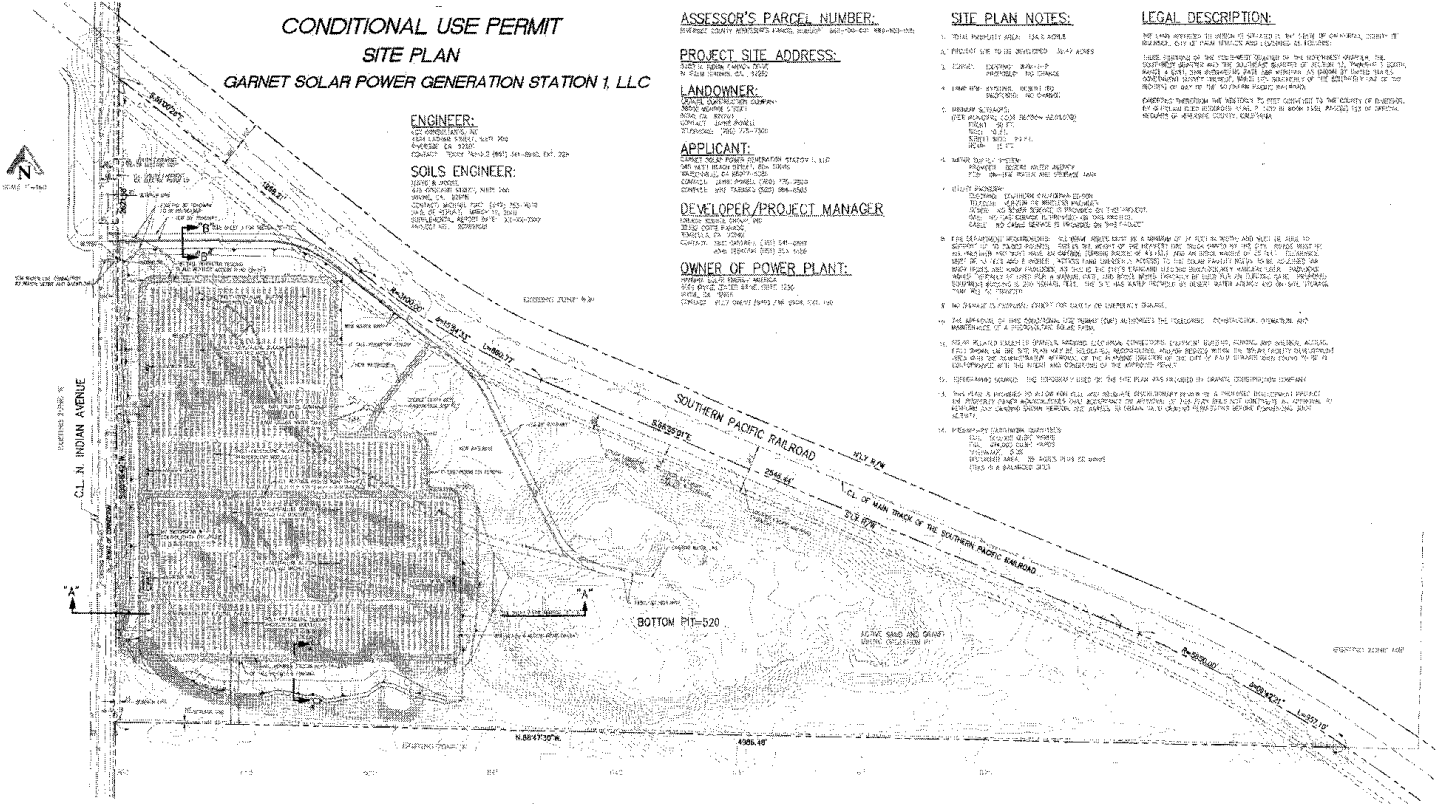
**OWNER OF POWER PLANT:**  
GARNET SOLAR POWER GENERATION STATION 1, LLC  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM

- SITE PLAN NOTES:**
1. TOTAL PROJECT AREA: 151.5 ACRES
  2. PROJECT SITE TO BE DEVELOPED: 151.5 ACRES
  3. ZONING: UNZONED AREA - NO CHANGE
  4. LAND USE: SOLAR POWER GENERATION - NO CHANGE
  5. MINIMUM SETBACKS:  
FRONT: 50 FT  
SIDE: 10 FT  
REAR: 10 FT
  6. MAJOR ROAD SYSTEM:  
HOGLE-IRELAND, INC. OFFICE BUILDING  
1515 COLLEGE STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: (951) 767-9222 FAX: (951) 767-9223  
WWW.HOGLE-IRELAND.COM
  7. UTILITY LINES:  
ELECTRICITY: SOUTHERN PACIFIC RAILROAD  
WATER: SOUTHERN PACIFIC RAILROAD  
SEWER: SOUTHERN PACIFIC RAILROAD  
GAS: SOUTHERN PACIFIC RAILROAD  
CABLE: NO CABLE SERVICE IS PROVIDED ON THIS PROJECT
  8. THE DEVELOPMENT IS LOCATED IN AN AREA OF 151.5 ACRES AND WILL BE USED TO GENERATE ELECTRICITY. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA.
  9. NO CHANGE IS PROPOSED TO THE EXISTING ZONING OR LAND USE.
  10. THE APPLICANT HAS OBTAINED ALL NECESSARY PERMITS FROM THE SHERMAN COUNTY REGISTERED PARCEL NUMBER: 000-000-000-000-000-000.
  11. SOLAR PANELS WILL BE INSTALLED ON THE EXISTING GRADE. THE SOLAR PANELS WILL BE INSTALLED ON THE EXISTING GRADE. THE SOLAR PANELS WILL BE INSTALLED ON THE EXISTING GRADE.
  12. THE DEVELOPMENT IS LOCATED IN AN AREA OF 151.5 ACRES AND WILL BE USED TO GENERATE ELECTRICITY. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA.
  13. THE APPLICANT HAS OBTAINED ALL NECESSARY PERMITS FROM THE SHERMAN COUNTY REGISTERED PARCEL NUMBER: 000-000-000-000-000-000.
  14. THE DEVELOPMENT IS LOCATED IN AN AREA OF 151.5 ACRES AND WILL BE USED TO GENERATE ELECTRICITY. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA.
  15. THE DEVELOPMENT IS LOCATED IN AN AREA OF 151.5 ACRES AND WILL BE USED TO GENERATE ELECTRICITY. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE DEVELOPMENT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA.

**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF SHERMAN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THESE COVENANTS AND CONDITIONS SHALL BE BINDING UPON THE APPLICANT, THE DEVELOPER, THE OWNER OF THE POWER PLANT, AND THE STATE OF CALIFORNIA. THE APPLICANT, THE DEVELOPER, THE OWNER OF THE POWER PLANT, AND THE STATE OF CALIFORNIA SHALL BE BOUND BY THE TERMS AND CONDITIONS OF THIS PERMIT. THE APPLICANT, THE DEVELOPER, THE OWNER OF THE POWER PLANT, AND THE STATE OF CALIFORNIA SHALL BE BOUND BY THE TERMS AND CONDITIONS OF THIS PERMIT.

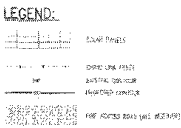


**PROJECT DESCRIPTION:**

THE PROJECT IS A 151.5-ACRE SOLAR POWER GENERATION STATION. THE PROJECT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE PROJECT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA. THE PROJECT WILL BE USED TO GENERATE ELECTRICITY FOR THE STATE OF CALIFORNIA.

**SHEET INDEX:**

SHEET 1: SITE PLAN  
SHEET 2: CONCEPTUAL GRADING PLAN/SECTIONS  
SHEET 3: ELEVATIONS/DETAILS



**SITE AREA CALCULATIONS:**

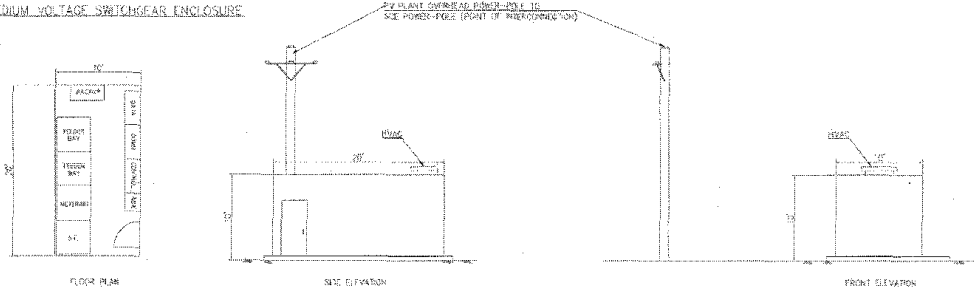
| TYPE OF AREA                  | AREA (ACRES) | AREA (SQ. FT.)   | PERCENTAGE (%) |
|-------------------------------|--------------|------------------|----------------|
| TOTAL PROJECT AREA            | 151.5        | 10,470,000       | 100            |
| ROADS                         | 1.5          | 1,026,000        | 1              |
| UTILITIES                     | 1.5          | 1,026,000        | 1              |
| SETBACKS                      | 1.5          | 1,026,000        | 1              |
| OTHER                         | 1.5          | 1,026,000        | 1              |
| <b>TOTAL DEVELOPABLE AREA</b> | <b>146.0</b> | <b>9,311,000</b> | <b>96.3</b>    |

**Project Description**

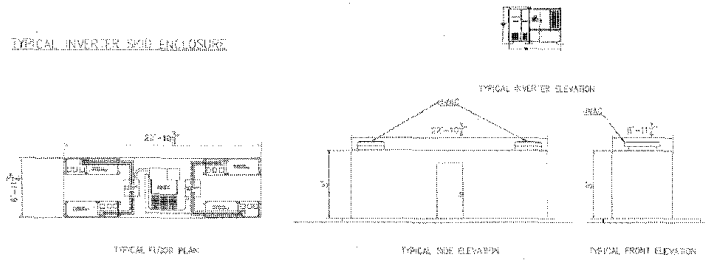




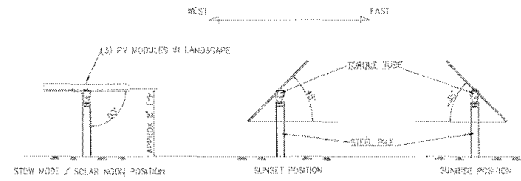
MEDIUM VOLTAGE SWITCHGEAR ENCLOSURE



TYPICAL INVERTER ROOM ENCLOSURE

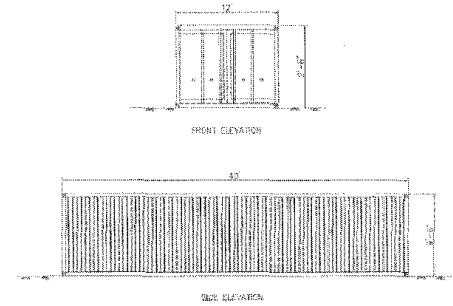
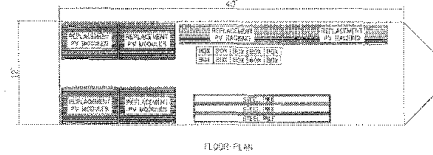
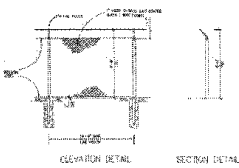


SINGLE-AXIS TRACKER



EQUIPMENT STORAGE (SPARE PARTS) ENCLOSURE

PERIMETER CHAINLINK FENCE



**Project Description**



### 3 Determination

#### 3.1 – Environmental Factors Potentially Affected

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

|                          |                          |                          |                               |                          |                                    |
|--------------------------|--------------------------|--------------------------|-------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics               | <input type="checkbox"/> | Agriculture Resources         | <input type="checkbox"/> | Air Quality                        |
| <input type="checkbox"/> | Biological Resources     | <input type="checkbox"/> | Cultural Resources            | <input type="checkbox"/> | Geology /Soils                     |
| <input type="checkbox"/> | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology / Water Quality          |
| <input type="checkbox"/> | Land Use / Planning      | <input type="checkbox"/> | Mineral Resources             | <input type="checkbox"/> | Noise                              |
| <input type="checkbox"/> | Population / Housing     | <input type="checkbox"/> | Public Services               | <input type="checkbox"/> | Recreation                         |
| <input type="checkbox"/> | Transportation/Traffic   | <input type="checkbox"/> | Utilities / Service Systems   | <input type="checkbox"/> | Mandatory Findings of Significance |

#### 3.2 – Determination

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

*Robertson Edward*

Name: Edward O. Robertson, Principal Planner

*01.2.13*

Date

**Determination**



## 4 Evaluation of Environmental Impacts

### 4.1 – Aesthetics

Would the project:

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

a) **No Impact.** The project is not located on a hillside, ridgeline, horizon, or other vantage point that serves as a scenic vista. No impact will occur.

b) **No Impact.** The project site is vacant and contains no rocks, vegetation, or other features that could be classified as scenic resources. The project is not within view of a scenic highway.<sup>1</sup> No impact will occur.

c) **Less than Significant Impact.** The project site is part of an existing quarry and is generally not visible to the public because of an existing, 35-foot earthen berm along its western and southern boundaries. The project will result in the construction of a solar power array that will change the visual character of the project site from vacant, wind blown sand to a series of photovoltaic panels, inverter enclosures, and supporting infrastructure. A visual impact study was prepared to simulate the change to the visual character of the site.<sup>2</sup> Although the existing earthen berm will be reduced in height to approximately twenty feet due to grading activities, the solar array will reach a maximum height of twelve to 14 feet and, therefore, will not be visible from Indian Canyon Drive or other points of view from the west or south of the project site (see

<sup>1</sup> California Department of Transportation. California Scenic Highway Mapping System. [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm) [October 20, 2012]

<sup>2</sup> Hogle-Ireland. Visual Impact Study. October 2012

## Evaluation of Environmental Impacts

Appendix A, Figure 1 and Figure 2). Furthermore, the project site is not visible from Interstate 10, east of the project site, due to a dense wall of tamarisk trees designed as a windscreen for the Southern Pacific Railroad northeast of the project site. The solar array will only be visible north of the project site where Indian Canyon Drive elevates as it crosses over the Southern Pacific Railroad. The solar panels will be visible to motorists for approximately 11 seconds traveling south on Indian Canyon Drive before the bridge ends, the roadway connects to grade, and the earthen berm blocks view of the array (see Appendix A, Figure 3). Based on the visual impact analysis, the proposed solar array will generally not be visible to the public. At those points where the proposed project is visible to the public, the view is consistent with the visual character of the area that reflects a variety of energy and resources production uses. These include wind energy conversion systems, the on-site quarry, other solar plants, and utility corridors. Considering that the proposed solar plant is generally not visible to the public and consistent with the visual character of the vicinity, the project will not degrade the visual quality of the site or conflict with its surroundings. Impacts will be less than significant.

d) **Less Than Significant Impact** - Excessive or inappropriately directed lighting can adversely impact night-time views by reducing the ability to see the night sky and stars. The project includes nominal, low-level lighting for security purposes. The project does not include a parking lot or other feature requiring pole-mounted lighting. Lighting is subject to Section 93.21.00 (Outdoor Lighting Standards) of the Municipal Code. These provisions are designed to protect the night sky by requiring shielded, down-lit lighting that prevents spillover on adjacent properties. Compliance with Municipal Code lighting provisions will be verified through routine plan check prior to issuance of building permits. Impacts related to lighting will be less than significant.

Glare can be caused from unshielded or misdirected lighting sources. Reflective surfaces (i.e., polished metal) can also cause glare. Impacts associated with glare range from simple nuisance to potentially dangerous situations (i.e., if glare is directed into the eyes of motorists). The proposed photovoltaic (PV) panels are designed to absorb light, not reflect it. The PV modules will be constructed of molded silicon, laminated between tempered glass and a plastic backing, and framed in aluminum. Modules generally include an anti-reflective layer to increase efficiency. No mirrors will be utilized in the proposed array. PV panels reflect approximately two percent of incoming light, similar to that of black asphalt and, therefore, have low reflectivity.<sup>3</sup> Furthermore, the solar array will absorb light at a 45 to ninety degree angle from a generally southerly angle; therefore, light will be directed into the air over the vacant land of the Whitewater River, and not in the direction of motorists on Indian Canyon Drive. Impacts to the project vicinity related to glare will be less than significant.

The project site is located approximately 4.5 miles northwest of the Palm Springs International Airport (PSP). The project site is not located within a Compatibility Zone of the Riverside County Airport Land Use Compatibility Plan (ALUP).<sup>4</sup> Although the ALUP identifies modeled airplane departure patterns in vicinity of the project site, the low-reflectivity and considerable vertical distance from aircraft and the project site will not expose aircraft to substantial glare. The FAA notes that PV solar plants are generally compatible with airport facilities. The project will not impact airport operations.

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<sup>3</sup> Federal Aviation Administration. Technical Guidance for Evaluating Selected Solar Technologies on Airports. November 2012

<sup>4</sup> Riverside County Airport Land Use Commissions. Riverside County Airport Land Use Compatibility Plan. October 2004

**4.2 – Agriculture and Forest Resources**

Would the project:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Result in loss of forest land or conversion of forest land to non-forest use?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **No Impact.** The map of Important Farmland in California prepared by the Department of Conservation indicates that the project site is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>5</sup> No impact will occur.

b) **No Impact.** The project site is not zoned for agricultural uses. As indicated by the Department of Conservation, the project site is not identified as Williamson Act enrolled land.<sup>6</sup> No impact will occur.

<sup>5</sup> California Department of Conservation. Central Riverside County Important Farmland 2010. January 2012

## Evaluation of Environmental Impacts

c) **No Impact.** Public Resources Code Section 12220(g) identifies *forestland* as land that can support *10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.* The project site and surrounding properties are utilized for other types of resource production and are not being managed or used for forestland as identified in Public Resources Code Section 12220(g). No impact will occur.

d) **No Impact.** No forestland occurs on-site or in the project vicinity. No impact will occur.

e) **No Impact.** No agricultural or forestland existing on the project site or within the project vicinity. No impact will occur.

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<sup>6</sup> California Department of Conservation. Riverside County Williamson Act Lands 2007. January 2007



### 4.3 – Air Quality

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

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>     | <input type="checkbox"/>            |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>     | <input type="checkbox"/>            |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>     | <input type="checkbox"/>            |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **Less than Significant with Mitigation Incorporated.** A significant impact could occur if the proposed project conflicts with or obstructs implementation of the Salton Sea Air Basin 2007 Air Quality Management Plan. Conflicts and obstructions that hinder implementation of the AQMP can delay efforts to meet attainment deadlines for criteria pollutants and maintaining existing compliance with applicable air quality standards. Pursuant to the methodology provided in Chapter 12 of the 1993 SCAQMD CEQA Air Quality Handbook, consistency with the South Coast Air Basin 2007 Air Quality Management Plan (AQMP) is affirmed when a project (1) does not increase the frequency or severity of an air quality standards violation or cause a new violation and (2) is consistent with the growth assumptions in the AQMP.<sup>7</sup> Consistency review is presented below:

<sup>7</sup> South Coast Air Quality Management District. CEQA Air Quality Handbook. 1993

## Evaluation of Environmental Impacts

1. The project would result in short-term construction pollutant emissions that are less than the CEQA significance emissions thresholds established by the SCAQMD, with mitigation incorporated, as demonstrated in section b); therefore, the project could not result in an increase in the frequency or severity of any air quality standards violation and will not cause a new air quality standard violation.
2. The CEQA Air Quality Handbook indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and *significant projects*. *Significant projects* include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and off-shore drilling facilities; therefore, the project is not defined as *significant*. However, the project requires a General Plan Amendment and therefore requires consistency analysis with the AQMP. The General Plan Amendment consists of a text amendment to the Desert land use designation to permit renewable energy uses subject to environmental analysis. The proposed solar plant is not substantially growth inducing considering it will only require maintenance four times a year by one employee and supports no permanent, on-site employees; therefore, the project will not conflict with the growth assumptions used in the AQMP.

Based on the consistency analysis presented above, the proposed project will not conflict with the AQMP and impacts will be less than significant with mitigation incorporated.

b) **Less Than Significant Impact With Mitigation Incorporated.** A project may have a significant impact if project related emissions would exceed federal, state, or regional standards or thresholds, or if project-related emissions would substantially contribute to existing or project air quality violations. The proposed project is located within the Salton Sea Air Basin, where efforts to attain state and federal air quality standards are governed by the South Coast Air Quality Management District (SCAQMD). Both the State of California (State) and the Federal government have established health-based ambient air quality standards (AAQS) for seven air pollutants (known as 'criteria pollutants'). These pollutants include ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), inhalable particulate matter with a diameter of 10 microns or less (PM<sup>10</sup>), fine particulate matter with a diameter of 2.5 microns or less (PM<sup>2.5</sup>), and lead (Pb). The state has also established AAQS for additional pollutants. The AAQS are designed to protect the health and welfare of the populace within a reasonable margin of safety. Where the state and federal standards differ, California AAQS are more stringent than the national AAQS.

Air pollution levels are measured at monitoring stations located throughout the air basin. Areas that are in nonattainment with respect to federal or state AAQS are required to prepare plans and implement measures that will bring the region into attainment. Table 1 (Salton Sea Air Basin Attainment Status) summarizes the attainment status in the Basin for the criteria pollutants. Discussion of potential impacts related to short-term construction impacts and long-term area source and operational impacts are presented below.

**Table 1  
Salton Sea Air Basin Attainment Status**

| <b>Pollutant</b>      | <b>Federal</b> | <b>State</b>  |
|-----------------------|----------------|---------------|
| O <sub>3</sub> (1-hr) | N/A            | Nonattainment |
| O <sub>3</sub> (8-hr) | Nonattainment  | Nonattainment |
| PM <sup>10</sup>      | Nonattainment  | Nonattainment |
| PM <sup>2.5</sup>     | Attainment     | Unclassified  |
| CO                    | Attainment     | Attainment    |
| NO <sub>2</sub>       | Attainment     | Attainment    |
| SO <sub>2</sub>       | Unclassified   | Attainment    |
| Pb                    | Attainment     | Attainment    |

Sources: ARB 2011

**Construction Emissions**

The California Emissions Estimator Model (CalEEMod) version 2011.1.1 was utilized to estimate emissions from the proposed construction activities (see Appendix B, Air Quality Modeling Data). Construction scheduling, equipment needs, and average vehicle trips were provided by the applicant and utilized in the emissions model. The model accounts for a total disturbed acreage of sixty (60) acres as identified on the project Conceptual Site Plan and for 11,000 cubic-yards of debris hauling to remove existing piles of concrete and other miscellaneous rubble from the site. The model also includes fugitive dust suppression from daily watering (three times per day) as required by SCAQMD Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources). The requirement for dust suppression is incorporated as Mitigation Measure A1 to ensure that particulate matter thresholds are not exceeded. The maximum (summer or winter) results of the analysis are summarized in Table 2 (Maximum Daily Construction Emissions). Maximum daily emissions from the construction of the project will not exceed the daily thresholds adopted by SCAQMD; therefore, short-term construction-related air quality impacts will be less than significant with mitigation incorporated.

**Table 2  
Maximum Daily Construction Emissions (lbs/day)**

| <b>Year</b>              | <b>ROG</b> | <b>NO<sub>x</sub></b> | <b>CO</b>  | <b>SO<sub>2</sub></b> | <b>PM<sup>10</sup></b> | <b>PM<sup>2.5</sup></b> |
|--------------------------|------------|-----------------------|------------|-----------------------|------------------------|-------------------------|
| 2013                     | 12.37      | 99.54                 | 55.77      | 0.10                  | 7.15                   | 8.59                    |
| <b>SCAQMD Threshold</b>  | <b>75</b>  | <b>100</b>            | <b>550</b> | <b>150</b>            | <b>150</b>             | <b>55</b>               |
| <b>Potential Impact?</b> | <b>No</b>  | <b>No</b>             | <b>No</b>  | <b>No</b>             | <b>No</b>              | <b>No</b>               |

Source: Hogle-Ireland 2012  
Note: Volatile organic compounds are measured as reactive organic compounds

**Mitigation Measure A1**

Pursuant to the South Coast Air Quality Management District Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources), the project proponent shall prepare a fugitive dust plan identifying applicable dust suppression measures, including site watering a minimum three times per day.

## Evaluation of Environmental Impacts

### Operational Emissions

The proposed solar plant does not include any activities that could result in substantial long-term criteria pollutant emissions. No employees will be located on the project site because the solar plant will be operated remotely. Maintenance at the facility will occur quarterly and, therefore, resulting in one vehicle trip every three months. This is not a substantial source of mobile pollutant emissions. Long-term operational emissions will not result in or contribute to any air quality violation. Impacts will be less than significant.

c) **Less Than Significant with Mitigation Incorporated.** Cumulative short-term, construction-related emissions from the project will not contribute considerably to any potential cumulative air quality impact because short-term project emissions will be less than significant and other concurrent construction projects in the region will be required to implement standard air quality regulations and mitigation pursuant to State CEQA requirements, just as this project has. Short-term construction-related cumulative impacts will be less than significant with mitigation incorporated (Mitigation measure A1).

The SCAQMD CEQA Air Quality Handbook identifies methodologies for analyzing long-term cumulative air quality impacts. These methodologies identify three performance standards that can be used to determine if long-term emissions will result in cumulative impacts. Essentially, these methodologies assess growth associated with a land use project and are evaluated for consistency with regional projections. Consistency would demonstrate that the project's cumulative impacts are not significant. Exceedance of regional projections could result in potentially significant impacts. Considering the project generates almost no operational trips, generates no employee-related growth, and has no operational component that could emit criteria pollutants, the project could not contribute substantially to any long-term cumulative air quality impact. Impacts will be less than significant.

d) **No Impact.** Sensitive receptors are those segments of the population that are most susceptible to poor air quality such as children, the elderly, the sick, and athletes who perform outdoors. Land uses associated with sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. There are no sensitive receptors in the vicinity of the project site that could be impacted by the project. No impact will occur.

e) **No Impact.** According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The proposed solar plant has no operational component that will emit any odors and there are no receptors within the vicinity to impact. No impact will occur.

**4.4 – Biological Resources**

| Would the project:   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## Evaluation of Environmental Impacts

a) **Less than Significant with Mitigation Incorporated.** A biological resources assessment was prepared to determine if the project would impact any special status species or habitat (see Appendix C). This included site reconnaissance on April 22, 2010. According to the report, no sensitive plant communities were located on the project site and the site is sparsely vegetated with disturbed habitat dominated by non-native species.<sup>8</sup> The Coachella Valley milk-vetch, a federally endangered species, was identified on-site. The Coachella Valley fringe-toed lizard, a federally threatened and state endangered species, was also identified on-site. Additionally, the Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, Le Conte's thrasher, and flat-tailed horned lizard have a moderate to high potential to occur on-site, although were not identified during the site survey. Construction activities could potentially affect these species, resulting in injury or death, constituting potentially significant impacts to protected biological resources.

The project is located within the boundaries of the Coachella Valley Multiple Species habitat Conservation Plan (MSHCP). The MSHCP provides a regional framework for the conservation of special status species and their habitat while providing for streamlined development permitting. The MSHCP has established areas of habitat throughout the region that are in the process of being purchased for permanent conservation. Funding for conservation is acquired through payment of Local Development Mitigation Fees for development projects throughout the Plan area. The project is subject to this fee that will support permanent conservation and protection of special status species. While the project could impact identified special status species or other protected species not previously identified on the project site, payment of the MSHCP mitigation fee will offset these impacts. Mitigation Measure B1 has been incorporated to report payment of the MSHCP mitigation fee. Impacts to special status species will be less than significant with mitigation incorporated.

### Mitigation Measure B1

Prior to issuance of building permits, pursuant to the City of Palm Springs local implementation procedures of the Coachella Valley Multiple Species habitat Conservation Plan, the project proponent shall pay mitigation fees to the Building and Safety Department to offset potential impacts to special status species and habitat.

b) **No Impact.** The project site is highly disturbed with non-native vegetation and does not contain any riparian features or habitat.<sup>9</sup> No impact will occur.

c) **No Impact.** According to the federal National Wetlands Inventory, the project site does not contain any wetlands.<sup>10</sup> Jurisdictional Delineation was prepared for the project to determine if the project would disturb any *waters of the US* as defined by Section 404 of the Clean Water Act or alter any streams as defined in Section 1600 of the California Fish and Game Code (see Appendix D).<sup>11</sup> The report found that due to the disturbed nature of the site

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<sup>8</sup> WRA Environmental Consultants. Biological Resources Assessment: Garnet Solar Power Generation Station. September 2010

<sup>9</sup> United States Fish and Wildlife Service. National Wetlands Inventory. <http://107.20.228.18/Wetlands/WetlandsMapper.html#> [October 20, 2012]

<sup>10</sup> United States Fish and Wildlife Service. National Wetlands Inventory. <http://107.20.228.18/Wetlands/WetlandsMapper.html#> [October 20, 2012]

<sup>11</sup> RBF Consulting. Delineation of Jurisdictional Waters Memo for Garnet Solar Power Generation Station. February 3, 2010

and lack of vegetation or any drainage activity, jurisdictional waters do not occur on-site. No impact will occur.

d) **Less than Significant with Mitigation Incorporated.** The project site is currently fenced and utilized as an active quarry and therefore does not provide for movement of terrestrial wildlife. There are no watercourses located on the project site that could be utilized by migratory aquatic species.

The project biological assessment identified non-special status bird species that likely forage and breed on the project site. Construction activities could also impact these species through death, injury, or displacement of nest, eggs, or young. Disturbance of nesting bird or raptor species is prohibited pursuant to the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5. All migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Pursuant to the MBTA, it is unlawful to *take* (i.e., capture, kill, pursue, or possess) migratory birds or their nests. Virtually all native bird species are covered by the MBTA. Southern California forms a portion of the Pacific Flyway, a generic term used to categorize the numerous and complex migratory routes utilized by bird species migrating from the Bering Strait to South America. Essentially, any water body or open space within the Pacific Flyway can serve as a travel node on a migratory path. Major nodes located within California include the Salton Sea, San Luis Reservoir, Mono Lake, and the Eel River. Pursuant to Fish and Game Codes 3503 and 3503.3, it is unlawful to take, possess, or destroy any nests or eggs. To ensure that nesting bird species are not impacted by construction of the project, Mitigation Measure B2 will be incorporated requiring pre-construction surveys if site clearing activities occur during the breeding season. If active nests are found, appropriate buffers will be established to prevent nest abandonment or direct injury or death until such time that the young have fledged and the nest is unoccupied. Impacts to migratory birds or raptors will be less than significant with mitigation incorporated.

**Mitigation Measure B2**

Prior to initiation of site clearing activities between February 1st and June 15th, a pre-construction survey will be performed within 14-days to identify the presence and location of any nesting bird species. Pre-construction surveys shall be performed within 30-days of site clearing activities initiating between June 16th and August 31st. Active nests will be protected through use of temporary buffers at an appropriate range to be determined based on the species. Surveys shall be performed by a qualified biologist and the results reported to the City's Planning Services Department and Engineering Department prior to issuance of occupancy permits.

e) **Less than Significant Impact.** The project is subject to local Municipal Code requirements designed to protect biological resources. The project site is located within a Biological Sensitivity Area (BSA) as designated by the General Plan.<sup>12</sup> However, the project will not result in any substantial impacts to wildlife or plants species, as discussed in this Section. Impacts will be less than significant.

f) **Less than Significant Impact.** As discussed in Section 4.4.a, the project is located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan and

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<sup>12</sup> City of Palm Springs. General Plan. 2007

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Natural Community Conservation Plan (MSHCP/NCCP).<sup>13</sup> The project is not located within a designated Conservation Area or a fluvial sand transport area and therefore is not subject to MSHCP-specific avoidance, minimization, or mitigation measures. The project is subject to local development mitigation fees to offset impacts to covered species, as identified in Mitigation Measure B1, and the Land Use Adjacency Guidelines (Section 4.5 of the MSHCP) because the Whitewater Floodplain Conservation Area is located to the west and south of the project site. The Guidelines are designed to avoid or minimize indirect effects from development adjacent to Conservation Areas. The Guidelines identify methods for minimizing indirect effects related to drainage, toxics, lighting, noise, invasive species, and barriers. Consistency analysis with the Guidelines is provided below. Based on this consistency analysis, the project will not conflict with the MSHCP and impacts will be less than significant.

- *Drainage:* The Guidelines require that the quantity and quality of runoff from the project site does not adversely impact the adjacent Conservation Area. As discussed in Section 4.9.a, the project site will drain to an on-site retention basin..
- *Toxics:* The Guidelines requires that chemicals or bioproducts such as manure are not discharged into the adjacent Conservation Area. As discussed in Sections 4.3.d, 4.8.a, and 4.8.b, the project will not utilize substantial amounts of hazardous materials or emit any air toxic contaminants.
- *Lighting:* The Guidelines require that project lighting be shielded and directed toward the project site to minimize lighting of the adjacent Conservation Area. As discussed in Section 4.1.d, the project includes low-level security lighting that will not spillover to any adjacent property pursuant to the requirements of Municipal Code Section 93.21.00.
- *Noise:* The Guidelines require that project noise does not exceed 75 decibels, a-weighted (dBA) at the Conservation Area. As discussed in Section 4.12.a and 4.12.c, the project will not generate any operational noise and temporary construction-related noise will be similar to existing, on-site quarry activities.
- *Invasives:* The Guidelines prohibit the use of invasive, non-native plants species in project landscaping. This project does not include any landscaping, thus this measure is not applicable.
- *Barriers:* The Guidelines require construction of barriers to separate the project and the adjacent Conservation Areas. A 20-foot berm will be maintained at the western and southern boundaries and the project site will be entirely fenced, preventing potential trespass from the project site onto adjacent Conservation Areas.
- *Grading:* The Guidelines prohibit manufactured slopes from extending into Conservation Areas. The project does not include any manufactured slopes that would extend into the adjacent Conservation Area.

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<sup>13</sup> Coachella Valley Association of Governments. Coachella Valley Multiple Species Conservation Plan and natural Community Conservation Plan. October 24, 2007



**4.5 – Cultural Resources**

Would the project:

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?    | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?              | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                                 | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

a) **No Impact.** There are no structures, historical or otherwise, located on the project site; therefore, no impacts to historical resources could occur.

b) **Less than Significant with Mitigation Incorporated.** The General Plan identifies Garnet Hill, north of the project site, as an area likely to contain prehistoric resources including rock shelters, lithic workshops, milling features, and seasonal habitation areas.<sup>14</sup> The General Plan does not identify the project site as an area of known historic archaeological sites. The project site is highly disturbed due to the presence of long term active, on-site sand and gravel quarry. It is unlikely that any buried cultural resources have not been destroyed due to the extensive, long-term grading of the property. The Eastern Information Center (EIC) and the Sacred Lands Files (SLF) were queried to determine if cultural resources have been identified on the project site or in the vicinity.<sup>15</sup> The EIC reported that the Southern Pacific Railroad north of the project site is a recorded cultural resource and that non-significant prehistoric isolates have been recorded in the area. The EIC also notes that the majority of the area has been surveyed for cultural resources. The Native American Heritage Commission (NAHC) notes that the SLF identifies potential cultural resources on or within 0.25 miles of the project site; therefore, earthmoving activities have the potential to damage or destroy significant, undiscovered, buried cultural resources.

<sup>14</sup> Ibid

<sup>15</sup> RBF Consulting. Supplemental Environmental Information Garnet Solar Power Generation Station. September 20, 2010

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Mitigation Measure C1 will be incorporated to ensure that cultural resources are not adversely impacted during earthmoving activities. Pursuant to Mitigation Measure C1, if cultural resources are discovered, construction activities shall be halted and the resources addressed pursuant to the recommendations of a qualified archaeologist. CEQA places a preference on resources being left in place; however, if this is not feasible, significant resources will be appropriately collected, curated, and documented. The results of any discovery will be reported to the Planning Service Department prior to issuance of occupancy permits. Mitigation Measure C1 will ensure that impacts to buried cultural resources will be minimized. Impacts will be less than significant with mitigation incorporated.

### Mitigation Measure C1

If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a *unique archaeological resource* as defined in Section 21083.2(g) of the State CEQA Statutes. If this determination is positive, the resource shall be left in place, if determined feasible by the project archaeologist. Otherwise, the scientifically consequential information shall be fully recovered by the archaeologist. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning the resource(s) is filed with the City's Planning Services Department and Engineering Department.

c) **Less than Significant Impact.** The project site serves as an active mine and any paleontological resources would likely have been destroyed during earthmoving activities. According to the Riverside County Land Information System, the project site has low sensitivity for paleontological resources.<sup>16</sup> Vertebrate paleontological resources are generally found as mineralized to unmineralized fossils, imprints, or traces in rocks and sediment. Considering the project is located on transient, alluvial soils underlain by gravel at approximately 50 feet below the surface, paleontological resources are unlikely to occur. Impacts to paleontological resources will be less than significant.

d) **Less than Significant Impact.** No formal cemeteries are located on the project site. Disturbance of subsurface soils has the potential to uncover buried remains. If buried remains are discovered, the project proponent is required to comply with Section 5097.98 of the California Public Resources Code and Section 7050.5-7055 of the California Health and Safety Code, requiring halting of construction activities until a County coroner can evaluate the find and notify a Native American Representative if the remains are of Native American origin. Impacts will be less than significant with compliance with existing regulations.

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<sup>16</sup> Riverside County Land Information System.  
<http://www3.tlma.co.riverside.ca.us/pa/rcdis/viewer.htm> [June 27, 2012]

**4.6 – Geology and Soils**

Would the project:

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |   |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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|  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

a.i) **Less than Significant Impact.** The proposed project site is not located within a fault hazard zone as delineated by the Alquist-Priolo Earthquake Fault Zoning Map; however, the project site is located within proximity of the Garnet Hill segment of the San Andreas system (see Appendix E).<sup>17</sup> The proximity to the Garnet Hill fault has the potential to result in surface fault rupture, ground cracking, and ground deformation in the event of an earthquake along this segment. Concerns related to fault rupture are primarily based on the presence of habitable structures, particularly residential units that could collapse as a result of the rupture and injure or kill persons residing within. The proposed solar plant includes no habitable structures and no permanent on-site employees. While fault rupture could damage the proposed solar array, the potential impact to life is not substantial due to the lack of habitable structures. Impacts related to fault rupture will be less than significant.

a.ii) **Less Than Significant Impact.** The proposed project will be subject to strong ground shaking impacts should a major earthquake occur in the future, as are all projects in Southern California.<sup>18</sup> The proposed project is subject to the seismic design criteria of the California Building Code (CBC) and the project-specific design requirements of the project geotechnical report. The project does not include any habitable structures that could result in injury or loss of life and proper design of the solar array, in consideration of seismic design requirements, will minimize damage to the facility. Impacts from strong ground shaking will be less than significant.

a.iii) **No Impact.** Liquefaction occurs when earthquake induced ground shaking is combined with loosely deposited, granular soils in the presence of saturation (groundwater within 50 feet of the surface), causing the soils to become fluid-like, losing the ability to support structures. Groundwater data for the project vicinity report depths between 104 feet and 420 feet below the ground surface.<sup>19</sup> Subsurface explorations performed during the preparation of the project preliminary geotechnical report did not find groundwater within 50 feet of the surface. Due to the lack of groundwater, no impacts related to liquefaction could occur.

a.iv) **Less than Significant Impact.** No mapped or visible landslides occur on the project site.<sup>20</sup> The project site varies considerably in elevation, by as much as 100 feet from the crest of the existing earthen berm to the deepest areas of the quarry. Steep portions of the site are susceptible to landslides. The entirety of the project site will be graded to balance, including cutting approximately 15 feet off the existing earthen berm. The majority of the project site will be flat after balancing, eliminating landsliding potential under the solar array. The earthen berm will be engineered pursuant to California Building Code (CBC) requirements at a 2:1 slope to minimize potential for landsliding. Impacts will be less than significant.

<sup>17</sup> Ninyo and Moore. Preliminary Geotechnical Evaluation, Proposed Garnet Solar Facility. March 12, 2010

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

b) **Less Than Significant Impact.** Erosion can impact downstream water bodies and loss of nutrient rich topsoil impacts the ability for vegetation to grow. The project site is covered in wind-blown sand that has a high potential for erosion. The proposed project is subject to SCAQMD Rule 403 and the erosion control requirements of the California Building Code (CBC) to prevent wind-blown and stormwater-related erosion. Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources) will minimize wind-blown erosion by requiring stabilization of disturbed soils during construction activities through measures such as daily watering. Required erosion control plans will ensure that measures are implemented at project sites to prevent or minimize erosion due to rain, ensuring that downstream water bodies are protected from sedimentation. The project site will be covered in gravel and contain all weather access roads that will stabilize the project site over the long-term and prevent erosion. With implementation of existing regulations, impacts due to erosion and loss of topsoil will be less than significant.

c) **Less Than Significant Impact.** As discussed above, the project site is not subject to liquefaction. Landsliding potential will be minimized after the project site has been graded. Standard California Building Code (CBC) and recommendations from the required pre-grade geotechnical report will be implemented during grading, including removal of deleterious materials and recompaction to ensure the stability of soils. Impacts related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse will be less than significant with implementation of proposed geotechnical recommendation.

d) **Less Than Significant Impact.** Expansive soils shrink and swell in response to moisture due to high percentages of clay. Expansive soils can result in damage to structures when clay within the soil swells due to moisture. The surface layer of soils in the vicinity have a linear extensibility of rating 1.5, with 2.5 percent clay content, indicating a low potential for shrink-swell.<sup>21</sup> Impacts will be less than significant.

e) **No Impact.** The proposed solar array does not discharge wastewater and requires no septic tanks. No impact will occur.

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<sup>21</sup> National Resources Conservation Service. Web Soil Survey.  
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm> [October 21, 2012]

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**4.7 – Greenhouse Gas Emissions**

| Would the project:   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **Less Than Significant Impact.** Climate change is the distinct change in measures of climate for a long period of time.<sup>22</sup> Climate change is the result of numerous, cumulative sources of greenhouse gas emissions all over the world. Natural changes in climate can be caused by indirect processes such as changes in the Earth’s orbit around the Sun or direct changes within the climate system itself (i.e. changes in ocean circulation). Human activities can affect the atmosphere through emissions of greenhouse gases (GHG) and changes to the planet’s surface. Human activities that produce GHGs are the burning of fossil fuels (coal, oil and natural gas for heating and electricity, gasoline and diesel for transportation); methane from landfill wastes and raising livestock, deforestation activities; and some agricultural practices.

Greenhouse gases differ from other emissions in that they contribute to the “greenhouse effect.” The greenhouse effect is a natural occurrence that helps regulate the temperature of the planet. The majority of radiation from the Sun hits the Earth’s surface and warms it. The surface in turn radiates heat back towards the atmosphere, known as infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping back into space and re-radiate it in all directions. This process is essential to supporting life on Earth because it warms the planet by approximately 60° Fahrenheit. Emissions from human activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect by increasing the gases in the atmosphere that trap heat, thereby contributing to an average increase in the Earth’s temperature. Greenhouse gases occur naturally and from human activities. Greenhouse gases produced by human activities include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Since 1750, it is estimated that the concentrations of carbon dioxide, methane, and nitrous oxide in the atmosphere have increased over 36 percent, 148 percent, and 18 percent, respectively, primarily due to human activity. Emissions of greenhouse gases affect the atmosphere directly by changing its chemical composition while changes to the land surface indirectly affect the atmosphere by changing the way the Earth absorbs gases from the atmosphere.

<sup>22</sup> United States Environmental Protection Agency. Frequently Asked Questions About Global Warming and Climate Change. Back to Basics. April 2009.

GHG emissions for the project were quantified utilizing the California Emissions Estimator Model (CalEEMod) version 2011.1.1 to determine if the project could have a cumulatively considerable impact related to greenhouse gas emissions (see Appendix B). The emissions inventory accounts for GHG emissions from construction activities and operational activities.

Construction activities are short term and cease to emit greenhouse gases upon completion, unlike operational emissions that are continuous year after year until operation of the use ceases. Because of this difference, SCAQMD recommends amortizing construction emissions over the operational lifetime of the project. The project will operate under a 20-year contract with Southern California Edison (SCE). This normalizes construction emissions so that they can be grouped with operational emissions in order to generate a precise project-based GHG inventory. Construction activities are estimated to generate approximately 213.50 total metric tons of carbon dioxide equivalent emissions per year (MTC2OE/YR), or 10.68 MTC2OE/YR each year over a 20-year period.

Operation emissions associated with the proposed project would include GHG emissions from water use and treatment. The proposed solar plant will not result in an appreciable amount of GHG emissions from mobile sources or solid waste disposal because the project only generates trips and solid waste during quarterly maintenance. Furthermore, the solar plant will not generate GHG emissions from natural gas usage or wastewater discharges. GHG emissions will be generated from the supply, treatment, and distribution of water to the site, estimated at approximately 40,000 gallons per year (GPY). Using the demand factors provided in the California Emissions Estimator Model (CalEEMod), the water demand will generate 0.13 tons of carbon dioxide equivalent emissions per year (MTC2OE/YR) (see Appendix B).

The proposed solar farm is rated to generate a maximum of five megawatts (MW) of electricity. Considering that the solar panels will only generate electricity during the day, total annual output is estimated at approximately 14,400 MW-hours (5 MW \* 240 daylight hours/month = 1,200 MW-hours \* 12 = 14,400 MW-hours). As an alternative source of electricity compared to that produced by burning fossil fuels, the proposed solar power plant will actually reduce greenhouse gas emissions. Using emissions factor provided in CalEEMod, the solar panels will produce green energy equivalent to approximately 4,213.96 MTC2OE/YR of greenhouse gas emissions. When compared to operational and construction emissions (10.81 MTC2OE/YR) from the solar plant, the project will substantially reduce greenhouse gas emissions. No impact will occur.

b) **No Impact.** The proposed solar power plant will support the greenhouse gas reduction plans of the state and the region by reducing greenhouse gas emissions through the provision of green energy. No impact will occur.

**4.8 – Hazards and Hazardous Materials**

| Would the project:   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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Would the project:

|  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

a,b) **Less than Significant Impact.** During construction, there would be some transport, use, and disposal of hazardous materials and wastes that are typical of construction projects. This would include fuels and lubricants for construction machinery, adhesives, etc. On-site debris is anticipated to be mainly inert construction debris, such as concrete, although some hazardous materials may be identified as debris piles are uncovered. All hazardous materials are required to be utilized and transported in accordance with their labeling pursuant to federal and state law, including the Hazardous Materials Transportation Uniform Safety Act. Routine construction control measures and best management practices for hazardous materials storage, application, waste disposal, accident prevention and clean-up will be sufficient to reduce potential impacts to a less than significant level.

Operation of the solar power plant will not require use of hazardous materials. Hydraulic fluids utilized in the tracking system are biodegradable. The solar array is constructed of non-hazardous materials including aluminum, silicon, and glass. No hazardous materials will be stored on-site. Impacts will be less than significant.

c) **No Impact.** No schools are located within one-quarter mile of the project site. Therefore, no impact will occur.

d) **No Impact.** The proposed project is not located on a site listed on the State *Cortese List*, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses. Therefore, no impact will occur.

Based upon review of the Cortese list, the project site is not:

- listed as a hazardous waste and substance site by the Department of Toxic Substances Control (DTSC),<sup>23</sup>
- listed as a leaking underground storage tank (LUFT) site by the State Water Resources Control Board (SWRCB),<sup>24</sup>
- listed as a hazardous solid waste disposal site by the SWRCB,<sup>25</sup>

<sup>23</sup> California Department of Toxic Substances Control. EnviroStor. [www.envirostor.dtsc.ca.gov/public/search.asp](http://www.envirostor.dtsc.ca.gov/public/search.asp) [October 22, 2012]

<sup>24</sup> California State Water Resources Control Board. GeoTracker. [geotracker.waterboards.ca.gov](http://geotracker.waterboards.ca.gov) [October 22, 2012]

<sup>25</sup> California State Water Resources Control Board. Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit. [www.calepa.ca.gov/SiteCleanup/CorteseList/CurrentList.pdf](http://www.calepa.ca.gov/SiteCleanup/CorteseList/CurrentList.pdf) [October 22, 2012]

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- currently subject to a Cease and Desist Order (CDO) or a Cleanup and Abatement Order (CAO) as issued by the SWRCB,<sup>26</sup> or developed with a hazardous waste facility subject to corrective action by the DTSC.<sup>27</sup>

e) **No Impact.** The project is located approximately 4.5 miles northwest of the Palm Springs International Airport. The project is not located within the airport land use plan area.<sup>28</sup> No impact will occur.

f) **No Impact.** The site is not within two miles of a private airstrip. No impact could occur.

g) **No Impact.** The project does not include any roadway changes or closures that could impair implementation of or interfere with emergency response plans or evacuations. No impact will occur.

h) **No Impact.** The project site is not located within a very high fire hazard zone.<sup>29</sup> No impact will occur.

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<sup>26</sup> California State Water Resources Control Board. List of Active CDO and CAO. [www.calepa.ca.gov/SiteCleanup/CorteseList/CDOCAOList.xls](http://www.calepa.ca.gov/SiteCleanup/CorteseList/CDOCAOList.xls) [October 12, 2012]

<sup>27</sup> California Department of Toxic Substances Control. Hazardous Facilities Subject to Corrective Action. [www.calepa.ca.gov/SiteCleanup/CorteseList/SectionA.htm#Facilities](http://www.calepa.ca.gov/SiteCleanup/CorteseList/SectionA.htm#Facilities) [October 22, 2012]

<sup>28</sup> Riverside County Airport Land Use Commissions. Riverside County Airport Land Use Compatibility Plan. October 2004.

<sup>29</sup> California Department of Forestry and Fire Protection. Very High Fire Hazard Severity Zones in Local Responsibility Area: Palm Springs. October 2008

**4.9 – Hydrology and Water Quality**

| Would the project:  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Evaluation of Environmental Impacts

| Would the project:   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **Less than Significant Impact.** Violations of water quality standards or waste discharge requirements, or degradation of water quality can result in potentially significant impacts to water quality and result in environmental damage or sickness in people. The project would result in a significant impact to water quality if water quality standards, waste discharge requirements, or degradation of water quality occurred.

There are two sources of potential pollutant discharges. Point-source pollutants can be traced to their original source. Point-source pollutants are discharged directly from pipes or spills. Raw sewage draining from a pipe directly into a stream is an example of a point-source water pollutant. The proposed solar power plant does discharge point-source pollutants and is not subject to individual permitting; therefore, water quality impacts due to point-sources would be less than significant.

Non-point-source pollutants (NPS) cannot be traced to a specific original source. NPS pollution is caused by rainfall or snowmelt moving over and through surface areas. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even underground sources of drinking water. These pollutants include:

- Excess fertilizers, herbicides and insecticides from agricultural lands and residential areas
- Oil, grease, and toxic chemicals from urban runoff and energy production
- Sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks
- Salt from irrigation practices and acid drainage from abandoned mines
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems
- Atmospheric deposition and hydromodification

Impacts associated with water pollution include ecological disruption and injury or death to flora and fauna, increased need and cost for water purification, sickness or injury to people, and degradation or elimination of water bodies as recreational opportunities. Accidents, poor site management or negligence by property owners and tenants can result in accumulation of pollutant substances on parking lots, loading and storage areas, or result in contaminated discharges directly into the Municipal Separate Storm Sewer System (MS4).

As a co-permittee under the Riverside County MS4 National Pollutant Discharge Elimination System (NPDES) permit, the City is required to implement all pertinent regulations of the

program to control pollution discharges from new development. This includes, but is not limited to requirements for preparation of a Water Quality Management Plan (WQMP). The WQMP is designed for certain types of construction done by developers to integrate Best Management Practices (BMPs) into their projects, to identify pollutants and hydrologic conditions of concern, and to reduce and control post construction runoff. These regulations minimize or eliminate NPS pollutant loading from urban runoff, thereby protecting downstream water resources. The primary BMP that will be implemented as part of the project is that the site will primarily be left pervious, allowing water to percolate through on-site soils prior to reaching groundwater or surface waters. Violations of water quality standards due to urban runoff can be prevented through the continued implementation of existing regional water quality regulations. This will be primarily achieved by catching runoff from the solar panels in stabilized v-ditches under each row of panels. Because the project does not include a substantial amount of impervious surface, minimal amount of runoff will be discharged into on-site retention basins. The proposed project would not interfere with the implementation of NPDES water quality regulations and standards and impacts will be less than significant.

The proposed project would disturb approximately 60 acres of land and therefore will be subject to National Pollutant Discharge Elimination System (NPDES) permit requirements during construction activities in addition to standard NPDES operational requirements. The proposed project will require submittal of a Storm Water Pollution Prevention Plan (SWPPP) that will include BMPs to protect water quality during construction activities. There is a new requirement for the approved project-specific Final Water Quality Management Plan to be included in the post-construction section of the SWPPP. The project SWPPP shall be kept at the site during construction at all times. The City will require BMPs as listed in the California Stormwater Quality Association's California Storm Water Best Management Practice Handbooks. These measures typically include which include silt fencing or gravel bags, stabilized construction entrances, tire washing stations, and stockpile management, primarily in efforts to prevent off-site sediment discharges. Impacts related to violation of water quality standards will be less than significant with implementation of existing regulations.

b) **Less than Significant Impact.** If the project removed an existing groundwater recharge area or substantially reduced runoff (that results in groundwater recharge), a potentially significant impact could occur. The project does not require a substantial amount of water, as discussed in Section 4.17. The project site is currently vacant, allowing full percolation of stormwater. The project site will remain primarily pervious, allowing stormwater to continue to percolate through on-site soils; therefore, the project will not substantially interfere with groundwater recharge to the extent that extraction wells would cease to operate. Impacts will be less than significant.

c) **Less than Significant Impact.** According to the project water quality assessment (Appendix F), on-site soils have a generally low potential for erosion.<sup>30</sup> The project site currently drains in on-site sheet flows to the southeast. The project will substantially change the drainage pattern of the project site that is currently characterized by numerous gullies and pits. The site will be engineered with a one percent slope to the east, consistent with the existing on-site drainage conditions. After construction of the solar power plant, the project site will be stabilized through use of gravel under the solar panels and aggregate base on all access roads. This will minimize the potential for erosion because soils will be stabilized and will not be exposed directly to stormwater flows. Impacts will be less than significant.

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<sup>30</sup> RBF Consulting. Garnet Water Quality Assessment. February 2010

## Evaluation of Environmental Impacts

d) **Less than Significant Impact.** As discussed in Section 4.9.c above, the project will result in substantial changes to the on-site drainage pattern. Stormwater will be channeled through v-ditches and sheet flow easterly until discharging into the on-site retention basins. Site drainage will be designed to replicate pre-project conditions, as required by the NPDES General Construction Permit and the stormwater management requirements of Municipal Code Chapter 8.70.<sup>31</sup> Stormwater will discharge directly into on-site retention basin(s) and no connection to any storm drain, flood control channel or any portion of the Municipal Separate Storm Sewer System (MS4) is allowable without pre-treatment. Stormwater flows will not cross over any other property. Impacts related to on- or off-site flooding will be less than significant based on project design and with implementation of existing regulations.

e) **No Impact.** The project will not connect to any storm drain system. No impact will occur.

f) **No Impact.** The project does not propose any uses that will have the potential to otherwise degrade water quality beyond those issues discussed in Section 4.9 herein.

g) **No Impact.** The project does not include housing; therefore, no impact could occur.

h) **Less than Significant Impact.** The project site is located on a portion of an active quarry within the floodplain of the Whitewater River (see Appendix G).<sup>32</sup> The project site is located in Zone A as mapped in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).<sup>33</sup> Flood Zone A indicates that the site is within the 1-percent annual (100-year) floodplain as determined by approximate methods, indicating that detailed analysis has not identified base flood elevations or depths in the area. Flooding of the project site could occur from the west, where the Whitewater River floodplain crosses Indian Canyon Drive towards the project site.

The project involves regrading to balance the project site. The existing earthen berm to the west and south will be cut to fill in portions of the site and a new earthen berm will be built up along the northern and eastern perimeter. Currently, as evidenced by flooding in 2010, the Whitewater River floodwaters approach the western boundary of the project and once contacting the western earthen berm, floodwaters continue southerly and continue to the southeast after passing the earthen berm. Although the top of the earthen berm will be cut and a portion filled to balance and screen the project site, the earthen berm will not substantially change in a manner that would redirect floodwaters. Some amount of floodwater could enter north of the project site at the proposed entry road to the quarry and project site. Floodwaters would generally be directed around the project site because of the proposed northern earthen berm. Floodwaters would pass over the existing quarry, ponding in the lower depressions, as they do under existing conditions. The project is subject to Chapter 8.68 (Flood Damage Prevention) of the municipal code and therefore is required to construct mechanical and electrical equipment a minimum two feet above the base flood elevation and all construction must be anchored to withstand maximum scour. Provisions will be identified in the project hydrology study to be issued prior to issuance of grading permits pursuant to Engineering Department requirements. Based on the project design and existing standards, impacts will be less than significant.

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<sup>31</sup> Ibid

<sup>32</sup> RBF Consulting. Garnet Solar Power Generation Station Preliminary Flood Hazard Assessment. February 2010

<sup>33</sup> Federal Emergency Management Agency. Flood Insurance Rate Map 06065C1650G. August 28, 2008

## Evaluation of Environmental Impacts

i) **Less than Significant Impact.** The nearest upstream levee to the project site is located approximately two miles west of the project site as part of a series groundwater recharge basins. Levee failure would discharge water in a southeasterly direction, generally south of the project site, due to the course of the Whitewater River. Impacts will be less than significant.

j) **No Impact.** The project site is not located near any lakes or other bodies of water that would be subject to potential seiche. Due to the distance of the project site from the ocean, no impact from tsunami could occur. The project is not located within or near any steep slopes where substantial mudflows could occur. No impacts will occur.

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**4.10 – Land Use and Planning**

Would the project:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

a) **No Impact.** The project site comprises a portion of an active mine. There is no residential development within the project vicinity. No impact will occur.

b) **Less than Significant Impact.** The proposed project requires a General Plan Amendment (GPA) to permit renewable energy uses in the Desert land use designation, subject to environmental analysis. The Desert land use designation is intended to identify areas to be retained to protect natural, scenic, and wildlife resources unique to Palm Springs and to identify areas where minimal development is desired to protect people and property from environmental hazards such as blowsand associated with the undeveloped desert floor areas.<sup>34</sup> The project and GPA will not expose a substantial number of persons to potential environmental hazards because the solar power plant and other renewable energy uses (i.e. wind energy conversion systems) require no permanent on-site employees. The project and GPA will benefit the environment by producing renewable energy, reducing reliance on non-renewable, polluting energy sources such as oil. Furthermore, the proposed GPA specifically requires environmental analysis for renewable energy uses and thus establishes a self-mitigating policy to ensure that environmental impacts of this project and any future renewable energy projects are analyzed, to include mitigation measures, if necessary. The project and proposed GPA will not conflict with the environmental goals and polices of the General Plan. Impacts will be less than significant.

c) **Less than Significant Impact.** As discussed in Section 4.4 (Biological Resources), the project is located within the boundaries of the Coachella Valley Multiple Species Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP) and subject to

<sup>34</sup> City of Palm Springs, General Plan, 2007



## Evaluation of Environmental Impacts

the provisions of the Land Use Adjacency Guidelines.<sup>35</sup> The project is not located within a designated conservation area or a fluvial sand transport area and is subject to local development mitigation fees to offset impacts to covered species. The project is consistent with the Land Use Adjacency Guidelines and will not conflict with the MSHCP. Impacts will be less than significant.

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<sup>35</sup> Coachella Valley Association of Governments. Coachella Valley Multiple Species Conservation Plan and natural Community Conservation Plan. October 24, 2007

**Evaluation of Environmental Impacts**

**4.11 – Mineral Resources**

Would the project:

|   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

a) **Less than Significant Impact.** The project site is located on a portion of an active, 134.3-acre sand and gravel mine operated by Granite Construction Company. According to the California Geological Survey mineral land classification for the project site, the project is located in Mineral Resource Zone (MRZ) 2, identified as an area of significant mineral resources based on geologic data; however, the project site was precluded as a viable resources extraction site in 1987 due to incompatible uses.<sup>36</sup> The proposed solar power plant will have an operational life of approximately thirty years. Although the solar plant will temporarily prevent access to mineral resources underlying the project site, it will not impede mining activities on the remaining 100 acres of the mine. Furthermore, the facility will not result in the permanent loss of mineral resources, that will become available when the solar plant ceases operation. Impacts due to the loss of regional and statewide important mineral resources will be less than significant.

b) **No Impact.** The City’s General Plan does not identify any locally important mineral resources. No impact will occur.

<sup>36</sup> City of Palm Springs. General Plan. 2007

**4.12 – Noise**

Would the project result in:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Noise can be defined as unwanted sound. Sound (and therefore noise) consists of energy waves that people receive and interpret. Sound pressure levels are described in logarithmic units of ratios of sound pressures to a reference pressure, squared. These units are called *bels*. In order to provide a finer description of sound, a *bel* is subdivided into ten *decibels*, abbreviated dB. To account for the range of sound that human hearing perceives, a modified scale is utilized known as the A-weighted decibel (dBA). Since decibels are logarithmic units, sound pressure levels cannot be added or subtracted by ordinary arithmetic means. For example, if one automobile produces a sound pressure level of 70 dBA when it passes an observer, two 2 cars passing

## Evaluation of Environmental Impacts

simultaneously would not produce 140 dBA. In fact, they would combine to produce 73 dBA. This same principle can be applied to other traffic quantities as well. In other words, doubling the traffic volume on a street or the speed of the traffic will increase the traffic noise level by 3 dBA. Conversely, halving the traffic volume or speed will reduce the traffic noise level by 3 dBA. A 3 dBA change in sound is the beginning at which humans generally notice a *barely perceptible* change in sound and a 5 dBA change is generally *readily perceptible*.<sup>37</sup>

Noise consists of pitch, loudness, and duration; therefore, a variety of methods for measuring noise has been developed. According to the California General Plan Guidelines for Noise Elements, the following are common metrics for measuring noise:<sup>38</sup>

**L<sub>EQ</sub> (Equivalent Energy Noise Level):** The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over given sample periods. L<sub>EQ</sub> is typically computed over 1-, 8-, and 24-hour sample periods.

**CNEL (Community Noise Equivalent Level):** The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00pm to 10:00pm and after addition of ten decibels to sound levels in the night from 10:00pm to 7:00am.

**L<sub>DN</sub> (Day-Night Average Level):** The average equivalent A-weighted sound level during a 24-hour day, obtained after the addition of ten decibels to sound levels in the night after 10:00pm and before 7:00am.

CNEL and L<sub>DN</sub> are utilized for describing ambient noise levels because they account for all noise sources over an extended period of time and account for the heightened sensitivity of people to noise during the night. L<sub>EQ</sub> is better utilized for describing specific and consistent sources because of the shorter reference period.

a) **No Impact.** The nearest land use is the adjacent quarry that operates on an as-needed, part-time basis. The quarry is not considered a land use sensitive to noise and no noise standards are established for quarries or similar uses in the General Plan Noise Element. Inherently, the quarry is a use that generates excessive noise, similar to construction activities, due to the use of heavy equipment. The proposed solar power plant does not include any permanent on-site employees that could be impacted by adjacent quarry operations. No persons will be exposed to noise levels in excess of General Plan standards. No impact will occur.

b) **No Impact.** Vibration is the movement of mass over time. It is described in terms of frequency and amplitude and unlike sound; there is no standard way of measuring and reporting amplitude. Vibration can be described in units of velocity (inches per second) or discussed in decibel (dB) units in order to compress the range of numbers required to describe vibration. Vibration impacts to buildings are generally discussed in terms of peak particle velocity (PPV) that describes particle movement over time (in terms of physical displacement of mass). For purposes of this analysis, PPV will be used to describe all vibration for ease of reading and comparison. Vibration can impact people, structures, and sensitive equipment. The primary concern related to vibration and people is the potential to annoy those working and residing in the area. Vibration with high enough amplitudes can damage structures (such as crack plaster or destroy windows),

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<sup>37</sup> California Department of Transportation. Basics of Highway Noise: Technical Noise Supplement. November 2009.

<sup>38</sup> California Governor's Office of Planning and Research. General Plan Guidelines. 2003

although only a concern when blasting is required or if structures are very old. Groundborne vibration can also disrupt the use of sensitive medical and scientific instruments such as electron microscopes. Common sources of vibration within communities include construction activities and railroads.

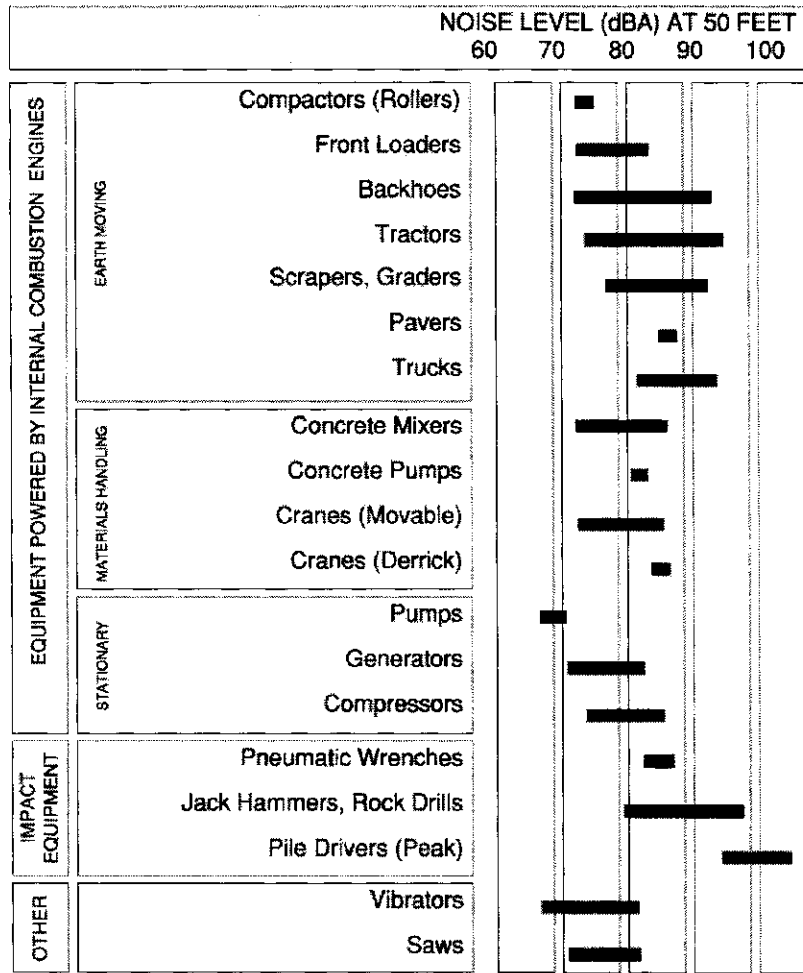
Operation of the proposed solar array does not include activities that generate vibration. Vibration will be generated from temporary construction activities, particularly from use of heavy equipment such as large bulldozers and graders. There are no persons, structures, or sensitive equipment in the project vicinity that could be impacted by temporary construction noise. Similarly, the adjacent quarry will include periodic use of heavy equipment in mining activities. The proposed solar farm does not require any on-site employees that could be impacted by quarry activities. No impact will occur.

c) **No Impact.** The proposed solar power plant does not include an operational component that could increase ambient noise levels, neither from on-site activities nor through generation of traffic. No impact will occur.

d) **No Impact.** Operationally, the project will not result in periodic landscaping or other occasional noise generating activities.

Construction of the solar power plant will result in temporary construction-related noise increases related to on-site ground disturbing and construction activities. Construction noise levels vary, depending on the type and intensity of construction activity, equipment type and duration of use, and the distance between the noise sources and the receiver. Typical sound emission characteristics of construction equipment are provided in Figure 1 (Construction Equipment Noise).

**Figure 1  
Construction Equipment Noise**



NOTE: Based on limited available data samples.

SOURCE: United States Environmental Protection Agency, 1971. "Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances," NTID 300-1

Temporary noise increases will be greatest during removal of existing paving and grading activities where jackhammers, tractors, backhoes, loaders, and graders can produce noise levels between 75 dBA and 95 dBA at 50 feet from the equipment source. Equipment utilized during building construction, paving, and architectural coating activities can produce noise levels up to 85 dBA at 50 feet from the equipment source. There are no sensitive noise receptors in the project vicinity that could be impacted by temporary construction-related noise. Periodic use of the adjacent quarry will not be impacted by construction activities considering equipment usage is similar to that utilizing for mining and would, therefore, be similar to occupational exposure. No impact will occur.

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e) **No Impact.** The project is located approximately 4.5 miles northwest of the Palm Springs International Airport. The project is not located within the airport land use plan area and is not located within the 65 dBA CNEL noise contour of the airport.<sup>39</sup> No impact will occur.

f) **No Impact.** There are no private airstrips within two miles of the project site. No impact will occur.

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<sup>39</sup> Riverside County Airport Land Use Commissions. Riverside County Airport Land Use Compatibility Plan. October 2004.

**Evaluation of Environmental Impacts**

**4.13 – Population and Housing**

Would the project:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **No Impact.** The project does not include any housing or employment opportunities that could cause population growth in the area. Furthermore, the project does not include any off-site infrastructure improvements that could indirectly cause population growth. No impact will occur.

b) **No Impact.** There are no housing units located on the project site and no housing units are required to be removed to construct the proposed solar power plant. No impact will occur.

c) **No Impact.** There are no housing units located on the project site and no housing units will be converted to other types of housing or uses that could displace any people. No impact will occur.



**4.14 – Public Services**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

|                             | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|-----------------------------|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Fire protection?         | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Police protection?       | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Schools?                 | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

a) **Less than Significant Impact.** The Palm Springs Fire Department provides fire protection and emergency medical response services to the City. The project is serviced by Station 3 located at 500 East Racquet Club Road approximately three miles southwest of the project site. The Fire Department currently employs 56 employees, including 16 firefighters on duty between four fire stations. No new or expanded fire protection facilities would be required as a result of this project as the project is within the service boundaries of the Fire Department. Furthermore, the proposed project does not propose to use substantially hazardous materials or engage in hazardous activities that will require new or modified fire protection equipment to meet potential emergency demand. Any incremental impacts on level of service will be offset by the payment of development impact fees and/or property taxes. Impacts related to expansion of fire protection services will be less than significant.

b) **Less than Significant Impact.** The Palm Springs Police Department provides police protection services to the City. The Department employs 94 sworn police officers serving a permanent population of approximately 50,000 residents over 96 square miles. The proposed project will not result in any unique or more extensive criminal activity that cannot be addressed with the existing level of police resources. The proposed project is located within the Department service area. No new or expanded police facilities would need to be constructed as a result of this project. Any incremental impacts on level of service will be offset by the payment of development impact fees and/or property taxes. Impacts related to expansion of police protection services will be less than significant.

c) **No Impact.** The proposed solar power plant does not include any employees and associated children that could result in impacts to the local school district. No impact will occur.

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d) **No Impact.** The proposed industrial project will not result in population growth that would incrementally impact parks or recreation facilities. No impact will occur.

d) **No Impact.** The project includes no on-site employees that could result in local population growth requiring incremental expansion of other public services such as libraries or medical facilities. No impact will occur.

**4.15 – Recreation**

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

a) **No Impact.** The proposed solar power plant requires no on-site employees that could result in population growth requiring recreational use facilities. No impact will occur

b) **No Impact.** The project does not include or require any recreational facilities. No impact will occur.

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**4.16 – Transportation and Traffic**

Would the project:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Evaluation of Environmental Impacts**

|  |                          |                          |                          |                          |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

a) **Less than Significant Impact.** The project will generate short-term construction traffic from worker, vendor, and hauling trips. Worker trips will typically occur in passenger vehicles. Vendors will bring equipment and components to the project site and will typically occur on medium-heavy duty flatbed trucks. Haul trips will be required to haul debris to recycling and landfill facilities and will occur in heavy-duty trucks able to carry ten to thirty cubic yards of debris. The greatest daily average vehicle trips will occur during construction of the solar array with 30 worker trips and 20 vendor deliveries. These trips will be temporary in nature and will not substantially impact the performance of the local circulation system. Operational trips will be generated by quarterly maintenance activities, thereby generating four trips per year. This is not a substantial number of trips and will not impact the local roadway network. Impacts to the performance of the circulation system will be less than significant.

b) **No Impact.** The nearest Riverside County Congestion Management Program (CMP) roadway is Interstate 10, north of the project site. The level of service (LOS) standard for CMP facilities is LOS E. The proposed project will generate approximately four trips per year and therefore will not substantially affect the peak hour operation of any CMP facility. No impact will occur.

c) **No Impact.** The proposed project is located approximately 4.5 miles northwest of the Palm Springs International Airport. The project includes no operational component that could substantially increase air traffic and does not include any structural component that could require rerouting of aircraft departure or approach patterns. No impact will occur.

d) **No Impact.** The project does not include any off-site roadway improvements or construction that could result in hazards from improper design. The proposed on-site roadway will be a low speed, aggregate all-weather access road. The proposed solar power plant includes no operational component that would generate incompatible vehicle trips. No impact will occur.

e) **No Impact.** The proposed project will take access from a new 30-foot wide roadway connecting with Indian Canyon Drive. The access driveway and all internal driveways will be a minimum of 24 feet wide and able to support a minimum 73,000-pound emergency vehicle in accordance with Palm Springs Fire Department requirements. Knox boxes will be included at the double-entry gate to provide access to emergency services. No impact will occur.

f) **No Impact.** The project will not conflict with adopted policies or plans related to alternative modes of travel, such as bus transit, bicycles or walking paths. The project will not generate substantial operational trips requiring needs for alternative transportation options. No impact will occur.

**Evaluation of Environmental Impacts**

**4.17 – Utilities and Service Systems**

Would the project:

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

a) **No Impact.** The proposed solar array does not include any facilities that discharge wastewater and no connection to any sewer or septic system is required. No impact will occur.

## Evaluation of Environmental Impacts

- b) **Less than Significant Impact.** The project will not discharge any wastewater and requires no sewer connection or septic treatment. The project includes construction of a new water main and lateral connection to provide water to an on-site, 8,000-gallon water tank. Nominal trenching and routine construction will be required to complete these infrastructure improvements. No off-site improvements are required. Impacts will be less than significant.
- c) **No Impact.** There are no storm drains in the project vicinity and the project does not require connection or construction of any storm drain facility. No impact will occur.
- d) **Less than Significant Impact.** The project is estimated to require 40,000 gallons of water per year for maintenance activities. Water will be provided by the Desert Water Agency (DWA). The DWA 2010 Urban Water Management Plan (UWMP) indicates that demand will exceed supply over the next 25 years due to reductions in State Water Project (SWP) water and will likely have to extract additional groundwater to meet demand.<sup>40</sup> The proposed solar plant will be less than one percent (0.00000233 percent) of current demand. Although DWA will need to acquire new sources of water to serve its jurisdiction over the long-term, the proposed project is not a substantial source of demand for the agency. The project will not require new water entitlements and impacts will be less than significant.
- e) **No Impact.** The project will not require wastewater treatment services. No impact will occur.
- f) **Less Than Significant Impact.** The project will generate construction and demolition (C&D) debris from grading and construction of the proposed solar power plant. Particularly, visible and buried piles of inert debris such as concrete, asphalt, and brick are scattered throughout the site that will need to be removed. The project is subject to City C&D disposal regulations requiring a minimum of 50 percent of materials to be recycled. Operation of the solar power plant will generate solid waste such as broken or rusted metal, defective or malfunctioning photovoltaic modules, empty containers, and other miscellaneous waste from maintenance of the solar array. The majority of the waste will be eligible to be recycled or returned to the manufacturer. Lamb Canyon Sanitary Landfill primarily serves the City.<sup>41</sup> This landfill is anticipated to close in 2021 with approximately 55 percent (18,955,000 cubic yards) of capacity remaining.<sup>42</sup> This is adequate capacity to receive the short-term, construction-related and operational solid waste generated by the project. Impacts will be less than significant.
- g) **No Impact.** The project will comply with all pertinent federal, state, and local statutes and regulations related to solid waste. Therefore, no impacts will occur.

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<sup>40</sup> Desert Water Agency. 2010 Urban water Management Plan. March 2011

<sup>41</sup> California Department of Resource Recovery and Resources. Jurisdictional Disposal by Facility. <http://www.calrecycle.ca.gov/LGCentral/Reports/DRS/Destination/JurDspFa.aspx> [October 21, 2012]

<sup>42</sup> California Department of Resource Recovery and Recycling. Solid Waste Facility Listing Details – Lamb Canyon Sanitary Landfill. <http://www.calrecycle.ca.gov/SWFacilities/Directory/33-AA-0007/Detail/> [October 21, 2012]

**Evaluation of Environmental Impacts**

**4.18 – Mandatory Findings of Significance**

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

a) **Less than Significant with Mitigation Incorporated.** The environmental analysis provided in Section 4.3 concludes that impacts related to emissions of criteria pollutants and other air quality impacts will be less than significant with mitigation incorporated. Sections 4.7 and 4.9 conclude that impacts related to climate change and hydrology and water quality will be less than significant. Section 4.4 concludes that impacts to fish, wildlife, or habitat will be less than significant with mitigation incorporated. Section 4.5 concludes that impacts to cultural resources will be less than significant with mitigation incorporated. The City hereby finds that impacts related to degradation of the environment, biological resources, and cultural resources will be less than significant with mitigation incorporated.



b) **Less than Significant with Mitigation Incorporated.** Cumulative impacts can result from the interactions of environmental changes resulting from one proposed project with changes resulting from other past, present, and future projects that affect the same resources, utilities and infrastructure systems, public services, transportation network elements, air basin, watershed, or other physical conditions. Such impacts could be short-term and temporary, usually consisting of overlapping construction impacts, as well as long term, due to the permanent land use changes involved in the project.

The proposed project will generally result in nominal environmental impacts, as discussed herein. Short-term impacts related to pollutant emissions will be at less than significant with mitigation incorporated and therefore will not contribute substantially to any other concurrent construction programs that may be occurring in the vicinity. The project's contribution to long-term, cumulative impacts will not be substantial with implementation of the City's existing policies, programs, and regulatory requirements. Particularly, the project is subject to development impact fees and property taxes to offset project-related impacts to public services and utility systems such as fire protection services, traffic control and roadways, storm drain facilities, and other public facilities and equipment. The City hereby finds that the contribution of the proposed project to cumulative impacts will be less than significant.

c) **Less Than Significant with Mitigation Incorporated.** Based on the analysis of the project's impacts in the responses to items 4.1 thru 4.17, there is no indication that this project could result in substantial adverse effects on human beings. While there would be a variety of temporary adverse effects during demolition and construction from noise, these will be reduced to less than significant levels through mitigation. Long-term effects will include minor changes to on-site drainage and changing of the visual character of the site. The analysis herein concludes that direct and indirect environmental effects will at worst require mitigation to reduce to less than significant levels. Generally, environmental effects will result in less than significant impacts. Based on the analysis in this Initial Study, the City finds that direct and indirect impacts to human beings will be less than significant with mitigation incorporation.

**Evaluation of Environmental Impacts**



### ***5.1 – List of Preparers***

#### **City of Palm Springs (Lead Agency)**

3200 East Tahquitz Canyon Way  
Palm Springs, California 92262  
760-323-8245

- Edward Robertson, Principal Planner
- David Newell, Associate Planner

#### **Hogle-Ireland (Environmental Analysis)**

1500 Iowa Avenue, Suite 110  
Riverside, California 92507  
951-787-9222

- Nelson Miller, AICP, Vice President
- Christopher Brown, Project Manager

### ***5.2 – Persons and Organizations Consulted***

- None

**References**



## 6 Summary of Mitigation Measures

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### **Mitigation Measure A1**

Pursuant to the South Coast Air Quality Management District Rule 403 (Fugitive Dust) and Rule 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources), the project proponent shall prepare a fugitive dust plan identifying applicable dust suppression measures, including site watering a minimum three times per day.

### **Mitigation Measure B1**

Prior to issuance of building permits, pursuant to the City of Palm Springs local implementation procedures of the Coachella Valley Multiple Species habitat Conservation Plan, the project proponent shall pay mitigation fees to the Building and Safety Department to offset potential impacts to special status species and habitat.

### **Mitigation Measure B2**

Prior to initiation of site clearing activities between February 1st and June 15th, a pre-construction survey will be performed within 14-days to identify the presence and location of any nesting bird species. Pre-construction surveys shall be performed within 30-days of site clearing activities initiating between June 16th and August 31st. Active nests will be protected through use of temporary buffers at an appropriate range to be determined based on the species. Surveys shall be performed by a qualified biologist and the results reported to the City's Planning Services Department and Engineering Department prior to issuance of occupancy permits.

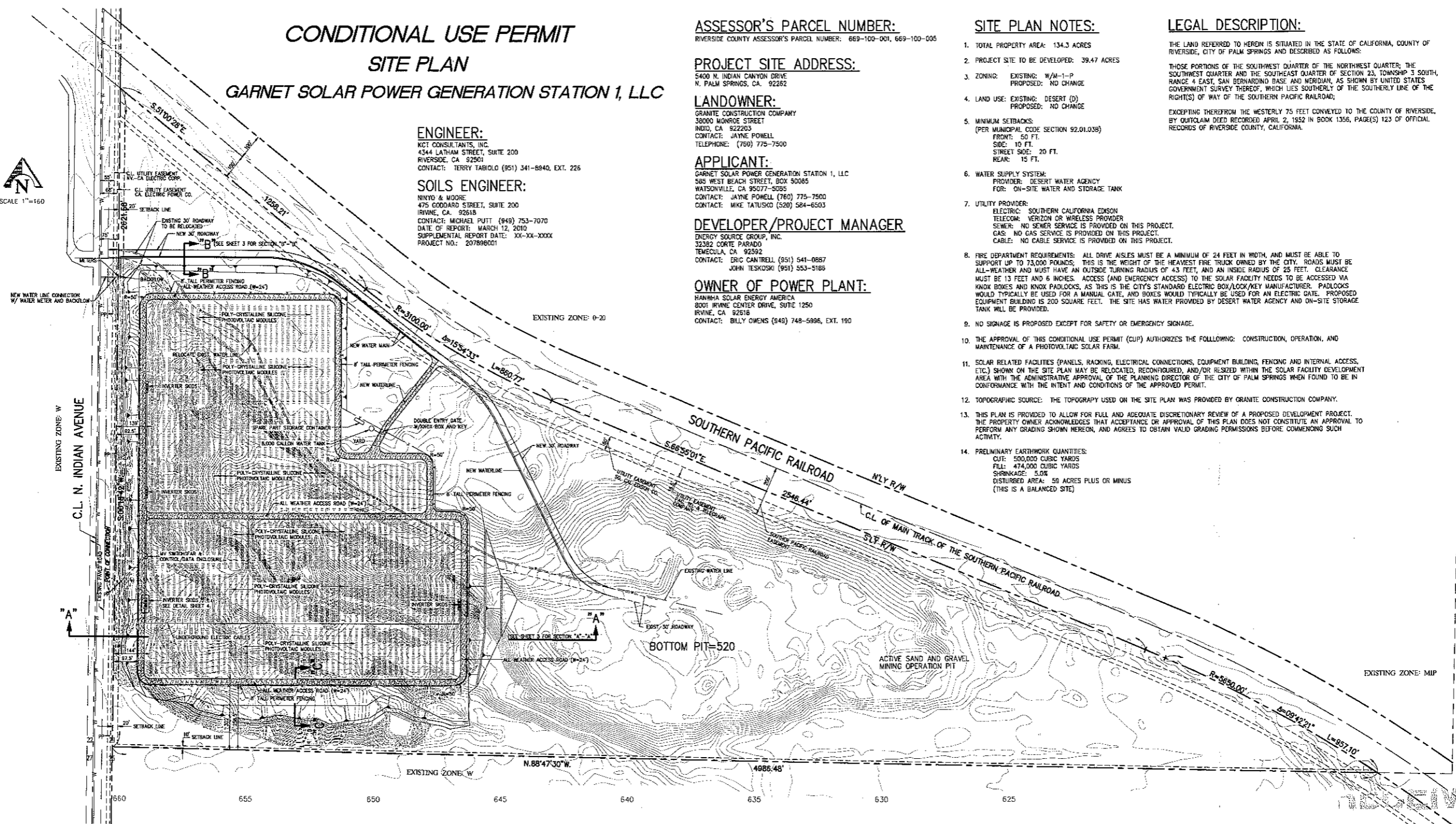
### **Mitigation Measure C1**

If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a *unique archaeological resource* as defined in Section 21083.2(g) of the State CEQA Statutes. If this determination is positive, the resource shall be left in place, if determined feasible by the project archaeologist. Otherwise, the scientifically consequential information shall be fully recovered by the archaeologist. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning the resource(s) is filed with the City's Planning Services Department and Engineering Department.

**Summary of Mitigation Measures**



**CONDITIONAL USE PERMIT  
SITE PLAN  
GARNET SOLAR POWER GENERATION STATION 1, LLC**



**ENGINEER:**  
KCT CONSULTANTS, INC.  
4344 LATHAM STREET, SUITE 200  
RIVERSIDE, CA 92501  
CONTACT: TERRY TABIOLDO (951) 341-8940, EXT. 226

**SOILS ENGINEER:**  
NINYO & MOORE  
475 GOODARD STREET, SUITE 200  
IRVINE, CA 92618  
CONTACT: MICHAEL PUTT (949) 753-7070  
DATE OF REPORT: MARCH 12, 2010  
SUPPLEMENTAL REPORT DATE: XX-XX-XXXX  
PROJECT NO.: 207896001

**ASSESSOR'S PARCEL NUMBER:**  
RIVERSIDE COUNTY ASSESSOR'S PARCEL NUMBER: 669-100-001, 669-100-005

**PROJECT SITE ADDRESS:**  
5400 N. INDIAN CANYON DRIVE  
N. PALM SPRINGS, CA. 92282

**LANDOWNER:**  
GRANITE CONSTRUCTION COMPANY  
3800 MONROE STREET  
INDIO, CA 92203  
CONTACT: JAYNE POWELL  
TELEPHONE: (760) 775-7500

**APPLICANT:**  
GARNET SOLAR POWER GENERATION STATION 1, LLC  
565 WEST BEACH STREET, BOX 90085  
WATSONVILLE, CA 95077-5085  
CONTACT: JAYNE POWELL (760) 775-7500  
CONTACT: MIKE TATUISO (520) 584-6503

**DEVELOPER/PROJECT MANAGER**  
ENERGY SOURCE GROUP, INC.  
32382 CORTE PARADO  
TEMECULA, CA 92592  
CONTACT: ERIC CANTRELL (951) 541-0857  
JOHN TESKUSKI (951) 553-5188

**OWNER OF POWER PLANT:**  
HANHWA SOLAR ENERGY AMERICA  
8001 IRVINE CENTER DRIVE, SUITE 1250  
IRVINE, CA 92618  
CONTACT: BILLY OWENS (949) 748-5986, EXT. 190

**SITE PLAN NOTES:**

- TOTAL PROPERTY AREA: 134.3 ACRES
- PROJECT SITE TO BE DEVELOPED: 39.47 ACRES
- ZONING: EXISTING: W/M-1-P  
PROPOSED: NO CHANGE
- LAND USE: EXISTING: DESERT (D)  
PROPOSED: NO CHANGE
- MINIMUM SETBACKS:  
(PER MUNICIPAL CODE SECTION 92.01.03B)  
FRONT: 50 FT.  
SIDE: 10 FT.  
STREET SIDE: 20 FT.  
REAR: 15 FT.
- WATER SUPPLY SYSTEM:  
PROVIDER: DESERT WATER AGENCY  
FOR: ON-SITE WATER AND STORAGE TANK
- UTILITY PROVIDER:  
ELECTRIC: SOUTHERN CALIFORNIA EDISON  
TELECOM: VERIZON OR WIRELESS PROVIDER  
SEWER: NO SEWER SERVICE IS PROVIDED ON THIS PROJECT.  
GAS: NO GAS SERVICE IS PROVIDED ON THIS PROJECT.  
CABLE: NO CABLE SERVICE IS PROVIDED ON THIS PROJECT.
- FIRE DEPARTMENT REQUIREMENTS: ALL DRIVE AISLES MUST BE A MINIMUM OF 24 FEET IN WIDTH, AND MUST BE ABLE TO SUPPORT UP TO 73,000 POUNDS. THIS IS THE WEIGHT OF THE HEAVIEST FIRE TRUCK OWNED BY THE CITY. ROADS MUST BE ALL-WEATHER AND MUST HAVE AN OUTSIDE TURNING RADIUS OF 43 FEET, AND AN INSIDE RADIUS OF 25 FEET. CLEARANCE MUST BE 13 FEET AND 6 INCHES. ACCESS (AND EMERGENCY ACCESS) TO THE SOLAR FACILITY NEEDS TO BE ACCESSED VIA WALK BOXES AND WALK PADLOCKS, AS THIS IS THE CITY'S STANDARD ELECTRIC BOX/LOCK/KEY MANUFACTURER. PADLOCKS WOULD TYPICALLY BE USED FOR A MANUAL GATE, AND BOXES WOULD TYPICALLY BE USED FOR AN ELECTRIC GATE. PROPOSED EQUIPMENT BUILDING IS 200 SQUARE FEET. THE SITE HAS WATER PROVIDED BY DESERT WATER AGENCY AND ON-SITE STORAGE TANK WILL BE PROVIDED.
- NO SIGNAGE IS PROPOSED EXCEPT FOR SAFETY OR EMERGENCY SIGNAGE.
- THE APPROVAL OF THIS CONDITIONAL USE PERMIT (CUP) AUTHORIZES THE FOLLOWING: CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PHOTOVOLTAIC SOLAR FARM.
- SOLAR RELATED FACILITIES (PANELS, RACKING, ELECTRICAL CONNECTIONS, EQUIPMENT BUILDING, FENCING AND INTERNAL ACCESS, ETC.) SHOWN ON THE SITE PLAN MAY BE RELOCATED, RECONFIGURED, AND/OR RESIZED WITHIN THE SOLAR FACILITY DEVELOPMENT AREA WITH THE ADMINISTRATIVE APPROVAL OF THE PLANNING DIRECTOR OF THE CITY OF PALM SPRINGS WHEN FOUND TO BE IN CONFORMANCE WITH THE INTENT AND CONDITIONS OF THE APPROVED PERMIT.
- TOPOGRAPHIC SOURCE: THE TOPOGRAPHY USED ON THE SITE PLAN WAS PROVIDED BY GRANITE CONSTRUCTION COMPANY.
- THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMITS BEFORE COMMENCING SUCH ACTIVITY.
- PRELIMINARY EARTHWORK QUANTITIES:  
CUT: 500,000 CUBIC YARDS  
FILL: 474,000 CUBIC YARDS  
ROADS: 5.00  
DISTURBED AREA: 50 ACRES PLUS OR MINUS  
(THIS IS A BALANCED SITE)

**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE, CITY OF PALM SPRINGS AND DESCRIBED AS FOLLOWS:  
THOSE PORTIONS OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY THEREOF, WHICH LIES SOUTHERLY OF THE SOUTHERLY LINE OF THE RIGHT(S) OF WAY OF THE SOUTHERN PACIFIC RAILROAD;  
EXCEPTING THEREFROM THE WESTERLY 75 FEET CONVEYED TO THE COUNTY OF RIVERSIDE, BY QUILCLAIM DEED RECORDED APRIL 2, 1952 IN BOOK 1356, PAGE(S) 123 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**PROJECT DESCRIPTION:**

THIRTY NINE AND A HALF (39.47) ACRES OF THE TOTAL OF 134.3 ACRE "GARNET SOLAR POWER GENERATION STATION" PROJECT SITE IS PROPOSED TO BE DEVELOPED WITH 6 MEGA WATTS (DC) SOLAR ENERGY GENERATION FACILITY WITH A GROSS CAPACITY OF 6 MEGA WATTS USING PHOTOVOLTAIC (PV) TECHNOLOGY. THE SOLAR SYSTEM WILL CONSIST OF POLY-CRYSTALLINE SILICONE PHOTOVOLTAIC MODULES. THE MODULES WILL BE MOUNTED FLAT ON FIXED RACKING WITH AN APPROXIMATE HEIGHT OF 10 FEET FROM SURFACE GRADE TO THE TOP OF THE STRUCTURE. INSTRUMENTATION, ELECTRICAL AND CONTROL EQUIPMENT WILL ALSO BE LOCATED ON THE SITE WITHIN THE DESIGNATED AREAS. THE FACILITY WILL BE OPERATED REMOTELY; THERE WILL BE NO EMPLOYEE LOCATED ON-SITE PERMANENTLY. THE PROJECT WILL INTERCONNECT WITH THE SITE ELECTRICAL SYSTEM ON THE WEST SIDE OF THE PROPERTY INTO THE TRANSMISSION LINE THAT PARALLELS NORTH INDIAN AVENUE.

**SHEET INDEX:**

- SHEET 1: SITE PLAN
- SHEET 2: CONCEPTUAL GRADING PLAN/SECTIONS
- SHEET 3: ELEVATIONS/DETAILS

**LEGEND:**

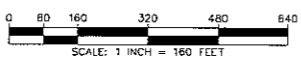
- SOLAR PANELS
- CHAIN LINK FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FIRE ACCESS ROAD (ALL WEATHER)

**SITE AREA CALCULATIONS:**

| TYPE OF AREA                 | AREA: SQUARE FEET  | AREA: ACRES  | AREA COVERAGE (%) |
|------------------------------|--------------------|--------------|-------------------|
| ACCESS ROADWAY               | 163,278.0          | 3.75         | 9.5               |
| SOLAR PANELS                 | 1,261,591.0        | 28.86        | 73.4              |
| WATER TANK                   | 314.0              | 0.01         | 0.01              |
| STORAGE SHED                 | 480.0              | 0.01         | 0.02              |
| INVERTER SKIDS               | 1763.0             | 0.04         | 0.10              |
| SWITCHGEAR                   | 200.0              | 0.005        | 0.01              |
| YARD AREA                    | 27,063.0           | 0.62         | 1.57              |
| MISC. AREA **                | 264,651.0          | 6.08         | 15.39             |
| <b>PROJECT SITE BOUNDARY</b> | <b>1,719,348.0</b> | <b>39.47</b> | <b>100.0</b>      |

\*\* MISC. AREA=AREAS BETWEEN THE SOLAR PANELS AREA (PANELS TO EDGE OF ROADWAY AND IN-BETWEEN PANELS)  
NOTE: DENSITY CALCULATION NOT APPLICABLE SINCE IT IS UNINHABITABLE SITE.

**PROJECT DESCRIPTION:**  
THIRTY NINE AND A HALF (39.47) ACRES OF THE TOTAL OF 134.3 ACRE "GARNET SOLAR POWER GENERATION STATION" PROJECT SITE IS PROPOSED TO BE DEVELOPED WITH 6 MEGA WATTS (DC) SOLAR ENERGY GENERATION FACILITY WITH A GROSS CAPACITY OF 6 MEGA WATTS USING PHOTOVOLTAIC (PV) TECHNOLOGY. THE SOLAR SYSTEM WILL CONSIST OF POLY-CRYSTALLINE SILICONE PHOTOVOLTAIC MODULES. THE MODULES WILL BE MOUNTED FLAT ON FIXED RACKING WITH AN APPROXIMATE HEIGHT OF 10 FEET FROM SURFACE GRADE TO THE TOP OF THE STRUCTURE. INSTRUMENTATION, ELECTRICAL AND CONTROL EQUIPMENT WILL ALSO BE LOCATED ON THE SITE WITHIN THE DESIGNATED AREAS. THE FACILITY WILL BE OPERATED REMOTELY; THERE WILL BE NO EMPLOYEE LOCATED ON-SITE PERMANENTLY. THE PROJECT WILL INTERCONNECT WITH THE SITE ELECTRICAL SYSTEM ON THE WEST SIDE OF THE PROPERTY INTO THE TRANSMISSION LINE THAT PARALLELS NORTH INDIAN AVENUE.



Underground Service Alert  
Call: TOLL FREE  
1-800  
227-2600  
TWO WORKING DAYS BEFORE YOU DIG

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
R.C.E. NO. EXP. DATE  
DESIGNED BY: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_

**KCT CONSULTANTS, INC.**  
Civil Engineers - Surveyors - Planners  
P.O. Box 9765 Riverside, CA 92517-0765  
San Juan Capistrano, CA 92675  
Phone: (951) 940-1400 Fax: (951) 940-1403  
www.kctinc.com

SCALE: AS NOTED  
DATE: AUGUST 2012

**CONDITIONAL USE PERMIT**  
NO. XXXX  
**SITE PLAN**

FOR: HANHWA SOLAR ENERGY AMERICA WFO 18 PLAN# 1423-00

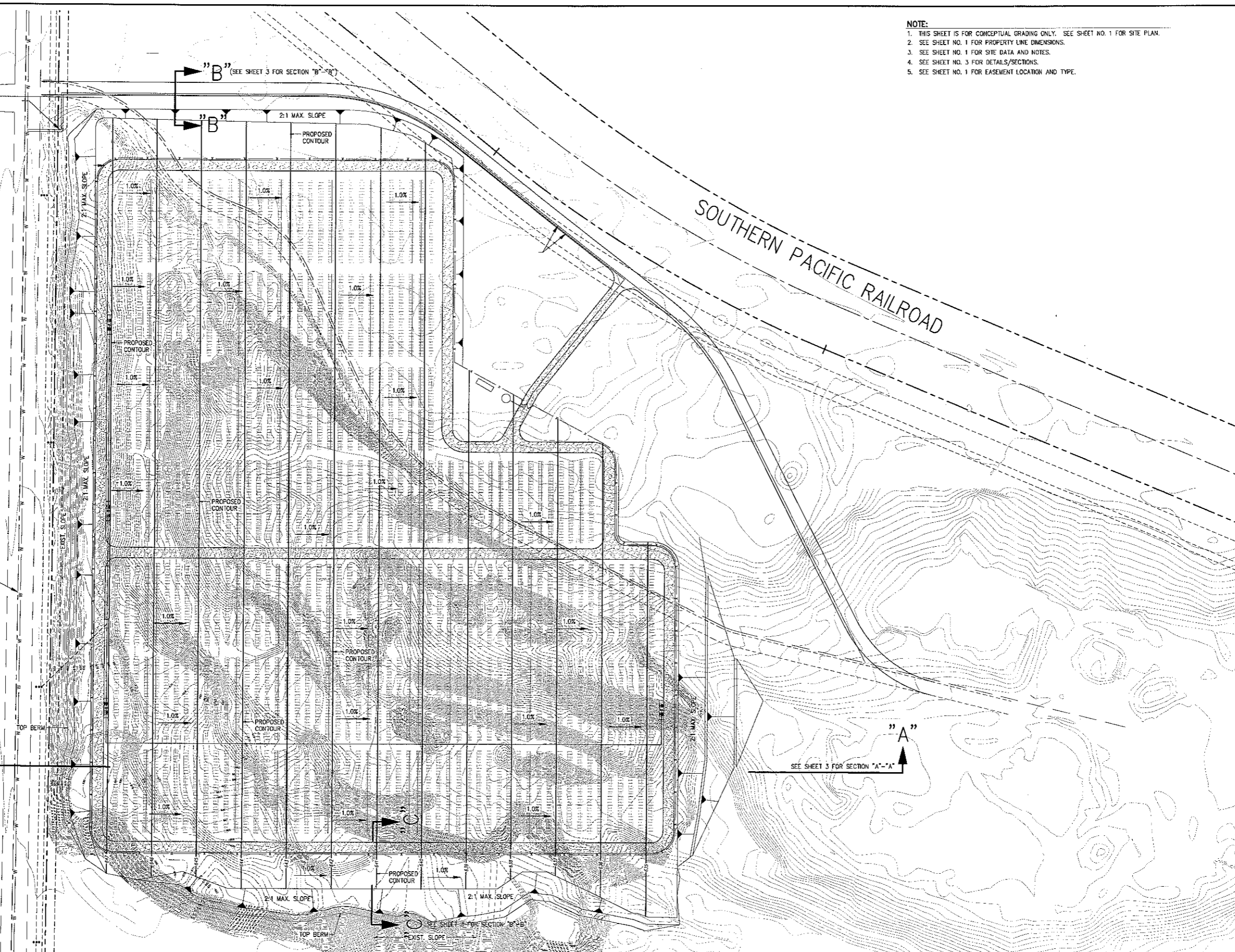
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SCALE 1"=80'

C.L. N. INDIAN AVENUE

"A"



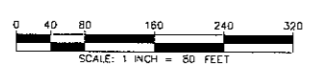
- NOTE:**
1. THIS SHEET IS FOR CONCEPTUAL GRADING ONLY. SEE SHEET NO. 1 FOR SITE PLAN.
  2. SEE SHEET NO. 1 FOR PROPERTY LINE DIMENSIONS.
  3. SEE SHEET NO. 1 FOR SITE DATA AND NOTES.
  4. SEE SHEET NO. 3 FOR DETAILS/SECTIONS.
  5. SEE SHEET NO. 1 FOR EASEMENT LOCATION AND TYPE.

SEE SHEET 3 FOR SECTION "A"-A"

"A"



5.1252  
 RECEIVED  
 SEP 27 2012



Underground Service Alert  
 Call TOLL FREE  
 1-800  
 227-2600  
 TWO WORKING DAYS BEFORE YOU DIG

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| APPROVED BY: |      |      |
| R.C.E. NO.   | EXP. | DATE |
|              |      |      |

|      |             |          |            |
|------|-------------|----------|------------|
| DATE | DESIGNED BY | DRAWN BY | CHECKED BY |
|      |             |          |            |

**KCT CONSULTANTS, INC.**  
 Civil Engineers - Surveyors - Planners  
 P.O. Box 3705 Riverside, CA 92517-4705  
 6541 Lakewood St., Suite 200, Riverside, CA 92501  
 Phone: (951) 500-1000 Fax: (951) 500-1005  
 email: kct@kctconsultants.com

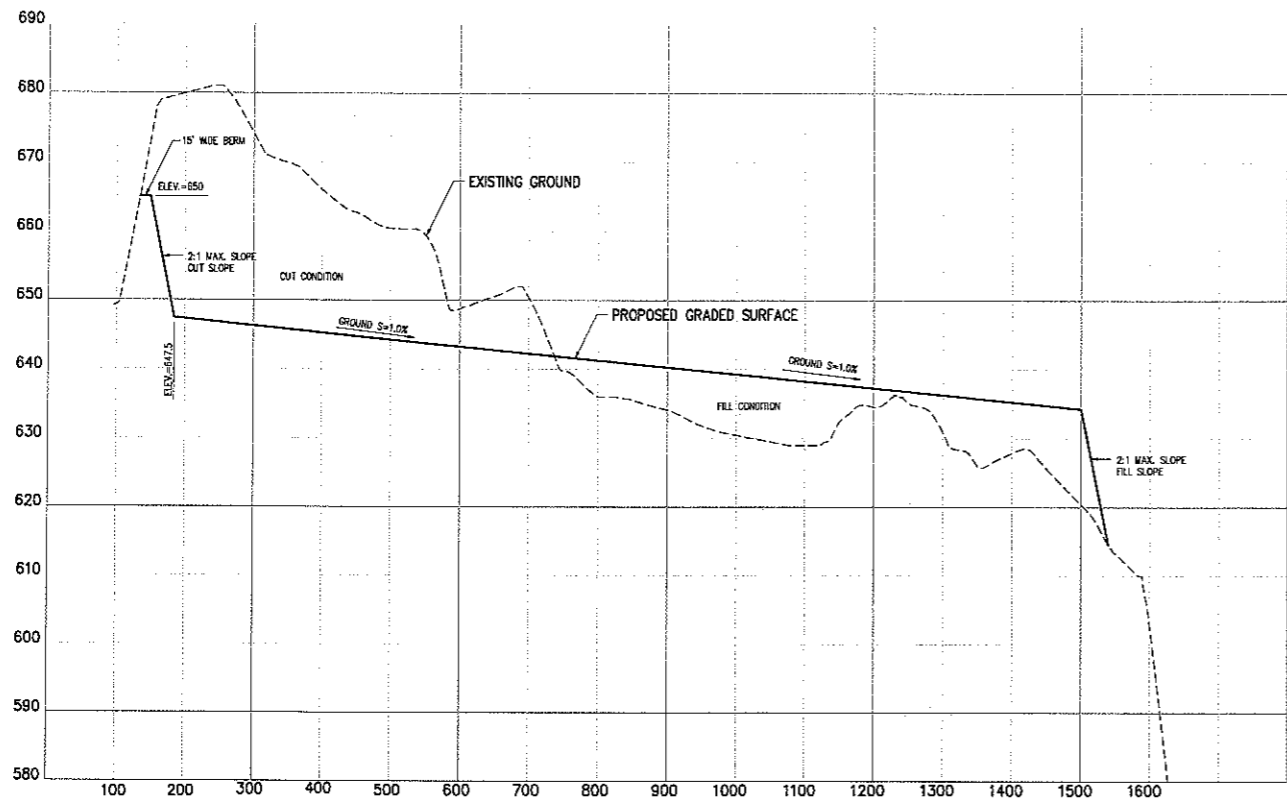
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 DATE: AUGUST 2012

CONDITIONAL USE PERMIT  
 NO. XXXX  
 CONCEPTUAL GRADING PLAN

FOR: HANNAH SOLAR ENERGY AMERICA

2  
 of 4 SHEETS  
 152

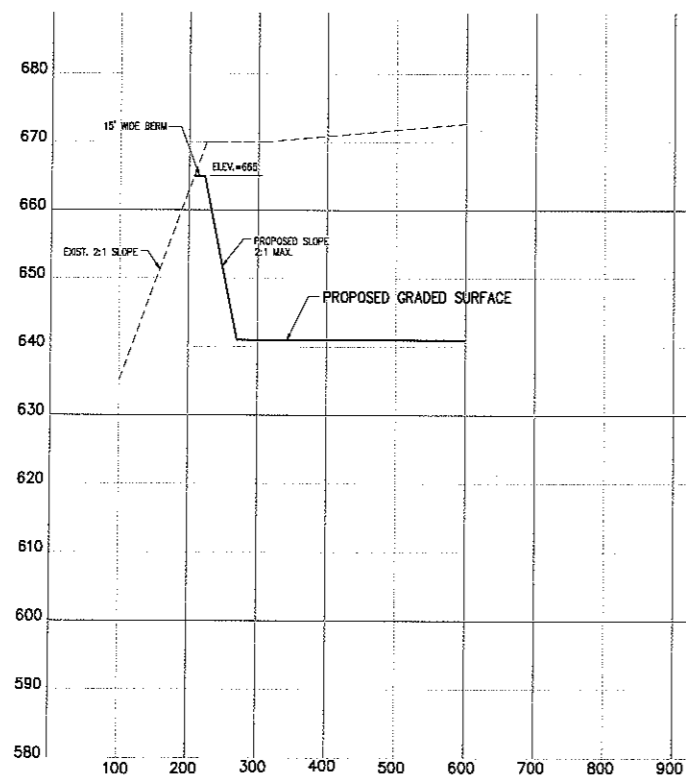




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SECTION 'A'-'A'

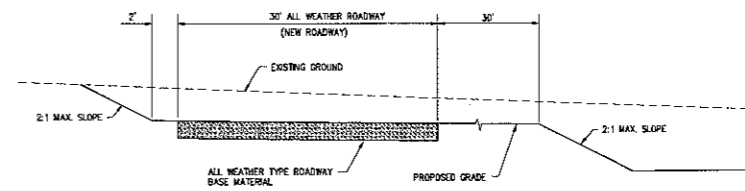
SEE SHEET NO. 1 FOR SECTION LOCATION



SCALE: H: 1"=100', V: 1"=10'

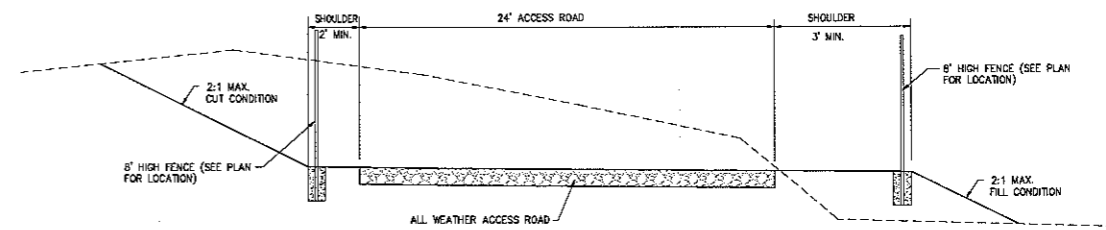
SECTION 'C'-'C'

SEE SHEET NO. 1 FOR SECTION LOCATION



TYPICAL ACCESS ROAD SECTION

NOT TO SCALE



SECTION 'B'-'B'

NOT TO SCALE

SEE SHEET NO. 1 FOR SECTION LOCATION

Underground Service Alert  
 Call: TOLL FREE  
 1-800  
 227-2600  
 TWO WORKING DAYS BEFORE YOU DIG

|              |            |
|--------------|------------|
| APPROVED BY: | DATE:      |
| R.C.E. NO.:  | EXP. DATE: |
| DESIGNED BY: | DRAWN BY:  |
| CHECKED BY:  | DATE:      |

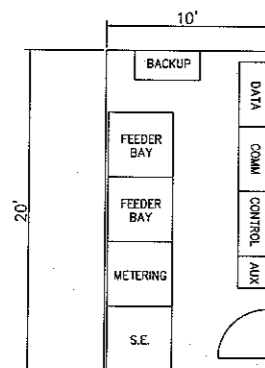
**KCT CONSULTANTS, INC.**  
 Civil Engineers - Surveyors - Planners  
 P.O. Box 2715 Riverside, CA 92517-0715  
 4381 Lakewood Dr., Suite 200, Norwalk, CA 94051  
 Phone: (925) 436-2845 Fax: (925) 436-2846  
 Email: kct@kctconsultants.com

CONDITIONAL USE PERMIT  
 NO. XXXX  
 DETAILS/SECTIONS  
 FOR: HAWAIIA SOLAR ENERGY AMERICA W.D. P.A. FILE NO. 1423-00

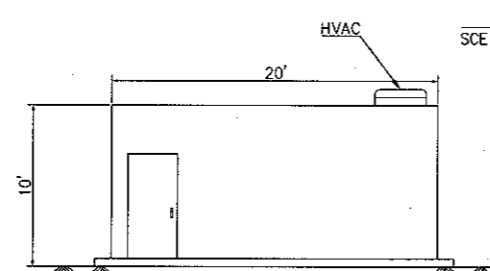
5.1252  
 RECEIVED  
 SEP 27 2012

3 INNING SERVICES  
 153  
 OF 4 SHEETS

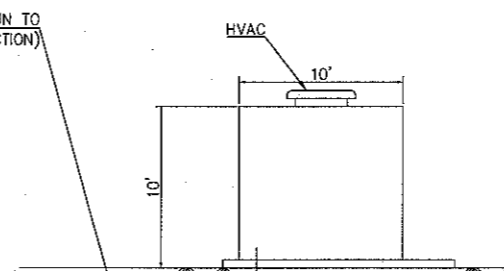
MEDIUM VOLTAGE SWITCHGEAR ENCLOSURE



FLOOR PLAN



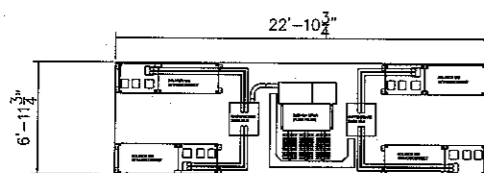
SIDE ELEVATION



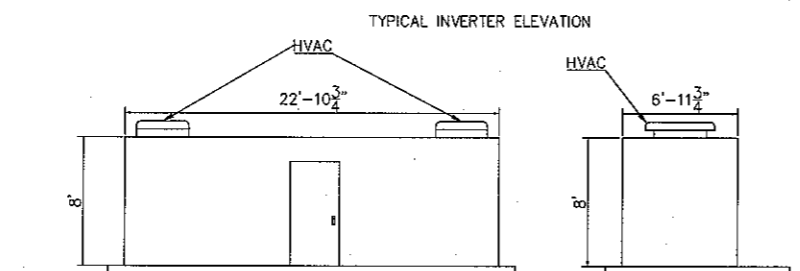
FRONT ELEVATION

PV PLANT UNDERGROUND RUN TO SCE POWER-POLE (POINT OF INTERCONNECTION)

TYPICAL INVERTER SKID ENCLOSURE



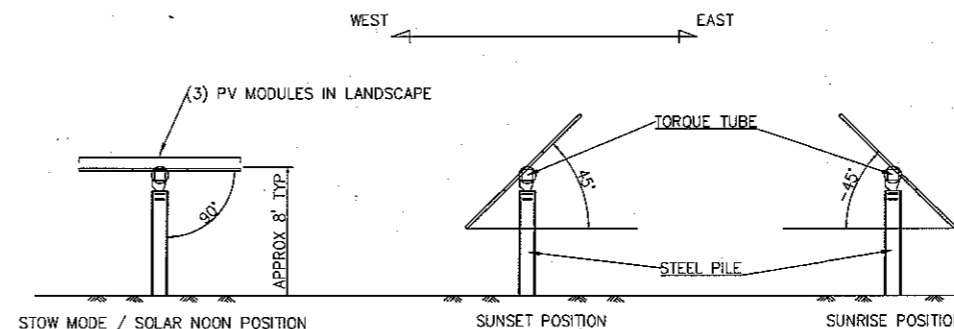
TYPICAL FLOOR PLAN



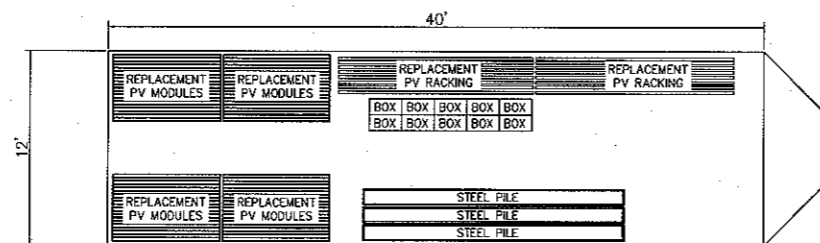
TYPICAL SIDE ELEVATION

TYPICAL FRONT ELEVATION

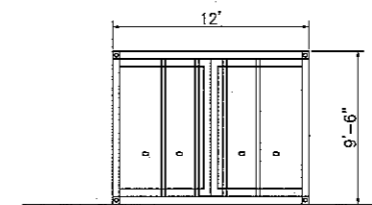
SINGLE-AXIS TRACKER



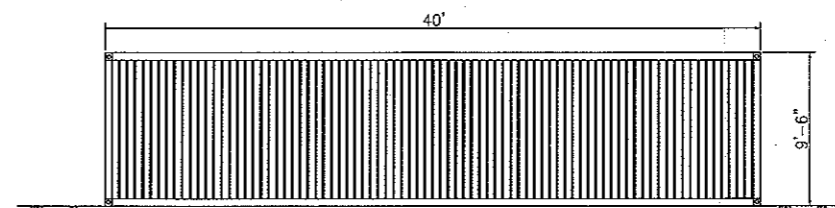
EQUIPMENT STORAGE (SPARE PARTS) ENCLOSURE



FLOOR PLAN

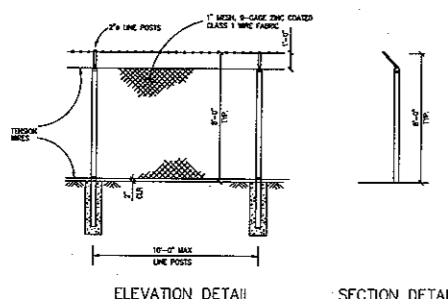


FRONT ELEVATION



SIDE ELEVATION

PERIMETER CHAINLINK FENCE



ELEVATION DETAIL

SECTION DETAIL

NOTES:  
 1. NONE

| DESCRIPTION                | DATE    |
|----------------------------|---------|
| AMENDED C.U.P. APPLICATION | 9-25-12 |
|                            |         |
|                            |         |

**GARNET SOLAR POWER GENERATION STATION 1**

21500 N. INDIAN AVE., NORTH PALM SPRINGS, CA 92240

SOLAR PHOTO VOLTAIC SYSTEM

**ENCLOSURE AND EQUIPMENT ELEVATION DETAILS**

SCALE: 3/16" = 1' - 0"

5.1252

VED

2012

SERVICES