



## CITY COUNCIL STAFF REPORT

DATE: March 5, 2014 Consent Calendar

SUBJECT: APPROVAL OF A CONFORMITY REPORT FOR THE 18 @ TWIN PALMS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, AT THE SOUTHWEST CORNER OF SOUTH CAMINO REAL AND TWIN PALMS, ZONE R-3, CASE NO. 5.1323 MISC.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The Agua Caliente Band of Cahuilla Indians (ACBCI or Tribe) proposes to develop approximately 2.3-acres of land owned in Tribal Trust at the southwest corner of South Camino Real and Twin Palms. The project consists of a total of 18 detached single-family residences.

In accordance with the Agreement for Tribal / City Land Use Coordination ("Agreement"), Appendix 4 of the Zoning Code, the City has prepared the following Conformity Report contained herein. The Council may approve the Conformity Report, transmit it to the Tribe for their consideration and conclude its review of the project.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT ON THE PROPOSED 18 @ TWIN PALMS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, SOUTHWEST CORNER OF SOUTH CAMINO REAL AND TWIN PALMS; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1323."

ITEM NO. 2K

**PRIOR ACTIONS:**

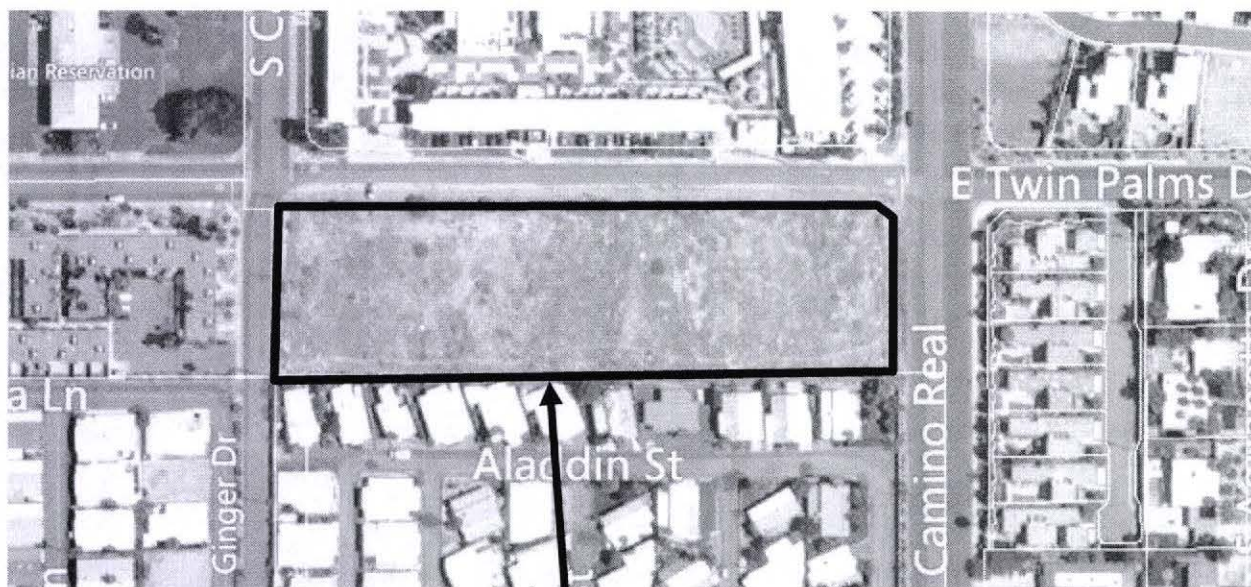
On January 15, 2014, the Planning Department for the Agua Caliente Band of Cahuilla Indians met with the City Planning Department to submit and discuss the Project Report on the 18 @ Twin Palms project.

On February 4, 2014, the City Planning Department prepared the Administrative Analysis for City Council review and approval, as required by Agreement. On February 5, 2014, the Council received and filed the Analysis.

On February 11, 2014, the Tribe submitted a response letter to the Administrative Analysis noting all development impact fees and assessments identified, except "New Construction Tax" levied under Municipal Code Section 3.94.020, will be paid by the developer.

On February 24, 2014, the Architectural Advisory Committee reviewed the proposed project and provided comments and recommendations (see attached draft meeting minutes).

**PROJECT LOCATION:**



**SUBJECT SITE**

**PROJECT ANALYSIS:**

<b>General Plan</b>			
<b>Land Use Designation</b>	<b>Density</b>	<b>Proposed</b>	<b>Compliance</b>
MDR (Medium Density Residential)	Up to 15 dwelling units / acre	Residential use at 8.0 d.u. / ac.	Yes

<b>Zoning</b>			
<b>Uses permitted</b>	<b>R-2 Zone</b>	<b>Proposed</b>	<b>Compliance</b>
	Multi-family residential, hotel and single family residential per R-1-A development standards	Single-family residential	Yes
<b>Development Standards</b> (Per R-1-A as required by R-2 Zone for single family residences (Section 92.03.01(A)(1) of Palm Springs Zoning Code)			
	<b>R-2 → R-1-A Zone Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Lot Standards</b>			
Minimum Area	20,000 square feet	4,985 square feet	No (Yes, with PDD approval)
Minimum Width (interior lot)	130 feet	30 feet	No (Yes, with PDD approval)
Minimum Width (corner lot)	140 feet	48 feet	No (Yes, with PDD approval)
Min. Depth	120 feet	162 feet	Yes
<b>Building Height</b>	12 feet at setbacks, increasing to a maximum of 18 feet on a 4:12 plane. 1 story	15 feet and 1 story	Yes
<b>Yard Setbacks</b>			
Front	25 feet	20 feet	No (Yes, with AMM or PDD approval)
Side (interior lot)	10 feet	3 feet and 7 feet	No (Yes, with PDD approval)
Side (corner lot)	20 feet	25 feet	Yes
Rear	15 feet	10 feet for corner lots 30 feet for interior lots	No (Yes, with PDD approval) Yes
Pool / spas	5 feet	5 feet	Yes
<b>Distance Between Buildings</b>	15 feet	10 feet	No (Yes, with PDD approval)
<b>Lot Coverage</b>	35% maximum	45% maximum	No (Yes, with PDD approval)
<b>Off-street Parking</b>	2 covered spaces per single family residence	2 covered spaces per single family residence	Yes

While the project does not conform to all development standards of the Zoning Code, similar projects with similar setbacks have been approved by the City through the Planned Development District process.

SUGGESTED CONDITIONS OF APPROVAL:

The City has developed a set of suggested conditions for consideration by the Tribe in its review of the project. These conditions are attached and made a part of this Conformity Report; they include recommendations for compliance with City and State ordinances and the payment of impact fees and assessments.

LAND USE COORDINATION AGREEMENT:

As previously noted in the Administrative Analysis, the project site is located on Tribal Trust Land and subject to the Land Use Coordination Agreement established by the Palm Springs City Council and ACBCI Tribal Council. This Agreement recognizes the

Tribe's sovereign authority within the Reservation and provides for City review and comment on projects proposed on Tribal Trust Property, including the Village Traditions site.

Staff reviewed the project in light of the requirements of the Land Use Coordination Agreement which describes a specific process for review (see attached). The table below summarizes the timeframe of coordinated review:

SECTION	TIMELINE REQUIRED	TIMELINE
1. PRE-SUBMITAL	N/A	N/A
2. SUBMISSION OF PROJECT REPORT	90 DAYS PRIOR TO TRIBAL APPROVAL	JANUARY 15, 2014
3. ADMINISTRATIVE REVIEW	CC REVIEW 30 DAYS AFTER SUBMISSION OF ITEM 2	FEBRUARY 5, 2014
4. CONFORMITY REPORT	CC ADOPTS WITHIN 30 DAYS OF RECEIVING ITEM 3	MARCH 5, 2014
5. JOINT MEETING	CITY AND TRIBAL COUNCILS WITHIN 30 DAYS OF ADOPTING ITEM 4	MARCH 2, 2014
6. FINAL TRIBAL ACTION	90 DAYS AFTER ITEM 2	NO SOONER THAN APRIL 15, 2014

Section 7 of the Agreement states that *"with the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."* Since the project is generally conforming to the General Plan and Zoning Code in terms of use and density, both the City and Tribal staffs sought to expedite the review process and deemed the following waivers acceptable:

1. Portion of Section 2. *"...at least ninety (90) days prior to Tribal approval of the project..."*
2. Portion of Section 5. Joint Meeting. *"...Within thirty (30) days (of the City Council's adoption of the Conformity Report), the Tribal Council and City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the project more conforming with the rules, regulations, and ordinances of both the City and Tribe."*

Therefore, in support and continued maintenance of the cooperative relationship between the City and the Tribe, staff recommends that the City Council revise the procedures of the Agreement as described above, and in concert with the Tribe's agreement, by waiving the ninety (90) day review period and joint Council Meeting for this project.

NOTIFICATION:

Under the Agreement, notification of a project on Tribal Trust land is not required. On January 15, 2014, the Tribal Planning Office provided notification to surrounding properties as a part of their environmental review process.

Staff has received correspondence from the public on the item (see attached). Comments generally relate to parking impacts. The project is adjacent to the Ace Hotel which utilizes the subject site as overflow parking. Staff notes that the proposed development is not required to provide overflow parking, and the burden of hotel parking will be an enforcement issue for the Ace Hotel to resolve.

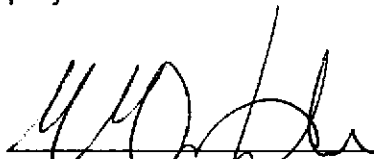
CONCLUSION:

The proposed development is consistent with the General Plan Land Use and Zoning Code permitted uses as a single-family residential project. The development standards are being modified similar to other Planned Development Districts approved by the City.

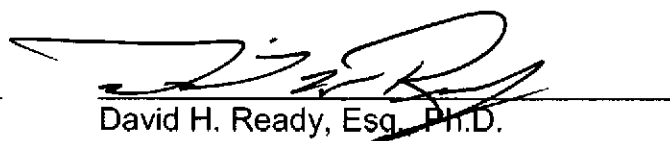
Staff has prepared this report as the project's Conformity Report for approval by the City Council under the terms of the Agreement for Tribal / City Land Use Coordination on Certain Parcels. Staff recommends the City Council approve the Conformity Report for Case 5.1323 (with attached suggested conditions of approval) for the transmittal to the Tribal Council and also waive certain review requirements required by the Agreement.

FISCAL IMPACT:

Generally, fiscal impacts will be minimal. All impact fees and assessments will be paid by the developer with the exception of the "New Construction Tax" required under Municipal Code Section 3.94.020. Nonpayment of this fee will result in an estimated loss of \$864.00 per residence and a total loss of about \$15,552 to the general fund for the entire project.



M. Margo Wheeler, AICP  
Director of Planning Services



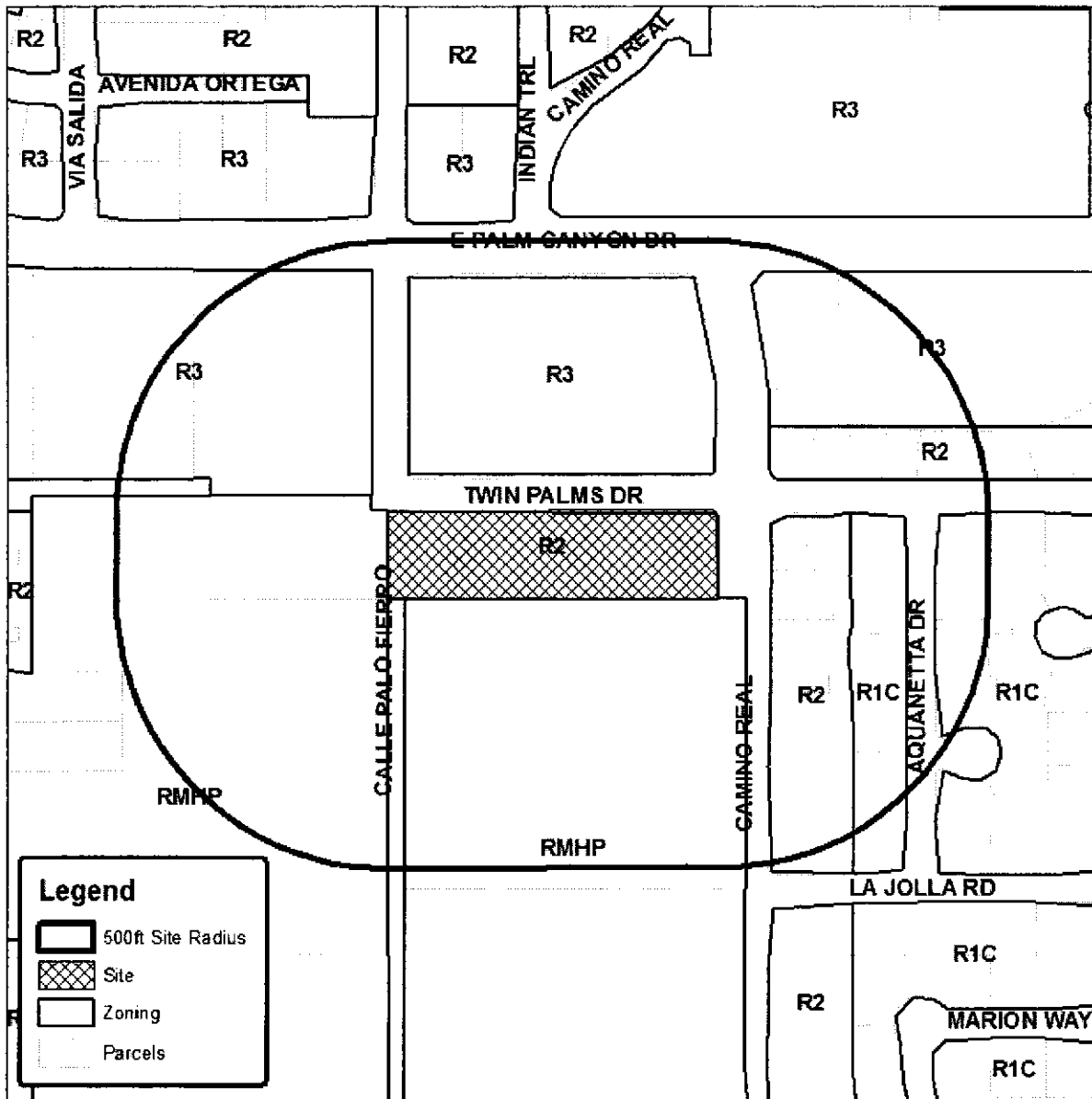
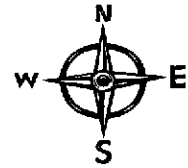
David H. Ready, Esq., Ph.D.  
City Manager

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution with Recommended Conditions of Approval
3. Tribal / City Land Use Coordination Agreement
4. 18 @ Twin Palms Project Report
5. Draft AAC Minutes, 2/29/2014 (excerpt)
6. Public Correspondence (4 letters)



**Department of Planning Services  
Vicinity Map**



**Legend**

- 500ft Site Radius
- Site
- Zoning
- Parcels

**CITY OF PALM SPRINGS**

**CASE NO:** 5.1323 MISC  
**APPLICANT:** Agua Caliente Band of Cahuilla Indians

**DESCRIPTION:** Review of project report for 18 @ Twin Palms - 18 single-family residences at the southwest corner of Twin Palms and South Camino Real, Zone R-2, Section 26.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT ON THE PROPOSED 18 @ TWIN PALMS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, SOUTHWEST CORNER OF SOUTH CAMINO REAL AND TWIN PALMS; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1323.

WHEREAS, on December 15, 1998, the City Council of Palm Springs and the Tribal Council of the Agua Caliente Band of Cahuilla Indians ("Tribe") entered into a "Land Use Coordination Agreement" which provides for City review and comment on projects outside of the "Land Use Agreement" of 1977, while retaining the Tribe's final approval and authority over projects on Tribal Land; and

WHEREAS on February 3, 1999, the City and the Tribe amended the "Land Use Agreement" of 1977 with Supplement No. 5, which exempted all Tribal lands from the "Land Use Agreement" of 1977 subject to the aforementioned "Land Use Coordination Agreement"; and

WHEREAS, pursuant to Section 8 of said Agreement, the City Council and Tribal Council may waive procedural requirements of the Agreement, as follows:

*"8. Waiver. With the approval of both parties, any part of the foregoing process may be waived if the Project is not deemed significant or if the project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."*

; and

WHEREAS, on January 15, 2014, the Tribe submitted to the City a Project Report for the 18 @ Twin Palms project located at the southwest corner of South Camino Real and Twin Palms, on roughly 2.3 acres of Tribal Trust land within Section 26; and

WHEREAS, said Project Report was transmitted to the City for review and comment under the terms of the Agreement, including an Administrative Analysis completed on February 5, 2014, and a Conformity Report reviewed on March 5, 2014; and

WHEREAS, on March 5, 2014, the City Council conducted a public meeting at which meeting the Council considered the matter, including the Tribe's Project Report, a draft Conformity Report and related exhibits; and

WHEREAS, the City Council has concluded that the proposed 18 @ Twin Palms project generally conforms to the standards of the R-2 Zone, and associated provisions of the Palm Springs Zoning Ordinance, including Planned Development District as an option to modify development standards, such that it is "not deemed significant under the terms of the Agreement and such that the certain procedures may be waived under Section 7 of the Agreement."

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

SECTION 1. The Conformity Report (dated March 5, 2014), including the suggested conditions contained in Exhibit "A" attached and made a part thereto, is hereby approved and staff is directed to transmit said Report to the Tribe.

SECTION 2. The following requirements of the Agreement for Tribal / City Land Use Coordination on Certain Parcels are hereby waived for the project, Case 5.1323:

- Portion of Section 2. "...at least ninety (90) days prior to Tribal approval of the project..."
- Portion of Section 5. Joint Meeting. "...*Within thirty (30) days (of the City Council's adoption of the Conformity Report), the Tribal Council and City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the project more conforming with the rules, regulations, and ordinances of both the City and Tribe.*"

ADOPTED THIS 5th day of March, 2014.

\_\_\_\_\_  
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 No. 5.1323 Misc. (Conformity Report)  
18 @ Twin Palms

Southwest Corner of South Camino Real and Twin Palms

March 5, 2014

**RECOMMENDED CONDITIONS OF APPROVAL**

The recommended conditions below are provided by the Planning Director, Building Official, Fire Chief and City Engineer or their designee, depending on which department recommended the condition.

**PLANNING DEPARTMENT**

- PLN 1. Outdoor Lighting Conformance. It is recommended that an exterior lighting plan, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, be submitted for approval by the Department of Planning Services or Tribal Planning Department 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 2. Water Efficient Landscaping Conformance. It is recommended that the project conform to the City's Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances, including the State of California's Water Efficient Landscape Ordinance. It is recommended that landscape plans be approved by the Riverside County Agricultural Commissioner's Office.
  
- PLN 3. 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 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 or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. 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.

- PLN 4. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- PLN 5. Impact Fees. The developer shall pay to the City or designated entity (e.g. Palm Springs Unified School District) all related impact fees, including, but not limited to, sewer and drainage fees, public art fees and regional impact fees (TUMF).

**ENGINEERING & PUBLIC WORKS DEPARTMENT**  
(To be provided prior to City Council action.)

**FIRE DEPARTMENT**

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated November 14, 2013. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the 2013 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 4 **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the

amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

- FID 5 **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 6 **Portable Fire Extinguishers During Construction (CFC 3315.1):** Structures under construction shall be provided with not less than one approved portable fire extinguisher (2A-10BC minimum rating) in addition of one fire extinguisher in each storage/construction shed and construction office.
- FID 7 **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 numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for SFR occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
- FID 8 **NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2010 Edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.
- FID 9 **Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3; CRC R315):** Provide and install Residential Smoke and Carbon Monoxide Alarms (Kidde SM120X Relay / Power Supply Module connected to multi-station Kidde smoke and carbon monoxide alarms or equal system and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm, carbon monoxide alarm or fire sprinkler flow switch causes all smoke and carbon monoxide alarms

within the dwelling to sound and activate the exterior horn/strobe.

The wiring of this system shall be in accordance with Kidde SM120X Relay / Power Supply Module manual and Figure 2 (see attached). The 120 volt device wired to turn on when alarm sounds is the exterior horn / strobe. The pull for fire device is the fire sprinkler flow switch.

- FID 10 **Additional Residential Smoke Alarm Requirements (NFPA 72: 29.5.1.3):** Where the interior floor area for a given level of a dwelling unit, excluding garage areas, is greater than 1,000 Sq. Ft., the additional requirements are that all points on the ceiling shall have:
- a. A smoke alarm within a distance of 30 ft travel distance or
  - b. An equivalent of one smoke alarm per 500 Sq. Ft. of floor area.

One smoke alarm per 500 Sq. Ft. is evaluated by dividing the total interior square footage of floor area per level by 500 Sq. Ft.

- FID 11 **Carbon Monoxide Alarm or Detector Locations (NFPA 720: 9.4.1.1 & 9.4.1.2; CRC R315.3):** Carbon monoxide alarms or detectors shall be installed as follows:

- (1) Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedrooms
- (2) On every occupiable level of a dwelling unit, including basements, excluding attics and crawl spaces
- (3) Other locations where required by applicable laws, codes, or standards

Each alarm or detector shall be located on the wall, ceiling, or other location as specified in the manufacturer's published instructions that accompany the unit.

- FID 12 **Audible Residential Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated.

**END OF RECOMMENDED CONDITIONS OF APROVAL**

APPENDIX 4

AGREEMENT FOR TRIBAL CITY  
TRIBAL/CITY LAND COORDINATION  
ON CERTAIN PARCELS  
AGREEMENT #1324A  
R19450, 1-6-99

THIS AGREEMENT FOR TRIBAL CITY LAND USE REVIEW ON CERTAIN PARCELS ("Agreement") is made this 15th day of December, 1998 by and between the AGUA CALIENTE BAND OF CAHUILLA INDIANS, acting through its Tribal Council (the "Tribe"), and the CITY OF PALM SPRINGS, CALIFORNIA, acting through its City Council, a municipal corporation (the City). This Agreement is made with reference to the following:

RECITALS:

- A. WHEREAS, the Tribe is a federally recognized Indian tribe which exercises its sovereign authority over the lands of the Agua Caliente Indian Reservation according to a constitution approved by the Commissioner of Indian Affairs, as well as applicable federal law, with portions of the City of Palm Springs located within the boundaries of federal Indian reservation; and
- B. WHEREAS, the city of Palm Springs is a charter city, possessing full powers with respect to municipal affairs to regulate the territory under its jurisdiction and in accordance with the California Constitution, its Charter and State law. The trust land of the Agua Caliente Indian Reservation are interspersed in a checkerboard pattern within that portion of the City located within the Reservation; and
- C. WHEREAS, both the Tribe and the City wish to cooperate in promoting the orderly and expeditious use and development of all lands of the Agua Caliente Indian Reservation to their highest and best use consistent with principles of sound planning and the sovereignty of the tribe; and
- D. WHEREAS, on July 26, 1977, the Tribe and the City entered into that certain Agreement No. 1324 (hereinafter the "Land Use Agreement"), adopted by city Council Resolution No. 12298. Pursuant to that Agreement, the parties agreed that applications for issuance of permits and development pertaining to any Trust lands would initially be processed through the City, with the City collecting its normal fees and charges. Any party aggrieved by an action of the City Council in any such planning and zoning matters was given the right to appeal any action of the City to the Tribal Council with the Tribal Council having the ability, following a noticed hearing, to affirm, reverse, or modify any decision of the City Council on any matter affecting Indian Trust Lands, with the decision of the Tribal Council being final, after consideration of the recommendation of the Indian Planning Commission, as well as applicable federal and tribal law; and
- E. WHEREAS, the Land Use Agreement has been amended from time to time, by Supplements 2, 3, and 4, and most recently by Supplement No. 5, which would exempt all land acquired by the Tribe from regulation by the City, including: Application of all laws, ordinances, and codes; application of all fees, including drainage, sewer, school, Uniform Transportation Mitigation fees, building and other fees. The taking of title to parcels into trust by the United States for the tribe would exempt such property from regular City taxes such as property taxes, sales taxes, transient occupancy taxes, and others; and
- F. WHEREAS, the Tribe has generally supported development consistent with the City's General Plan and other ordinances and regulations but has the authority to adopt its own land use plan and policies; and
- G. WHEREAS, the Tribe has commenced a program, when economically feasible, to reacquire any Trust Land which has been sold in fee. To facilitate Indian development on such Land, the Tribe would like to have an expedited process for City review and comment on said projects. The Tribe is willing to consider such review and comment if given in a timely manner. The City believes that the opportunity to provide review and comment, but not approval, of such projects would be valuable to assure that such projects are integrated with surrounding development and to assure that the City's and the Tribe's normal development standards are maintained insofar as possible. In addition, both parties believe that all development throughout the City on both Tribal and non-Tribal land should make a fairshare contribution in exaction, fees or other consideration to pay for the burdens imposed by the development on the City or for the benefits received by the development from the City.

IN CONSIDERATION OF THE FOREGOING,  
THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Pre-Submittal.

Prior to the initiation of a Project on Tribal Land and initiation of the process detailed below, the Tribe, where feasible, will consult with the City to determine the scope and significance of the Project and its appropriate level of review. This consultation will normally, but not necessarily, be satisfied by a meeting between the Tribal Planning Department and City Department of Planning and Building.

2. Submission of Report.

When any new development or substantial expansion or renovation of a project is proposed on land located within the Reservation and has been acquired by the Tribe, at least ninety (90) days prior to Tribal approval of the project including preliminary or schematic design, the Tribe shall submit to the City a report on the Project ("Project Report"). As used herein, "Reservation" means those lands whose legal description is set forth in Exhibit A hereto. The Project Report shall include a description of the Project, the preliminary or schematic plans and drawings for the Project, environmental documents per NEPA, if any, or any equivalent Tribal document, an analysis of the compatibility of the proposed Project with the City's and the Tribe's development standards, an analysis of the fiscal impact of the Project and a statement identifying any manner in which the Project would be exempt from, or not conform to, any ordinance, rule, regulation, or standards of the City or of the Tribe. The Tribe shall provide any explanation of any of the foregoing, as they shall deem reasonable or necessary. The Indian Planning Commission, and other Tribal bodies, will develop this report in accordance with applicable federal and Tribal law. The level of detail provided in the Project Report should be as follows: if a minor project, then similar to the level of detail normally required by the City for architectural review; if a major project, then similar to the level of detail which would be required by the City for Planned Development District permit. The determination of whether a project is major or

minor shall require the agreement of the chief staff planning official of each party but, in the event of a disagreement, the opinion of the Tribe's planning official shall govern. It is the intent of the parties that this process be undertaken, not at the point at which the land is acquired by the Tribe, but when development is contemplated, and when the development is contemplated, and when the development can be described and its impacts forecast.

3. Administrative Review.

Upon receipt of a Project Report, the City Manager shall distribute the Project Report to appropriate departments, including Police, Fire, Finance, Public Works, Planning and Building and such other departments as the City Manager shall deem relevant, such as Parks and Recreation, Tourism, Economic Development, and so forth. It shall be the purpose of this administrative review to determine how well the Project conforms with the City's existing rules and regulations; any health and safety, or welfare concerns; the adequacy of police and fire safety services, and other services of the city necessary for the Project; compatibility of the project with surrounding properties; and the fiscal impact of the Project. The purpose of the fiscal impact analysis shall be to determine whether the Project will pay the normal City fees, taxes charges, and assessments; to the extent that any of such revenues will not accrue to the city, what will be the resulting financial impact therefrom; what other direct and indirect financial impacts, negative or positive, will result and what the overall economic impact will be of the Project on the city. Within thirty (30) days of the City Manager's receipt of the Report from the Tribe, the City shall prepare the "Administrative Analysis" of the foregoing information and shall submit the Administrative Analysis to the City Council for its review and approval.

4. City Council Conformity Report.

The City Council shall have thirty (30) days from the submission of the Administrative Analysis to prepare the City Council's Con-

formity Report ("Conformity Report"). The Conformity Report shall be adopted by the City Council at a public meeting. At the same time that the City Manager submits the Administrative Report to the City Council, a copy of the same shall be submitted to the Tribe. The Tribe shall have ten (10) days to prepare its comments on the Administrative Analysis for submission to the City Council to be considered at the time the City Council determines the Conformity Report. The Conformity Report shall contain the same subject matter as the Administrative Analysis.

5. Joint Meeting.

Upon the City Council's adoption of the Conformity Report, the Project Report shall be immediately submitted to the Tribal Council. Within thirty(30)days, the Tribal Council and the City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the Project more conforming with the rules, regulations, and ordinances of both the City and the Tribe.

6. Final Tribal Action.

At the Joint Meeting, or following the Joint Meeting, the Tribal Council may take any action authorized by its Constitution, Bylaws, rules, and ordinances concerning the Project. The Tribal Council shall be free to disregard any or all comments in the Conformity Report or otherwise made by the City Council and may approve or modify the Project in any way the Tribal Council deems appropriate. It is expressly understood by the parties hereto that the Tribal Council retains full and complete sovereignty to administer Tribal lands in accordance with the Constitution, Bylaws, and Ordinances of the Tribe and applicable federal law. This Agreement deals solely with the consultation process in which the City is being given the opportunity to review and comment on certain projects being undertaken by the Tribe, and the Tribal Council retains full and complete authority to make final decisions concerning the development of Tribal Land

under its Constitution and applicable federal and Tribal law.

7. Waiver.

With the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated.

8. Amendments.

This Agreement maybe amended by mutual agreement by the parties, provided that neither party may terminate this Agreement, without prejudice to any legal position thereafter asserted, upon thirty (30) days written notice to the other party.

9. Approval.

This Agreement shall be approved by Resolutions of the Tribal Council and the City Council.

10. Lands Located Inside Reservation and Owned in Fee by Parties Other than the Tribe.

This Agreement will not affect, alter, increase, or decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of parcels of land located within the Reservation, which are owned in fee by parties other than the Tribe. The parties recognize that federal law already allocates such jurisdiction over such parcels.

11. Lands Located Outside Reservation.

The parties recognize that federal law provides to the City notice and an opportunity to express its views on the subject of the proposed taking of title into trust for the Tribe of parcels located outside the Reservation but within the city limits of the City in 25 CFR. § 151.11(d), as well as time in which to challenge such a proposed action before it occurs, in 25 C.R.F. § 151.12(b). Otherwise, this Agreement will not affect, alter, increase, or



decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of such parcels of land. The parties recognize that federal law already allocates such jurisdiction over such parcels.

IN WITNESS WHEREOF, the parties have executed this Agreement by their respective authorized officers on the day and year first above written.

CITY OF PALM SPRINGS, CALIFORNIA

a municipal corporation.

Will Kleindienst, Mayor

Attest:

Judith Sumich, City Clerk

Approved as to form:

David Aleshire, City Attorney

Approved by the City Council

By Res. No. 19450, 1-6-99, A1324-A

AGUA CALIENTE BAND OF CAHUIILLA

INDIANS,

a federally-recognized Indian tribe

By:

Richard M. Milanovich, Chairman

Approved as to form:

Art Bunce, Tribal Attorney

**7. AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR ARCHITECTURAL REVIEW OF EIGHTEEN SINGLE-FAMILY RESIDENCES ON APPROXIMATELY 2.3 ACRES OF VACANT LAND LOCATED AT THE SOUTHWEST CORNER OF TWIN PALMS AND SOUTH CAMINO REAL (CASE 5.1323 MISC.). (DN)**

Director Wheeler presented the proposed project.

COMMITTEE MEMBER FREDRICKS asked questions regarding the shrubs.

SENIOR PLANNER DAN MALCOM responded that between the interior homes there will be a list of landscape materials and to the rear of the mobile home park is ficus. There are no walls between the units. Between units it is a landscape strip, not screen landscape.

CHAIR SECOY-JENSEN commented that it is extremely monotonous. The streetscape is a series of garage doors. She looked at other similar projects that have a rear drive to have greater front variety.

APPLICANT CHRIS SAHLIN said they looked at a south driveway with shared driveway, but condominium insurance is too costly. Walls between garages do have a horizontal element.

CHAIR SECOY-JENSEN AND COMMITTEE MEMBER CASSADY concurred with the sensitivity to parking problems referenced in letter(s); they are not required to solve the Ace Hotel parking problems.

COMMITTEE MEMBER FREDRICKS commented on the south side screening; he prefers Ficus Nitida instead. He suggested to break up the monotony of landscaping and would like to see more trees and non-palm trees arranged so as to break up monotony in depth from street, different species and spacing.

M/S/C (Secoy-Jensen/Fredricks, 4-0-3 absent Hirschbein, Purnel and Song) Recommend approval to City Council with further study of landscape and entry wall color and materials.

Ms. Margo Wheeler, Director  
**CITY OF PALM SPRINGS PLANNING DEPARTMENT**  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

February 23, 2014

RE: Proposed 18 @ Twin Palms Development

Dear Ms. Wheeler:

I understand the above-referenced matter will be evaluated in a forum open to the public on March 5, 2014. Unfortunately, I will be traveling and not be able to attend that day. I understand from City Planning that I may list out my concerns in writing in lieu of attending the meeting.

I have been a resident of the Oceo community for the past 2 years, which is in close proximity to the proposed development. Presently, our community has a huge problem with overflow parking from the Ace Hotel. This problem includes cars parked illegally in our development, blocking access to homes, patrons for the ACE Hotel parties returning to their cars after midnight a littering on our development smoking marijuana, drinking alcoholic beverages until after 2 am. This destroy our ability to have the needed quite enjoyment of our homes to have restful sleep It also requires us homeowners to patrol the development on weekend monitoring and clean up beer bottle, smoke busts, urine on our wall and plants and fast food debris left by intoxicated loiters. Even though we have posted NO ACE HOTEL PARKING signs at the entrance to our community, we have many, many hotel guests who park in our community (including overnight parking). It is easy to understand why: I am a long time resident of Palm Springs and am aware the Ace Hotel was allowed to reduce the parking that was permitted with the previous business, the Westward HO motel. Though the Ace Hotel may technically have enough spaces for its overnight visitors, it has nowhere near enough spaces to accommodate the many visitors to its bar/restaurant/pool areas, especially on busy weekends when it promotes its "club" atmosphere the over pack the pool area. The environment that is being tolerated is irresponsible and dangerous.

Many hotel guests currently park every day on the vacant land that is the subject of the proposed 18 @ Twin Palms development. This is a huge parcel of vacant land in close proximity to the Ace Hotel, and it is consistently full of cars on busy weekends. Where will these people park if this vacant land is turned into housing? One can only conclude that more and more cars of ACE hotel part attendees will be parking within the Oceo community once this parcel is transformed from a parking lot to homes. I realize the current landowner is not the cause of this problem, and I do not want to deny them their building entitlement rights, but it seems that this parking problem should be addressed before it is exacerbated by the removal of vacant land and the erection of more homes in such close proximity to the Ace Hotel.

A review of the site plan for this proposed development also begs the question of where are guests of the new homes to park. Clearly, there is no proposed parking on site with the exception of each home's 2 car garage. Where will their visitors and guest's park? On the neighboring public streets which are

already packed due to the Ace? I noticed that the residents at 7 @ Twin Palms (which is even further from the Ace than Oceo) got so fed up with the Ace Hotel parking on Camino Real that the City imposed a "no overnight" parking restriction on the portion of Camino Real that borders their homes (thus further restricting the supply of available parking spaces). One can only imagine that the owners of new homes at 18 @ Twin Palms will have the same issues, and seek the same parking restrictions as did the owners of 7 @ Twin Palms. Even if the City erects "No Parking" signs everywhere, it will not solve the fundamental problem: The Ace has too many guests and visitors given its limited parking.

Something needs to be done to keep residents of our development safe, and able to enjoy their homes. Either provides more parking areas for the Ace to lease or revoke the Ace's conditional use permit such that it is limited to being a hotel and not a club. If the City won't choose the latter option, then it is incumbent on the City to facilitate finding additional parking for the Ace before removing parking areas and allowing the building of more homes directly across the street from the Ace.

It is for these reasons I oppose the development in its current request and for the city agencies to evaluate and correct the unacceptable and dangerous manner the ACE Hotel is operating. Thank you for your consideration.

Sincerely,

Paul Sanford  
862 Oceo Circle South  
Palm Springs, CA 92664  
[Psanford100@earthlink.net](mailto:Psanford100@earthlink.net)

Ms. Margo Wheeler, Director

February 20, 2014

CITY OF PALM SPRINGS PLANNING DEPARTMENT

3200 E. Tahquitz Canyon Way

Palm Springs, CA 92262

RECEIVED

FEB 20 2014

PLANNING DEPARTMENT  
CITY OF PALM SPRINGS

RE: Proposed 18 @ Twin Palms Development

Dear Ms. Wheeler:

I understand the above-referenced matter will be discussed in a forum open to the public on 5 March 2014. Unfortunately, I will be not be able to attend that day. However, I understand from Glenn Mlaker that I may list out my concerns in writing in lieu of attending the meeting.

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Many hotel guests currently park on the vacant land that is the subject of the proposed 18 @ Twin Palms development. This is a huge parcel of vacant land in close proximity to the Ace Hotel, and it is consistently full of cars on busy weekends. Where will these people park if this vacant land is turned into housing? One can only conclude that more and more cars will be parking within the Oceo community once this parcel is transformed from a parking lot to homes. I realize the current landowner is not the cause of this problem, and I do not want to deny them their building entitlement rights, but it seems that this parking problem should be addressed before it is exacerbated by the removal of vacant land and the erection of more homes in such close proximity to the Ace Hotel.

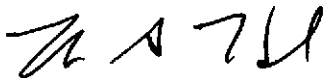
A review of the site plan for this proposed development also begs the question of where are guests of the new homes to park? Clearly, there is no proposed parking on site with the exception of each home's

2 car garage. Where will their visitors and guests park? On the neighboring public streets which are already packed due to the Ace? I noticed that the residents at 7 @ Twin Palms (which is even further from the Ace than Oceo) got so fed up with the Ace Hotel parking on Camino Real that the City imposed a "no overnight" parking restriction on the portion of Camino Real that borders their homes (thus further restricting the supply of available parking spaces). One can only imagine that the owners of new homes at 18 @ Twin Palms will have the same issues, and seek the same parking restrictions as did the owners of 7 @ Twin Palms. Even if the City erects "No Parking" signs everywhere, it won't solve the fundamental problem: The Ace has too many guests and visitors given its limited parking.

Something needs to be done. Either provide more parking areas for the Ace to lease or revoke the Ace's conditional use permit such that it is limited to being a hotel and not a club. If the City won't choose the latter option, then it is incumbent on the City to facilitate finding additional parking for the Ace before removing parking areas and allowing the building of more homes directly across the street from the Ace.

Thank you for allowing me to share my thoughts.

Sincerely,



Mark G. Hoglund

863 Oceo Circle North

Palm Springs, CA 92664

mghoglund@yahoo.com

Via Email:margo.wheeler@palmsprings-ca.gov  
Via Email:glenn.mlaker@palmsprings-ca.gov  
Margo Wheeler, Planning Services Director  
City of Palm Springs  
Planning Services Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92263

Regarding: 18@Twin Palms, Planning Case No. 5.1323 Misc (Project)

My name is John Quinsia. I reside at 878 Oceo Circle South, Palm Springs, CA, which is located to the immediate northeast of the subject property, the site of the proposed Project. Since I have lived here, the Ace Hotel's parking consumes the entire area; the development of the Project greatly heightens the environmental and parking problems of this Twin Palms area. We do not have any issue against the Ace Hotel, which brings a dynamic energy to the area; the problem is that the Ace Hotel runs much more than a hotel, which is likely the reason that its parking lots are frequently full and why the parking extends to all streets around this area. More importantly, on many days, including virtually every Thursday through Sunday, the entire north frontage of the subject Project property is filled with at least 50 cars (attached are pictures of a typical day). If the Project were built, all these 50 "spaces" would disappear, causing further and much greater parking problems in the area, and there are no immediate areas that can absorb those spaces.

We realize that the Project would be built on Tribal land and that the Tribe is free to lease its land to anyone, which we respect. In our opinion, however, the Tribe could and should lease the land to the Ace Hotel for a parking lot. We do not know the proposed lease payments; but we are generally familiar with Tribe lease payments throughout the south end of Palm Springs. They seem to average about \$140 per month per home. For the 18 homes proposed by the developer in the Project, this would mean a payment to the Tribe of \$2,520 per month, or \$30,240 per year. We also do not know the profitability or the costs that the Ace Hotel has, or if the Ace Hotel would agree to lease the subject land from the Tribe, but we believe that \$30,000 a year would be insignificant compared to the additional revenues the Ace Hotel gains from operating more than a hotel. We believe that the Ace Hotel would also be affected by the loss of the 50 spaces now used and that it would benefit from controlling an entire parking lot behind its hotel. The Ace Hotel parking problems cause other problems for us in the neighborhood. That is, the patrons roll out of the Hotel all hours of the day and night, but especially late and very late at night. When they do, they are frequently loud and many of them have alcohol containers, which they throw around indiscriminately. By having most of the Hotel's patrons going to the Hotel's controlled lots, we believe the existing problems would go away.

Respectfully submitted,  
Project Neighbor

PS Ace patrons have already been seen parking in our lot!

## **Margo Wheeler**

---

**From:** Mike Grace <mgrace@docdefender.com>  
**Sent:** Monday, February 24, 2014 7:01 PM  
**To:** Margo Wheeler  
**Subject:** 18@Twin Palms, Planning Case No. 5.1323 (Proposed Project)

My name is Mike Grace. I reside at 905 Oceo Circle North, Palm Springs, CA 92264 which is located to the immediate northeast of the subject property, the site of the propose Project. Since I have live here, the Ace Hotel's parking consume the entire area. The development of the Project would greatly worsen the environmental and parking problems of this Twin Palms area. Particularly between Thursdays and Sunday, parking is a nightmare because the Ace Hotel operates much more than a hotel on its site. I strongly support the notion that the Tribe lease its land to the Ace Hotel for additional parking. If the Project goes forward as planned the street frontage parking accommodating approximately 50 cars will disappear and exacerbate an already difficult situation. Please do NOT allow the proposed project to go forward as planned.

Sincerely, Mike Grace



# 18 @ TWIN PALMS Project Report



January 6, 2014

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## I. INTRODUCTION

18 @ Twin Palms ("Project") is an 18 unit single-family residential development proposed to be constructed on approximately 2.3 acres of Tribal Trust land ("Project Site") of the Agua Caliente Band of Cahuilla Indians ("Tribe"). The Project Site is located within Section 26, Township 4 South, Range 4 East of the San Bernardino Base and Meridian, Palm Springs, California, on the Agua Caliente Indian Reservation south of E. Twin Palms Drive between Calle Palo Fierro and Camino Real (See Exhibit A, *Project Site Location Map*). It is located south of the Ace Hotel, in a very desirable area.

The 18 single-family, detached homes will be approximately 1,800 square feet in size, with three bedrooms and two baths each, with attached two-car garages and private yards with pools. The architectural style will be post-modern revival.

This Project Report is being submitted to the City of Palm Springs pursuant to the terms of the Agreement for Tribal/City Land Use Coordination on certain parcels dated December 15, 1998. The Project will be reviewed and developed to the standards of development set forward in this Project Report.

## II. EXISTING CONDITIONS

### Project Site

As shown on Exhibit B, *Existing Site Conditions Map*, the Project Site is vacant, with only scattered brush and minor debris that accumulates from time to time from illegal dumping. There are no curbs, gutters, or public sidewalks installed around the perimeter of the property. (See Exhibit C, *Project Site Photos*).

Utility connections for water, sewer, power and telephone services are available at the Project Site.

### Surrounding Streets

The public streets surrounding the Project Site include E. Twin Palms Dr. to the North, Camino Real to the East, and Calle Palo Fierro to the West. The following identifies the existing conditions of these streets:

- The right-of-way for the east half of Calle Palo Fierro running along the western boundary of the Project Site has not been dedicated, nor has that portion of the street been fully constructed.
- The south half of E. Twin Palms Drive, where it abuts the Project Site, is not improved and additional right-of-way dedication(s) will be required from the subject property.
- The right-of-way for Camino Real has been fully dedicated and the street is fully paved, although there is no curb, gutter or sidewalk along the east boundary of the Project Site.

### **Surrounding Land Uses**

Land uses on adjacent properties include:

- North – The Ace Hotel
- Northwest – Motel 6
- West – Single Story Apartment Complex
- South – Mobile Home Park
- East – Single-Family Residential (7 @ Twin Palms)
- Northeast – Commercial anchored by Koffi and Residential (OCEO Project)

### **III. STATEMENT OF PROJECT**

Palm Springs Modern Construction and GHA Communities (“Developer”) are joint-venturing the development of 18 @ Twin Palms. The Project consists of 18 single-family detached homes with the following features:

- Approximately 1,800 square feet
- Three bedrooms, two bathrooms
- Two-car attached garages
- 20-ft driveways with parking for two additional cars
- Private yards with pools
- Minimum 5,000 square foot lots
- Post-Modern Revival Architecture

As discussed further in the remainder of this Project Report, Exhibits D, E, F, G, and H provide additional information on the Project. There will be no interior streets and the two homes on the eastern and western edges of the Project will have garages and driveways facing Camino Real and Calle Palo Fierro, respectively. All other homes on the interior lots will have garages and driveways off of E. Twin Palms Dr. The *Site Development Plan* for the Project is included as Exhibit D.

The Developer is acquiring a development lease from the Tribe, and upon the sale of homes to retail buyers, the applicable lot will be released from the development lease and the buyer will enter into a direct homebuyer lease with the Tribe. There will be no homeowner’s association.

#### **A. Property Development Standards**

The land underlying the Project Site is currently zoned R-2 under the Palm Springs Zoning Ordinance (PSZO) and designated Medium Density Residential (up to 15 dwelling units per acre) in the Palm Springs General Plan. At 2.3 acres, the maximum density allowed under the General Plan would be 35 multi-family units. The Project as proposed is 7.8 dwelling units per acre.

Per the uses permitted in the R-2 Zone (Section 92.03.01 A.1., PSZO), permanent single-family dwelling units are allowed subject to the standards of the R-1-A Zone (Section 92.01.00, PSZO). In addition, the proposed density of this single-family residential development would be compatible with the surrounding residential uses, including 7 @ Twin Palms and the OCEO Project. Table 1 below compares the proposed development standards for the Project against the allowed/required standards of the R-1-A Zone.

<b>Table 1 – Development Standards Comparison</b>		
<b>Property Development Standard</b>	<b>Allowed/ Required<sup>1</sup></b>	<b>Proposed</b>
Minimum Lot Size (in square feet)	20,000	4,985
Width (interior lots)	130'	30'
Width (corner lots)	140'	48'
Minimum Depth	120'	162'
Yards:		
Front	25'	20'
Side (interior lots) <sup>2</sup>	10'	10'
Side (corner lots)	20'	7'
Rear	15'	30
Maximum Lot Coverage	35%	45%
Minimum Dwelling Size (in square feet)	1,500	1,760
Garage Setback	25'	20'
Distance Between Buildings	10'	10'
Building Height <sup>3</sup>	12'	12'
Wall Height	6'	6'
Parking:	36	36
Garage Spaces	36	36
Driveway (Guest) Spaces	N/A	36
<b>TOTAL</b>	<b>36</b>	<b>72</b>
<sup>1</sup> Per the standards of the R-1-A Zone as required by the R-2 Zone for single-family residences (Section 92.03.01 A.1., PSZO). <sup>2</sup> Including the 3' 6" Landscape Easement from the neighboring lot. <sup>3</sup> A maximum height of 12' is permitted at the minimum setback; 18' is the maximum height for the R-1-A Zone. Excluding the inverted gabled ends on the two edge units which have a maximum height of 15' 3", building height for all units is 12' at the minimum setback		

## **B. Circulation**

The Project will have no internal streets. The 16 interior units have garages and driveways opening directly onto W. Twin Palms Dr. The two end units have garages and driveways opening onto Calle Palo Fierro and Camino Real.

The Project will complete the following improvements to the surrounding streets:

- E. Twin Palms Drive: Paving of the southerly ½ of the street, with installation of curb, gutter, sidewalk, and driveway aprons along the southern line of E. Twin Palms Dr. abutting the northern boundary of the Project Site.
- Calle Palo Fierro: Paving of the easterly side of Calle Palo Fierro where the street abuts the western boundary of the Project Site, tapered from the improved edge of E. Twin Palms Dr. to the northwest corner of the Sahara Mobile Home Park to the South (See Exhibit D). The installation of curb, gutter, sidewalk, and the driveway apron for the end unit will follow along that line. The complete buildout of Calle Palo Fierro to its full General Plan designated width is expected to occur sometime in the future as a separate project, if and when the property to the south is redeveloped.
- Camino Real: Installation of curb, gutter, sidewalk, and the driveway apron for the end unit along the eastern boundary of the Project Site and west side of Camino Real.

## **C. Public Utilities and Services**

As the Project is a small, infill single-family residential development, there will be negligible impacts to public utilities and services.

## **IV. ARCHITECTURAL AND LANDSCAPE CONCEPT**

The Project will be constructed in the Post-Modern Revival Style that has become popular in Palm Springs over the last 15 years. The style will somewhat resemble the 7 @ Twin Palms project that was built by the Developer's affiliate, Palm Springs Modern Homes in 2001, but will have its own unique architectural features. All units are single-story, single-family detached homes.

Each of the 16 interior units will have two car garages and driveways opening up onto E. Twin Palms Dr., with 10 feet between each driveway for landscaping purposes (See Exhibits D, E, and F). The two end units will feature butterfly roofs along Camino Real and Calle Palo Fierro to create additional interest along those streets (See Exhibits F and G.1 and G.2).

As shown on Exhibit H, Front yard landscaping will be drought-tolerant desert-scape, and will include palm trees to break-up the uniformity of the view of the site from north looking south, although that elevation cannot be seen in its entirety due to the presence of the Ace Hotel to the north. Project landscaping will also break up the

view as one looks east or west along E. Twin Palms Dr. The rear yards, which are directly adjacent to the Sahara Mobile Home Park to the south, will be screened by the planting of a ficus hedge along that line. There will be minimal impact on surrounding views as the units in the Project are all single-story.

In addition to the requirements of the Tribal Property Maintenance Standards Ordinance, each homeowner will be bound to maintain all front-yard landscaping pursuant to the Rules and Regulations enforced by the Tribe under their respective leases. Again, there will be no homeowners association.

## **V. ENVIRONMENTAL ANALYSIS**

An Environmental Assessment (EA) has been prepared for the Project and is included as Appendix A. The EA analyzed the potential effects of the proposed Project including impacts related to aesthetics, air quality, biological resources, cultural resources, geology/soils, land use, noise, parking, population and housing, public safety, public utilities, traffic and circulation, and water quality and drainage. Based on the analysis contained in the EA and the mitigation measures it incorporates into the proposed Project, no adverse environmental impacts are anticipated.

## **VI. TENTATIVE TRACT MAP NO. 36651**

A tentative tract map has been prepared for the proposed Project consisting of 18 individual single-family residential lots (see Exhibit I).

## **VII. FISCAL IMPACT ANALYSIS**

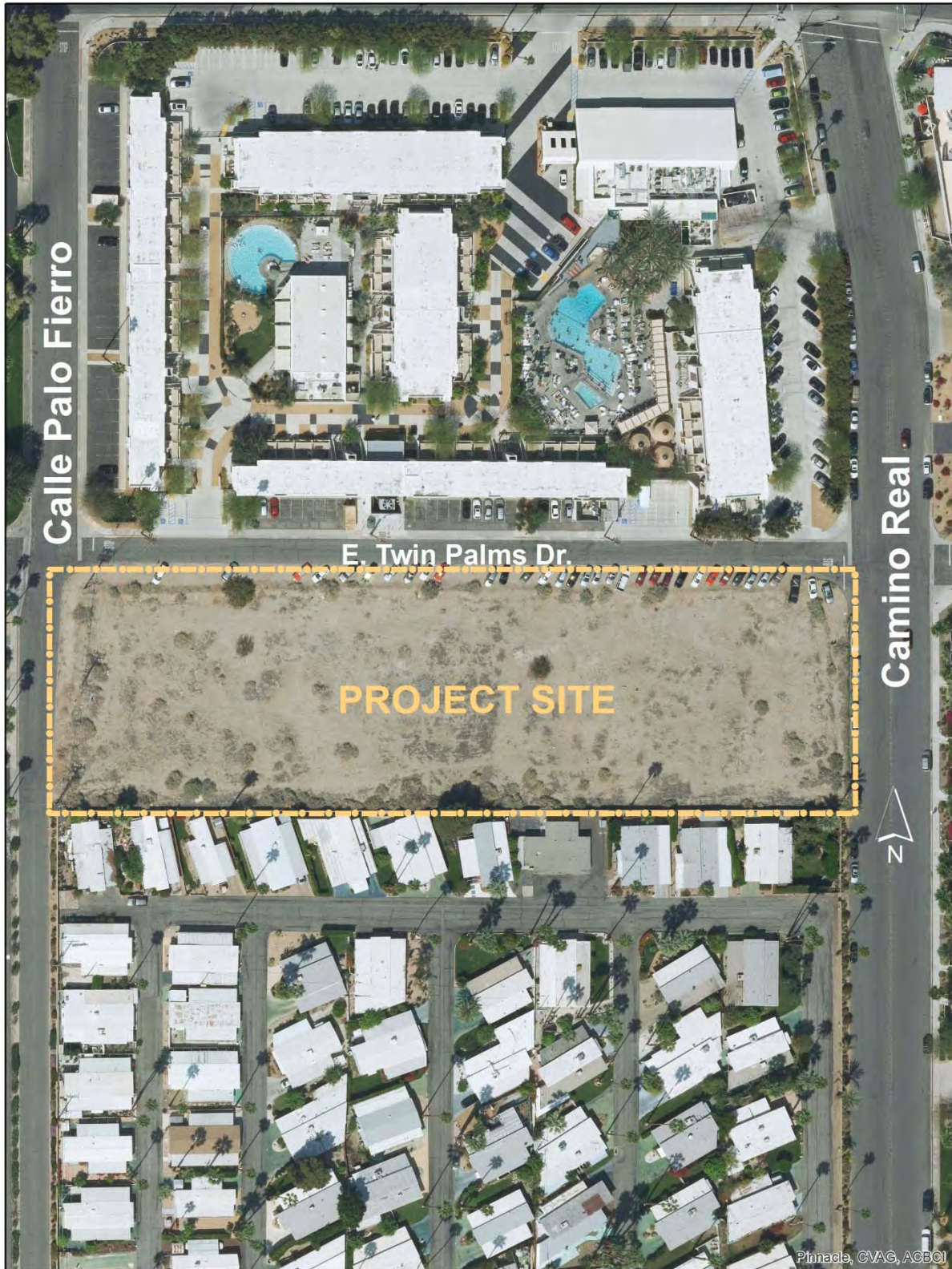
The Project will be conditioned to pay all the standard development fees typically imposed by the City of Palm Springs, including, but not limited to, sewer and drainage fees, public art fees, park (Quimby Act) fees, regional traffic impact (TUMF) fees, school fees, etc. In addition, a Community Facilities District will be formed, or the Project will be annexed to an existing District, under which a special tax will be levied on all residences in the Project. This special tax pays for new police, fire protection and suppression, and life safety services of the City required to sustain the service delivery capability for emergency and non-emergency services to new growth areas. Therefore, with the incorporation of these fees and taxes, the Project will have a negligible impact on public services, while having a beneficial impact to the local economy by providing more housing opportunities in the City.

EXHIBIT A – PROJECT SITE LOCATION





EXHIBIT B – EXISTING SITE CONDITIONS



**EXHIBIT C – PROJECT SITE PHOTOS**

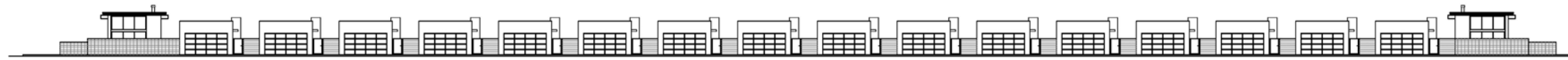


**Northeast Corner looking Southwest**

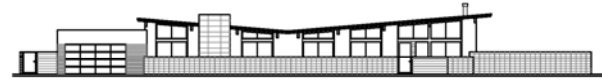


**Northwest Corner looking Southeast**

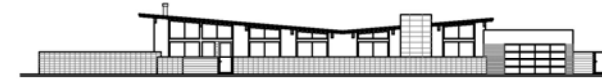
EXHIBIT D – SITE DEVELOPMENT PLAN



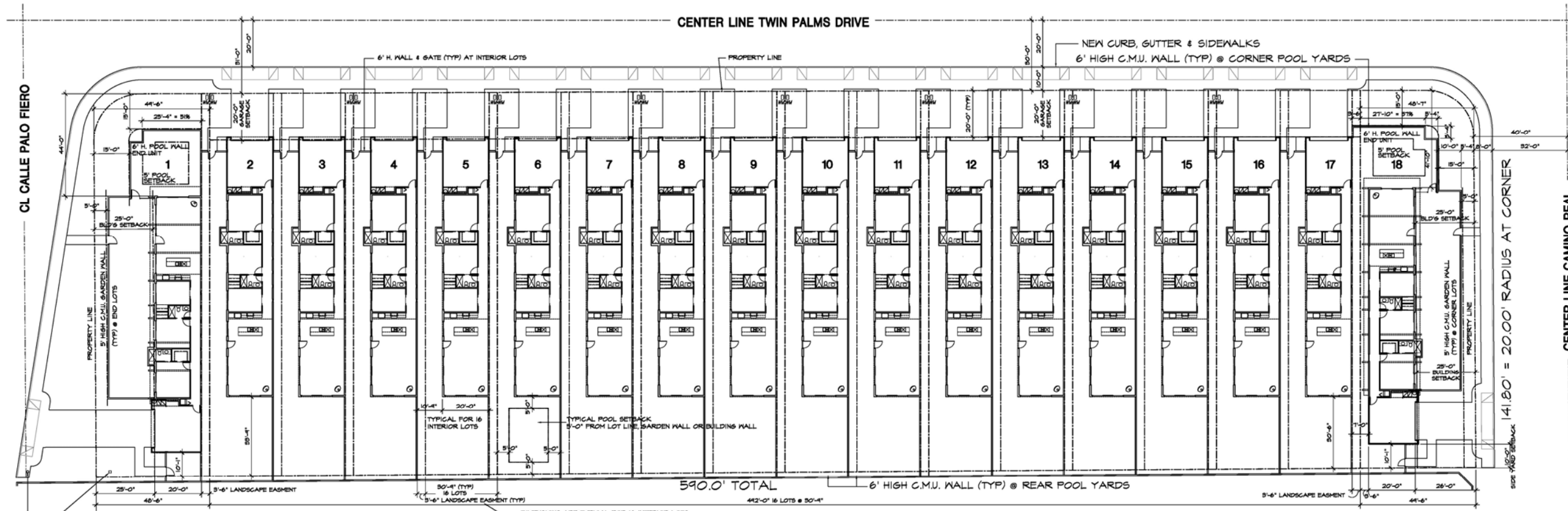
TWIN PALMS ELEVATION



CAMINO REAL ELEVATION

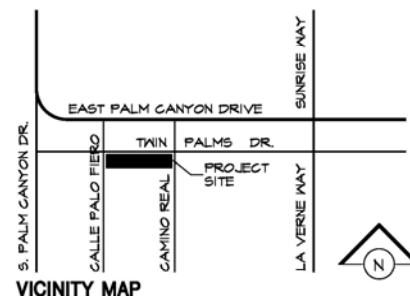


CALLE PALO FIERO ELEVATION

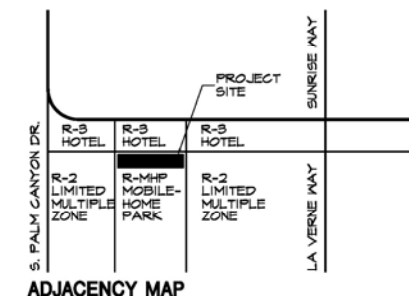


CL CALLE PALO FIERO

CENTER LINE CAMINO REAL



VICINITY MAP



ADJACENCY MAP



SITE DEVELOPMENT PLAN

- Building Height Limits for R-2 Zone
  - All buildings that exceed fifteen (15) feet in height shall be required to have a twenty-five (25) foot setback from the property line of any existing adjacent single story development.
  - Palm Spring Zoning Code 92.03.03 - E. 1
- No units exceed 15' in height. All units are single story.

Lot sizes and dimensions and setbacks are based on Tentative Track Map.

Lot Coverage 99,015 S.F. / 44,150 S.F. = 45%  
 16 Homes @ 2,230 S.F. = 35,680 S.F.  
 2 Homes @ 2,235 S.F. = 4,470 S.F.  
 Zone - R-2 (Limited Multiple Zone)

Total Project Area = 2.27 Acres  
 Twin Palms El Camino LLC.  
 Dennis Cunningham, President 760-320-8773

DRAWN BY CLS  
 DATE 11-14-13  
 JOB NO. 13-105  
 SHEET NO. ©

**CSA**  
 Chris Sahlin Architects  
 121 S. Palm Canyon Dr. Ste. 229  
 Palm Springs, California 92262  
 Tel. 760 325 5227  
 Fax. 760 325 5229

18 @ Twin Palms

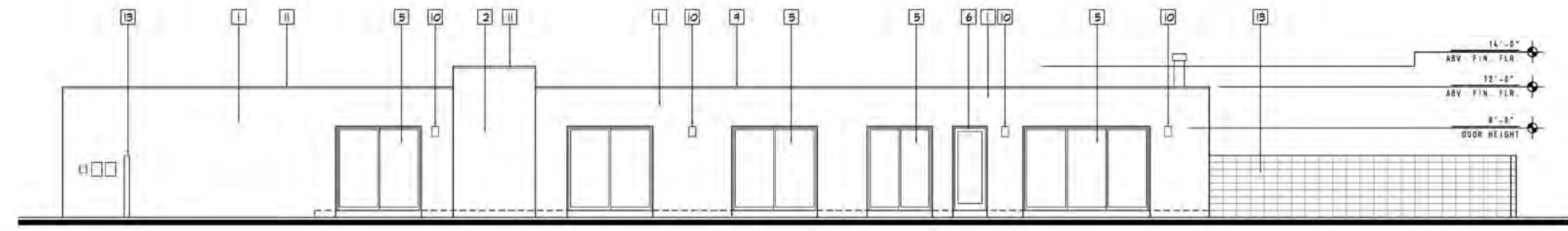
Palm Springs Modern

A-1.1

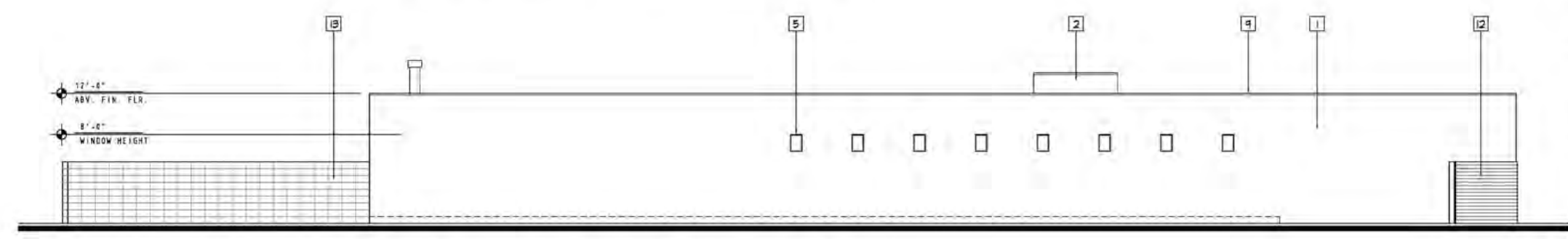
EXHIBIT E – INTERIOR LOTS TYPICAL ELEVATIONS

CSA

Chris Sahlin Architects  
 121 S. Palm Canyon Dr. Ste. 229  
 Palm Springs, California 92262  
 Tel. 760 325 5227  
 Fax. 760 325 5229

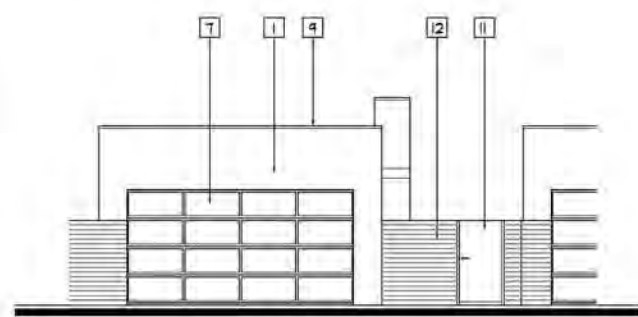


TYPICAL HOUSE - WEST ELEVATION

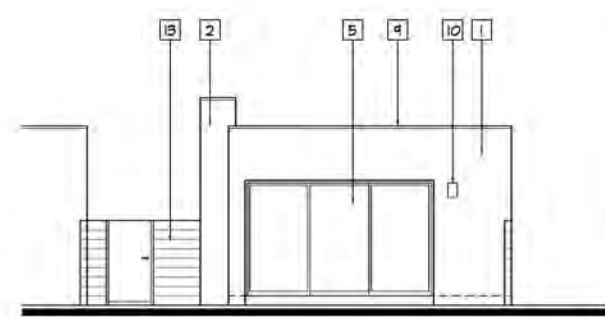


TYPICAL HOUSE - EAST ELEVATION

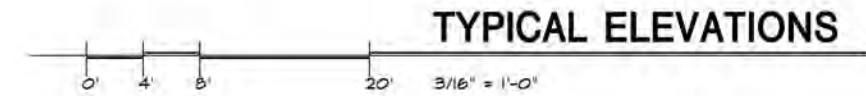
Color and Materials Schedule	
1	MACHINE APPLIED DASH TEXTURE EXTERIOR GYPSUM PLASTER COLOR: FITZGERALD PAINTS: BOW LIGHTER DRETTING
2	MACHINE APPLIED DASH TEXTURE EXTERIOR GYPSUM PLASTER COLOR: FITZGERALD PAINTS: BRICK ROAD 10 4R
3	REVEAL HOLDING - PLY REVEAL 5/4" 100#-42#-75 COLOR: PAINT TO MATCH ADJACENT EXTERIOR GYPSUM PLASTER
4	WOOD TRIM COLOR: FITZGERALD PAINTS: KNIGHTS ARMOR 50-4
5	ALUMINUM WINDOW AND SLIDING DOOR FRAMES COLOR: BRONZE ANODIZED ALUMINUM - GLAZING: 78 GRAY DUAL PANE
6	WOOD ENTRY DOOR W/ SINGLE LIGHT COLOR: FITZGERALD PAINTS: KNIGHTS ARMOR 50-4
7	SECTIONAL ROLL-UP SHARANE DOOR COLOR: BRONZE FRAME W/ "TRICREST" GLAZING
8	ROOF FLASHING - 30 GAGE S.I. COLOR: PAINT TO MATCH ADJACENT EXTERIOR GYPSUM PLASTER
9	ROOF FLASHING - 30 GAGE S.I. COLOR: PAINT TO MATCH ADJACENT EXTERIOR GYPSUM PLASTER
10	LIGHT FIXTURE - WALL MOUNTED COLOR: CLEAR ANODIZED ALUMINUM
11	METAL GATE - METAL W/ 2X2 FRAME COLOR: FITZGERALD PAINTS: KNIGHTS ARMOR 50-4
12	WOOD WALL TRIM - 1" X 4" (PE) 4" O.C. VERTICAL STAIN
13	DMX STAGE BOND - "ORGO BLOCK" AVIANT PRODUCTION COLOR: FITZGERALD PAINTS: @SIGNALER GRAY 500-4



NORTH ELEVATION



SOUTH ELEVATION



TYPICAL ELEVATIONS

PROJECT 18 @ Twin Palms  
 401 Block of Twin Palms Dr.  
 Palm Springs, California  
 FOR Palm Springs Modern

Revisions	Date

SHEET TITLE

Typical Elevations

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 DATE 11-14-13  
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CAMINO REAL ELEVATION - CALLE PALO FIERO OPPOSITE

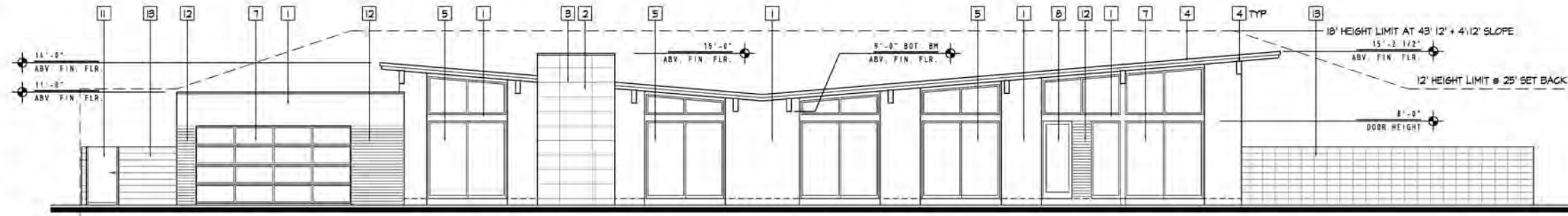


TWIN PALMS ELEVATION

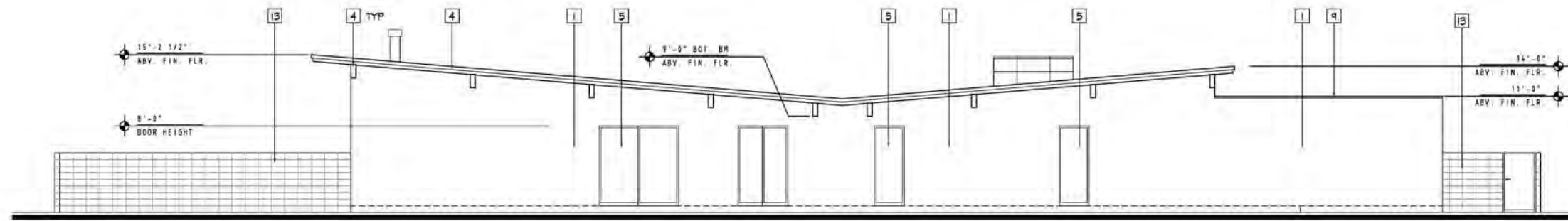
EXHIBIT G.1 – NE CORNER ELEVATIONS

CSA

Chris Sahlin Architects  
 121 S. Palm Canyon Dr. Ste. 229  
 Palm Springs, California 92262  
 Tel. 760 325 5227  
 Fax. 760 325 5229

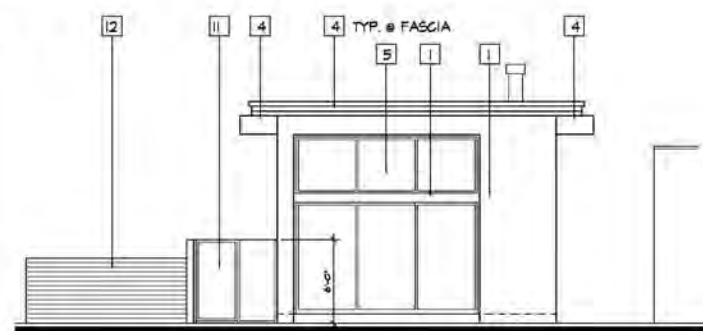


EAST ELEVATION

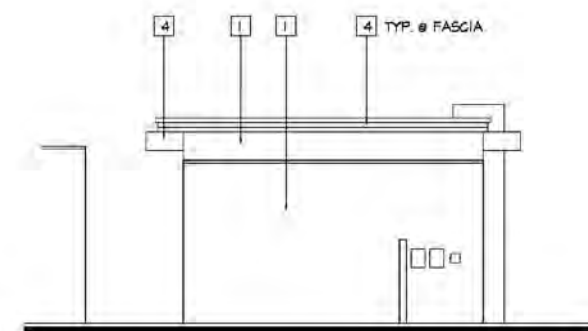


WEST ELEVATION

Color and Materials Schedule	
1	MACHINE APPLIED DASH TEXTURE EXTERIOR CEMENT PLASTER COLOR: PITTSBURG PAINTS 305 LIGHTER DRIFTFIN
2	MACHINE APPLIED DASH TEXTURE EXTERIOR CEMENT PLASTER COLOR: PITTSBURG PAINTS BRICK ROAD 151 64
3	ROVAL HOLDING - FRY RESLET 84" 108H-629-78 COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER
4	ROOF TRIM COLOR: PITTSBURG PAINTS KNIGHTS ARCH 510-6
5	ALUMINUM WINDOW AND SLIDING DOOR FRAMES COLOR: BRONZE ANODIZED ALUMINUM - SLAZING 16 GRAY DUAL PAKE
6	WOOD ENTRY DOOR W/ SINGLE LIGHT COLOR: PITTSBURG PAINTS KNIGHTS ARCH 510-6
7	SECTIONAL ROOL-UP SHARANE DOOR COLOR: BRONZE FRAME W/ TROUSTED SLAZING
8	ROOF FLASHING - 30 GAGE S.I. COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER
9	ROOF FLASHING - 30 GAGE S.I. COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER
10	LIGHT FIXTURES - WALL MOUNTED COLOR: CLEAR ANODIZED ALUMINUM
11	METAL GATE - METAL IN 200 FRAME COLOR: PITTSBURG PAINTS KNIGHTS ARCH 510-6
12	ROOF RAIL TRIM - 1 X 4 PINE # 4" O.C. VERTICAL STAIN
13	CHIP-STACK BOND - "ORGO BLOCK" BRUSH PRECISION COLOR: PITTSBURG PAINTS GIBBALTER GRAY 500-6



NORTH ELEVATION



SOUTH ELEVATION

NORTH EAST CORNER HOUSE



PROJECT 18 @ Twin Palms  
 401 Block of Twin Palms Dr.  
 Palm Springs, California  
 FOR Palm Springs Modern

Revisions	Date

SHEET TITLE  
**NE Corner Elevations**

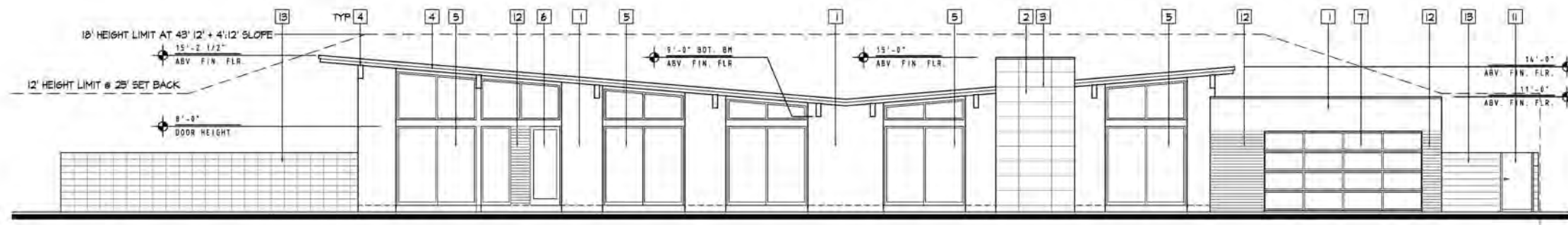
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 DATE 11-14-13  
 JOB NO. 13-105  
 SHEET NO. ©

**A-5.2**

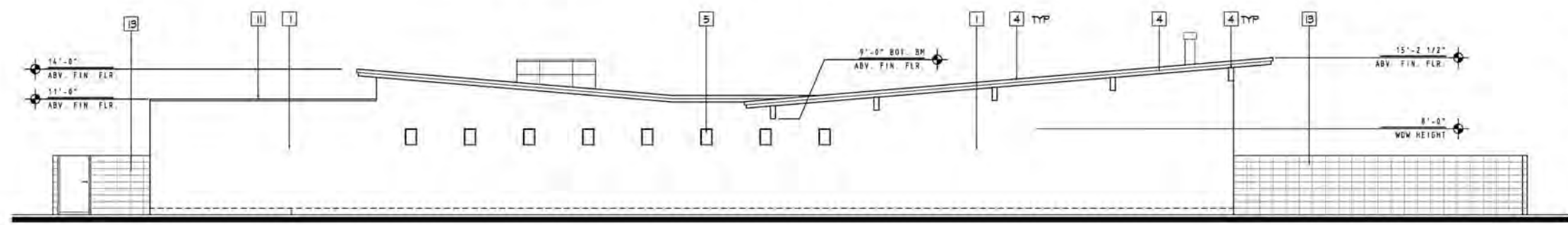
EXHIBIT G.2 – NW CORNER ELEVATIONS

**CSA**

Chris Sahlin Architects  
 121 S. Palm Canyon Dr. Ste. 229  
 Palm Springs, California 92262  
 Tel. 760 325 5227  
 Fax. 760 325 5229

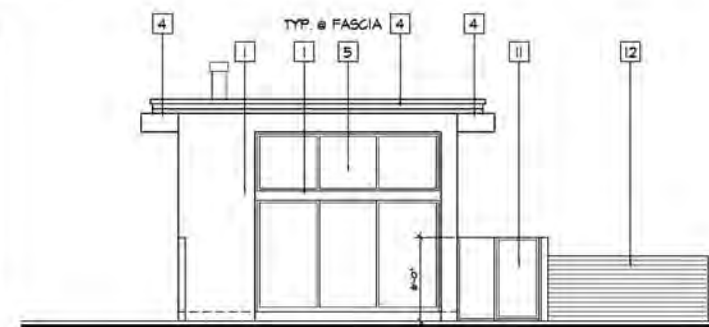


**WEST ELEVATION**

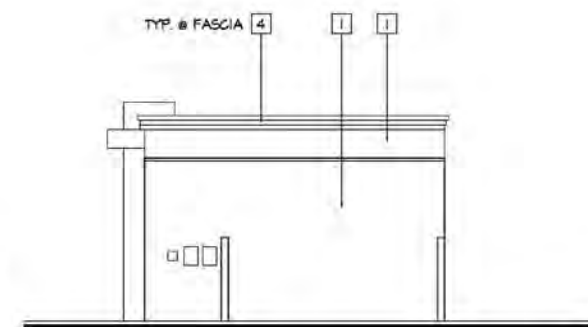


**EAST ELEVATION**

Color and Materials Schedule	
1 MACHINE APPLIED DASH TEXTURE EXTERIOR CEMENT PLASTER COLOR: PITTSBURG PAINTS SON LIGHTER DRIFTING	9 ROOF FLASHING - 30 BARS 8: COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER
2 MACHINE APPLIED DASH TEXTURE EXTERIOR CEMENT PLASTER COLOR: PITTSBURG PAINTS BRUSH ROAD 02 84	10 LIGHT FIXTURE - WALL MOUNTED COLOR: CLEAR ANODIZED ALUMINUM
3 REVEAL HOLDING - FRY REVEAL 841 1084-820-78 COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER	11 METAL SASH - METAL IN 200 FRAME COLOR: PITTSBURG PAINTS KNIGHTS ARMOR 80-6
4 ROOF TRIM COLOR: PITTSBURG PAINTS KNIGHTS ARMOR 80-6	12 ROOF WALL TRIM - 1 X 4 FPE @ 4' O.C. VERTICAL STAIN
5 ALUMINUM FINISH AND SLIDING DOOR FRAMES COLOR: BRONZE ANODIZED ALUMINUM - SLAZING 18 GRAY DUAL PAKE	13 CH- STACK BOND - "DREO BLOCK" BRUSH PRECISION COLOR: PITTSBURG PAINTS BRASSLET GRAY 800-8
6 ROOF ENTRY DOOR W/ SINGLE LIGHT COLOR: PITTSBURG PAINTS KNIGHTS ARMOR 80-6	
7 SECTIONAL ROLL-UP BARNAPE DOOR COLOR: BRONZE FRAME W/ "TRUSTED" GLAZING	
8 ROOF FLASHING - 30 BARS 8: COLOR: PAINT TO MATCH ADJACENT EXTERIOR CEMENT PLASTER	



**NORTH ELEVATION**



**SOUTH ELEVATION**

**NORTH WEST CORNER HOUSE**



PROJECT **18 @ Twin Palms**  
 401 Block of Twin Palms Dr.  
 Palm Springs, California  
 FOR **Palm Springs Modern**

Revisions	Date

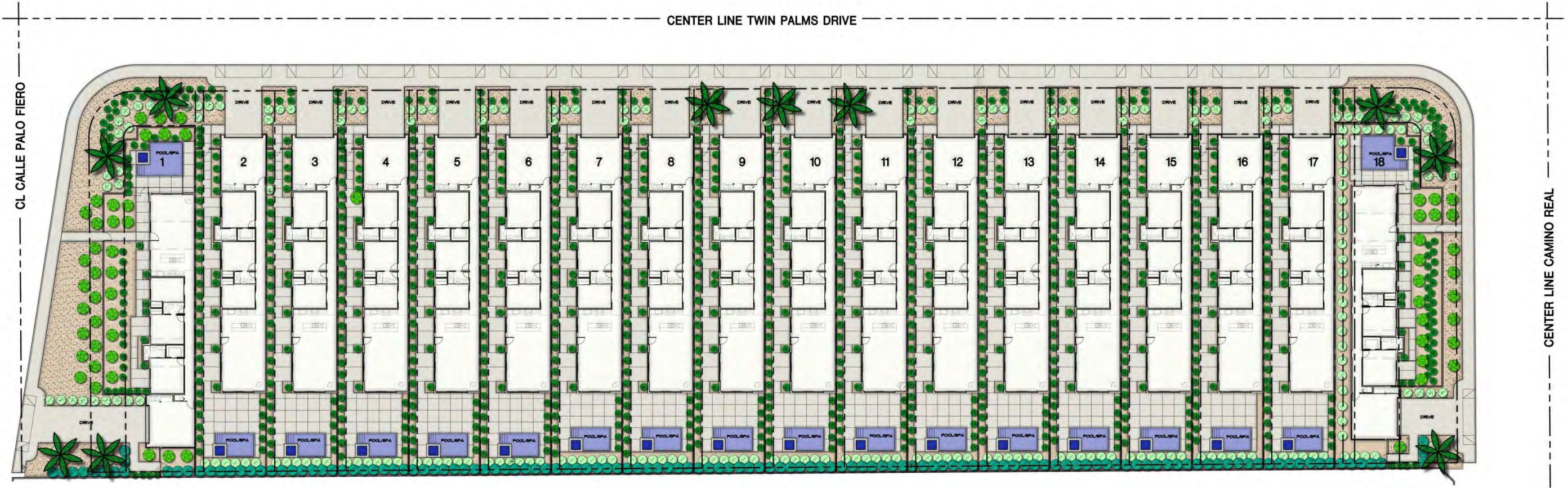
SHEET TITLE

**NW Corner Elevations**

DRAWN BY: CLS  
 DATE: 11-14-13  
 JOB NO.: 13-105  
 SHEET NO.: ©

**A-5.3**

EXHIBIT H – PRELIMINARY LANDSCAPE PLAN



PLANTING NOTES

- A. CONTRACTOR IS TO REVIEW PLANS, VERIFY SITE CONDITIONS AND PLANT QUANTITIES PRIOR TO INSTALLATION. CONFLICTS BETWEEN THE SITE AND THESE PLANS OR WITHIN THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO LANDSCAPE INSTALLATION. ANY DEVIATION FROM THE PLANS OR SPECIFICATIONS IS TO HAVE WRITTEN APPROVAL.
- B. ALL BOX TREES SHALL EQUAL OR SURPASS NATIONAL NURSERY ASSOCIATION STANDARDS FOR QUALITY AND SHALL HAVE A MINIMUM 2 1/2" CALIPER AT A POINT 6 INCHES ABOVE ROOT BALL. ALL OTHER MEASUREMENTS SUCH AS NUMBER OF CANES, BALL SIZES, QUALITY DESIGNATIONS, ETC. SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF 'HORTICULTURAL STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.'
- C. LANDSCAPE ARCHITECT SHALL APPROVE PLANT MATERIAL PLACEMENT BY CONTRACTOR PRIOR TO INSTALLATION.
- D. SEE PLANTING DETAILS FOR PLANTING, STAKING AND GUYING REQUIREMENTS.
- E. FERTILIZER FOR ALL GROUND COVER AREAS SHALL BE AS SPECIFIED WITHIN THE SPECIFICATIONS.
- F. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTED AREAS BY MEANS OF CONTINUOUS WATERING, PRUNING, RAISING TREE BALLS WHICH SETTLE BELOW GRADE, APPLICATION OF SPRAYS WHICH ARE NECESSARY TO KEEP THE PLANTING FREE OF INSECTS AND DISEASES, FERTILIZING, WEEDING, ROLLING, MOWING, EDGING, RESEEDING, AND/OR OTHER OPERATIONS NECESSARY FOR PROPER CARE AND UPKEEP. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTINGS AS SPECIFIED ABOVE FOR A PERIOD OF NINETY (90) DAYS. CONTACT STORE MANAGER FOR ONE YEAR SERVICE CONTRACT. CONTRACTOR TO WALK LANDSCAPE AND IRRIGATION WITH STORE MANAGER TO INSURE THAT EVERYTHING IS IN WORKING ORDER AND THAT THE PLANT IS HEALTHY AND IS READY TO BE TAKEN OVER BY ANOTHER MAINTENANCE COMPANY IF APPLICABLE.
- G. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTINGS AS SPECIFIED ABOVE FOR A PERIOD OF NINETY (90) DAYS.
- H. REFER TO SPECIFICATIONS FOR STANDARDS OF MATERIALS AND WORKMANSHIP.
- I. FINISH GRADE TO BE 2" BELOW TOP OF CURB OR WALK FOR GROUND COVER AREAS.
- J. ALL PLANTING AND IRRIGATION OF THIS PROJECT SHALL ADHERE TO CITY LANDSCAPE STANDARDS.
- K. ALL TREES TO BE APPROVED BY LANDSCAPE ARCHITECT ONE WEEK BEFORE INSTALLATION. PHOTOS AND LOCATIONS OF TREES TO BE PROVIDED BY CONTRACTOR TO LANDSCAPE ARCHITECT.
- L. PROVIDE GREY PEA GRAVEL IN ALL SHRUB AREAS - 2" THICK.
- M. IRRIGATION CONTROLLER TO BE E.T. BASED WITH RAIN SENSOR.

PLANT LEGEND





SYM	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
	<b>PALMS</b>			
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	12' B.T.H.	LOW
	<b>SHRUBS</b>			
	BOUGAINVILLEA	BOUGAINVILLEA	5 GAL.	LOW
	LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS RANGER	5 GAL.	LOW
	LEUCOPHYLLUM FRUTESCENS 'RAIN CLOUD'	RAIN CLOUD TEXAS RANGER	5 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	FICUS BENJAMINA'	FICUS COLUMN HEDGE	15 GAL.	HIGH
	ROSA BANKSIAE	LADY'S BANKS ROSE	1 GAL.	LOW
	SALVIA GREGGII	AUTUMN SAGE	5 GAL.	LOW
	<b>LARGE ACCENTS</b>			
	AGAVE PARRYI	NCN.	5 GAL.	LOW
	<b>SMALL / MEDIUM ACCENTS</b>			
	CALLIANDRA CALIFORNICA	RED FAIRY DUSTER	5 GAL.	LOW
	DASYLIRION WHEELERI	DESERT SPOON	5 GAL.	LOW
	FEROCACTUS WISLIZENII	FISHHOOK BARREL CACTUS	5 GAL.	LOW
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL.	LOW
	NOLINA NELSONI	BLUE NOLINA	5 GAL.	LOW
	OPUNTIA BASILARIS	PRICKLY PEAR	5 GAL.	LOW
	OPUNTIA LEPTOCAULOS	PENCIL CACTUS	5 GAL.	LOW



EXHIBIT I - TENTATIVE TRACT MAP NO. 36651

NO.	AMENDMENT	DATE

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TENTATIVE TRACT MAP No. 36651**

BEING A SUBDIVISION OF THE SOUTH ONE-HALF, OF THE SOUTH ONE-HALF, OF THE NORTHWEST QUARTER, OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN

OWNER:  
 UNITED STATES OF AMERICA IN TRUST FOR THE AGUA CALIENTE BAND OF CAHILLIA INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE

ASSESSOR'S PARCEL NUMBER:  
 511-041-002

SITE ADDRESS:  
 NOT APPLICABLE

LEGAL DESCRIPTION  
 REAL PROPERTY IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

THAT CERTAIN REAL PROPERTY LYING SOUTH OF TWIN PALMS DRIVE, OF THE SOUTH ONE-HALF, OF THE SOUTH ONE-HALF, OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO MERIDIAN, BOUNDED BY TWIN PALMS DRIVE ON THE NORTH, THE CENTERLINE OF SOUTH CAMINO REAL ON THE EAST, THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF CALLE PALO FIERRO ON THE WEST, AND BOUNDED BY THE SAHARA TRAILER PARK ON THE SOUTH.

ZONING CLASSIFICATION  
 EXISTING ZONING: I.L. (INDIAN LAND)  
 R-2 (LIMITED MULTIPLE ZONE)

GENERAL OR SPECIFIC PLAN:  
 GENERAL PLAN CITY OF PALM SPRINGS  
 MEDIUM DENSITY RESIDENTIAL 6:1-15 DOMICILE UNITS PER ACRE

LOT AREA:  
 AREA PER FIELD SURVEY LOT T10C 108,481.3 SQ. FT. (±2.46 AC.)  
 AREA COMMON RIGHT OF WAY EASEMENT 6,577.9 SQ. FT. (±0.15 AC.)  
 LOT 1\* PROPOSED ROAD EASEMENT 6,013.9 SQ. FT. (±0.14 AC.)  
 LOT 18\* PROPOSED ROAD EASEMENT 606.4 SQ. FT. (±0.01 AC.)  
 SUBDIVISION AREA 18 LOTS 96,264.1 SQ. FT. (±2.21 AC.)

FLOOD ZONE:  
 MAP NO. 08060C1586G  
 MAP EFFECTIVE DATE: AUG. 28, 2008  
 ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 2.0% ANNUAL CHANCE FLOODPLAIN AND  
 AND  
 ZONE A: FLOOD DEPTH 1 FOOT

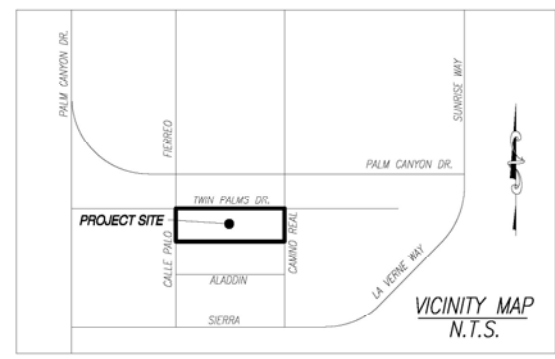
THE 1% ANNUAL FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. AREAS OF SPECIAL FLOOD HAZARD INCLUDE ZONES A, AE, AH, AO, AR, ABB, V, AND VE. THE BASE FLOOD ELEVATION IS THE WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD.

UTILITIES  
 GAS THE GAS COMPANY 760-324-4691  
 ELECTRIC SOUTHERN CALIFORNIA EDISON 760-202-4291  
 TELEPHONE VERIZON CALIFORNIA, INC. 760-778-3601  
 WATER DESERT WATER AGENCY 760-323-4971  
 TRASH DISPOSAL PALM SPRINGS DISPOSAL SERVICES 800-973-3873  
 CABLE TIME WARNER CABLE 760-474-5452  
 CABLE VERIZON 760-778-3601  
 WASTEWATER CITY OF PALM SPRINGS 760-323-8166

SCHOOL DISTRICT:  
 PALM SPRINGS UNIFIED  
 960 EAST TAHQUITZ CANYON WAY  
 PALM SPRINGS, CALIFORNIA 92262

WATER DISTRICT:  
 DESERT WATER AGENCY (DWA)

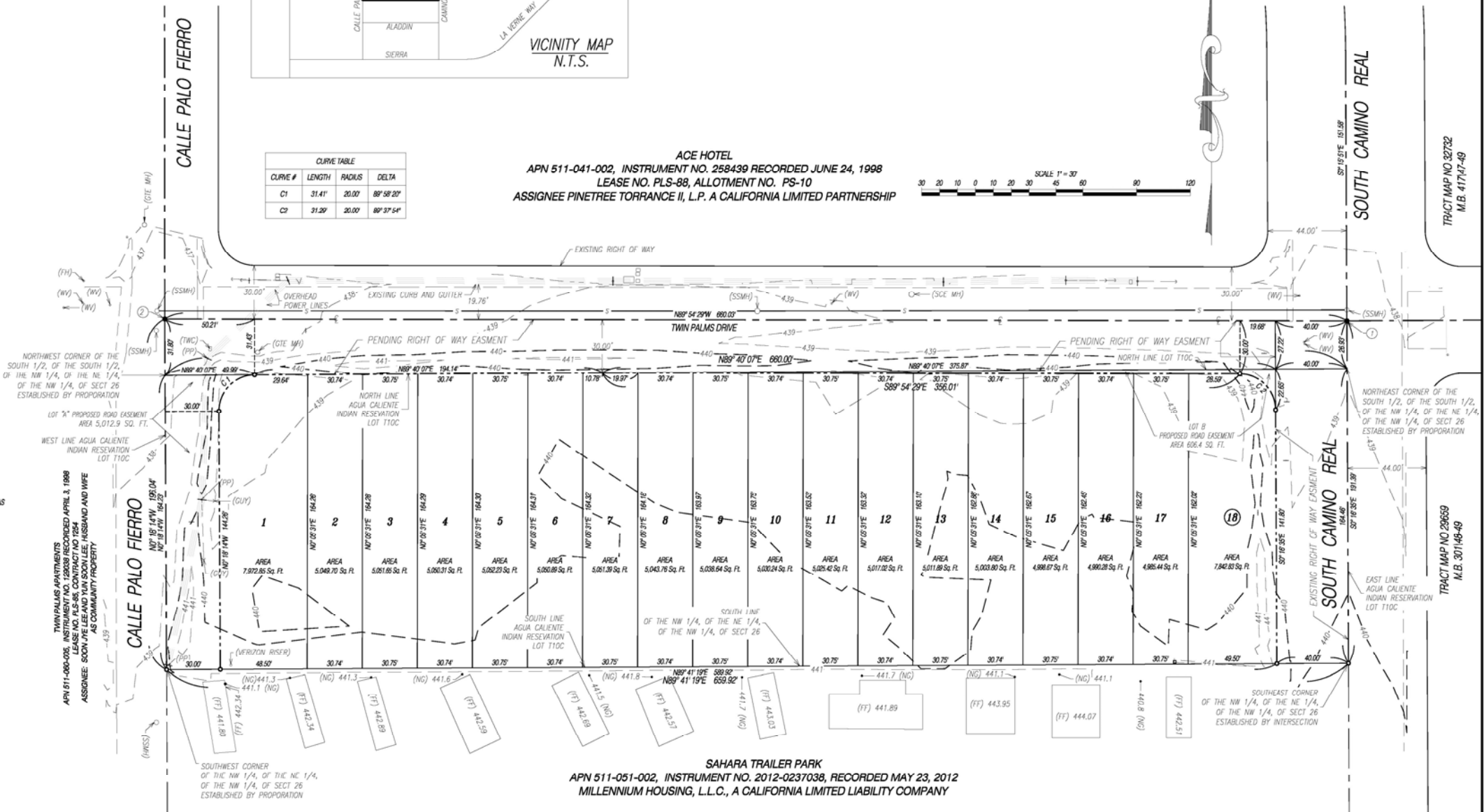
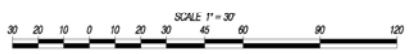
SHEET 1 OF 1  
**AMIR ENGINEERING INC.**  
 CIVIL ENGINEERING  
 160 LURING DRIVE, SUITE A, PALM SPRINGS CA 92262  
 PH. (760) 318-7424 FAX (760) 318-7410



CURVE #	LENGTH	RADIUS	DELTA
C1	31.41'	20.00'	89° 58' 20"
C2	31.25'	20.00'	89° 37' 54"

ACE HOTEL  
 APN 511-041-002, INSTRUMENT NO. 258439 RECORDED JUNE 24, 1998  
 LEASE NO. PLS-88, ALLOTMENT NO. PS-10  
 ASSIGNEE PINETREE TORRANCE II, L.P. A CALIFORNIA LIMITED PARTNERSHIP

- LEGEND
- (SU) EXISTING GUY ANCHOR GRADE
  - (PP) EXISTING POWER POLE
  - 441.2 (NG) EXISTING NATURAL GROUND GRADE 1 PAD ELEVATION
  - 437.85 (FF) EXISTING STRUCTURE FINISH FLOOR GRADE
  - (SSMH) EXISTING SANITARY SEWER MAN HOLE
  - (HMH) EXISTING WATER METER
  - (WH) EXISTING WATER VALVE
  - (FH) EXISTING FIRE HYDRANT
  - (GTE MH) EXISTING GENERAL TELEPHONE AND ELECTRIC MAN HOLE
  - (EP) EXISTING EDGE OF PAVEMENT
  - (TW) EXISTING TIME WARNER CABLE COMMUNICATION BOX



- MONUMENT IDENTIFICATION
- FOUND BRASS DISK FLUSH STAMPED LS 7070 PER M.B. 417-47-49 ACCEPTED AS CENTERLINE OF TWIN PALMS DRIVE AND CAMINO REAL
  - FOUND CITY OF PALM SPRINGS MONUMENT IN MONUMENT WELL, ACCEPTED AS CENTERLINE OF TWIN PALMS DRIVE AND CALLE PALO FIERRO

- GENERAL NOTES:
- THE TOPOGRAPHIC SURVEY AND BOUNDARY SOLUTION ARE BASED UPON A FIELD SURVEY BY AMR ENGINEERING INC.
  - THE CONTOUR INTERVAL IS EQUAL TO 1.00 FOOT
  - LOCATION OF VISIBLE ABOVE GROUND UTILITIES SHOWN HEREIN AS LOCATED ON MAP
  - UNDERGROUND UTILITY LOCATION SHOWN HEREIN ARE APPROXIMATE
  - ALL SLOPES ARE AS SHOWN ON MAP
  - GRADING WILL BE DONE ON INDIVIDUAL LOTS, GRADING PLANS WILL BE SUBMITTED AT TIME OF DEVELOPMENT

**APPENDIX A**  
**ENVIRONMENTAL ASSESSMENT**

# TEPA/NEPA Environmental Assessment

**For the Proposed 18 @ Twin Palms  
2.3 +/- acres located at the Southwest Corner of  
E. Twin Palms Drive & Camino Real  
Palm Springs, CA**

*December 2013*

*Prepared for:*



*Agua Caliente Band of Cahuilla Indians  
5401 Dinah Shore Drive  
Palm Springs, CA 92264*

*&*

*Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825*



**MSA CONSULTING, INC.**  
PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING

34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270  
TELEPHONE (760) 320-9811 ■ FAX (760) 323-7893

**Environmental Assessment for  
18 @ Twin Palms  
2.3 +/- acres**

Prepared For:

AGUA CALIENTE BAND OF CAHUILLA INDIANS  
5401 Dinah Shore Drive  
Palm Springs, CA 92264

BUREAU OF INDIAN AFFAIRS  
2800 Cottage Way  
Sacramento, California 95825

Prepared By:

MSA Consulting, Inc.  
34200 Bob Hope Drive  
Rancho Mirage, California 92270

**December 2013**

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## **EXHIBITS**

*\*All Exhibits to be found at the end of referenced sections*

### **Section 1.0**

Exhibit 1 - Regional Location

Exhibit 2 - Vicinity Map

Exhibit 3 - Aerial Photograph

Exhibit 4 - Conceptual Site Plan

### **Section 3.1**

Exhibit 5 – USGS

### **Section 3.2**

Exhibit 6- FEMA

## **1.0 PURPOSE AND NEED**

This Environmental Assessment (EA) has been prepared to comply with the Agua Caliente Band of Cahuilla Indians (Tribe), Tribal Environmental Policy Act (TEPA) Ordinance No. 28, to ensure the protection of natural resources and the environment within the Agua Caliente Indian Reservation and the best use of the development of Tribal property. In addition, the EA also complies with the National Environmental Policy Act (NEPA) of 1969, as amended (40 CFR 1500), and the Bureau of Indian Affairs (BIA) NEPA Handbook 59 IAM3. The EA will analyze the potential effects of the proposal by Palm Springs Modern Homes to develop the proposed residential project known as 18 @ Twin Palms. The Project is proposed on 2.3 +/- acres of vacant land located on Agua Caliente Band of Cahuilla Indians Tribal Trust land. The Project site is located in the City of Palm Springs, south of E. Twin Palms Drive between Calle Palo Fierro and Camino Real. See Exhibits 1-4 at the end of this chapter.

The Agua Caliente Band of Cahuilla Indians will serve as the lead agency for the project and will use the EA to determine if the proposed development on Tribal property would significantly impact the quality of the natural environment. The Bureau of Indian Affairs is the lead agency for the land lease between the Tribe and Twin Palms El Camino, LLC. Development of the 18 @ Twin Palms project will allow additional income from the lease to be generated and contribute revenue to the Tribe's various and growing economic ventures.

### ***Proposed Project (Preferred Alternative)***

Twin Palms El Camino, LLC proposes the construction of 18 single family detached residences on approximately 2.3 acres of vacant land. Each home will be approximately 1,800 sq.ft. with three bedrooms, two baths, attached two car garages and private yards with pools. All units are single story and will be constructed in Post-Modern Revival style with its own unique architectural features. Front yard landscaping will feature drought tolerant desert-scape. Rear yards will be screened to maintain privacy and avoid impacts to surrounding views. A tract map for the Project will be processed through the Tribe.

Due to the size of the Project, no internal streets are proposed. The two end units will have garage and driveway openings onto Calle Palo Fierro and Camino Real. All others will have garages and driveways directly opening onto Twin Palms. The Project proposes construction improvements such as street paving, and the installation of curb, gutter and sidewalks along these surrounding streets.

### ***Timeframe***

The estimated time of build out for the Project is 27 months from start of construction to close of last home.

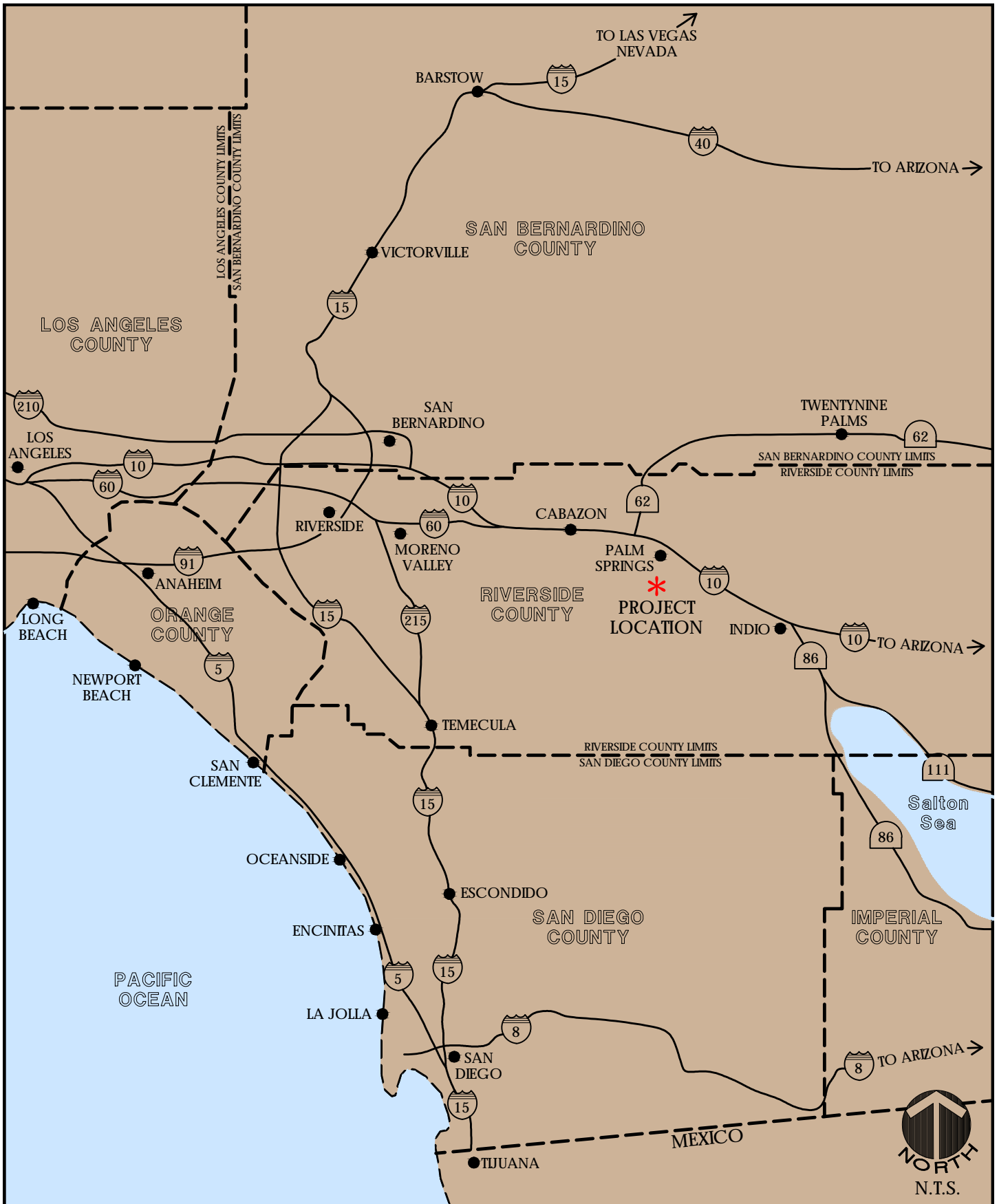
### ***General Setting***

The Project site is 2.3+/- acres of vacant property located on Tribal Trust land in the City of Palm Springs. Nestled at the base of the San Jacinto and Santa Rosa Mountains, the City of Palm Springs is a popular destination retreat and is the ancestral home of the Agua Caliente Band of Cahuilla Indians. The Agua Caliente Indian Reservation spans approximately 31,500 acres of



land in Riverside County, approximately 10,600 acres are located in Palm Springs. Reservation land includes Tribal land, Allotted Trust land and Fee land.

Access to the Project site is provided by E. Twin Palms Drive on the northern border of the property. The site fronts on E. Twin Palms Drive and is located between Calle Palo Fierro and Camino Real. Adjacent land uses include the Ace Hotel to the north, single family residential on the east, a multi-family apartment complex to the west and the Sahara mobile home community to the south. The Project site is currently vacant with brush and debris and has been continuously disturbed with human activity.



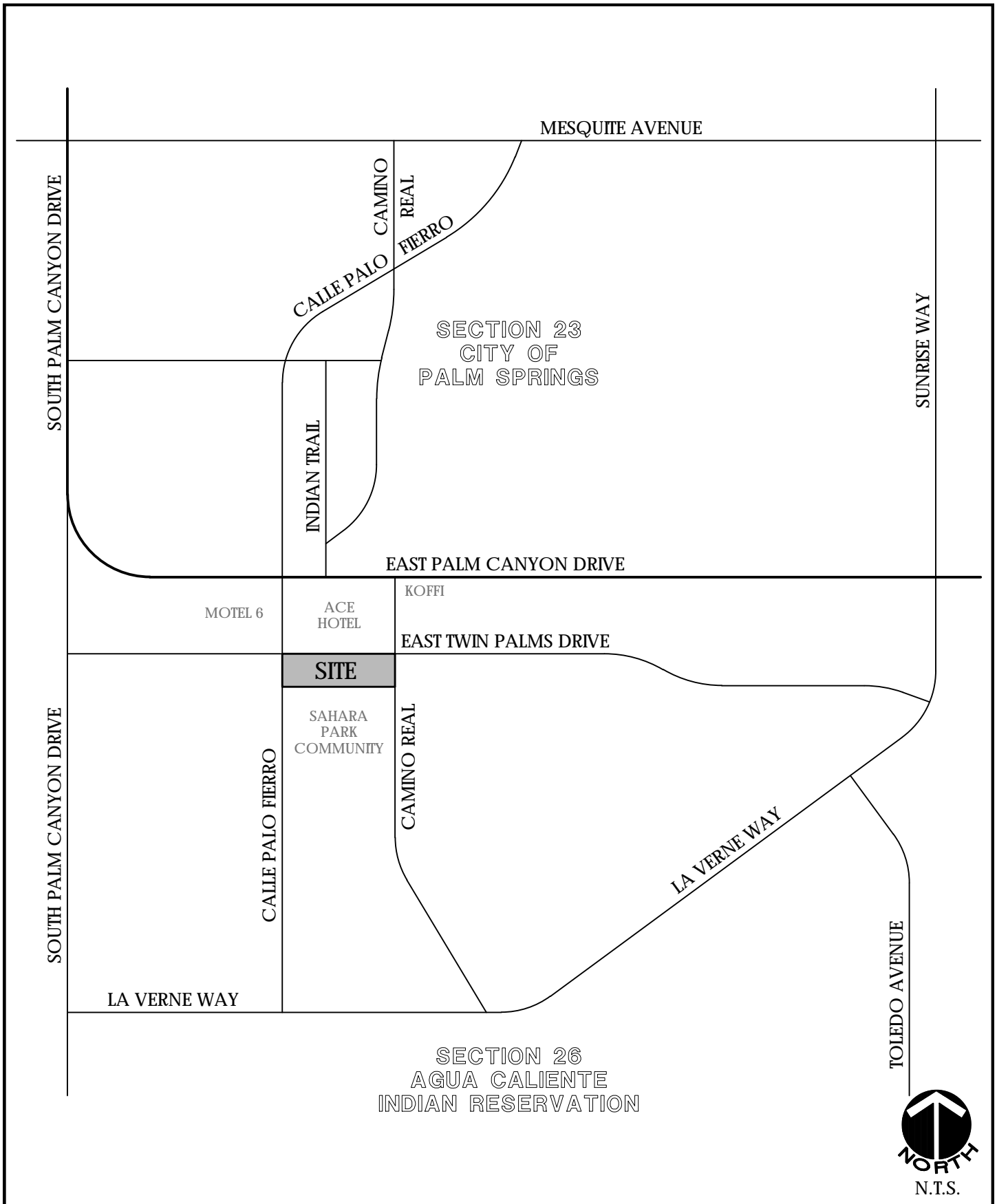
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## Regional Map

18 @ Twin Palms  
 Environmental Assessment

Exhibit 1



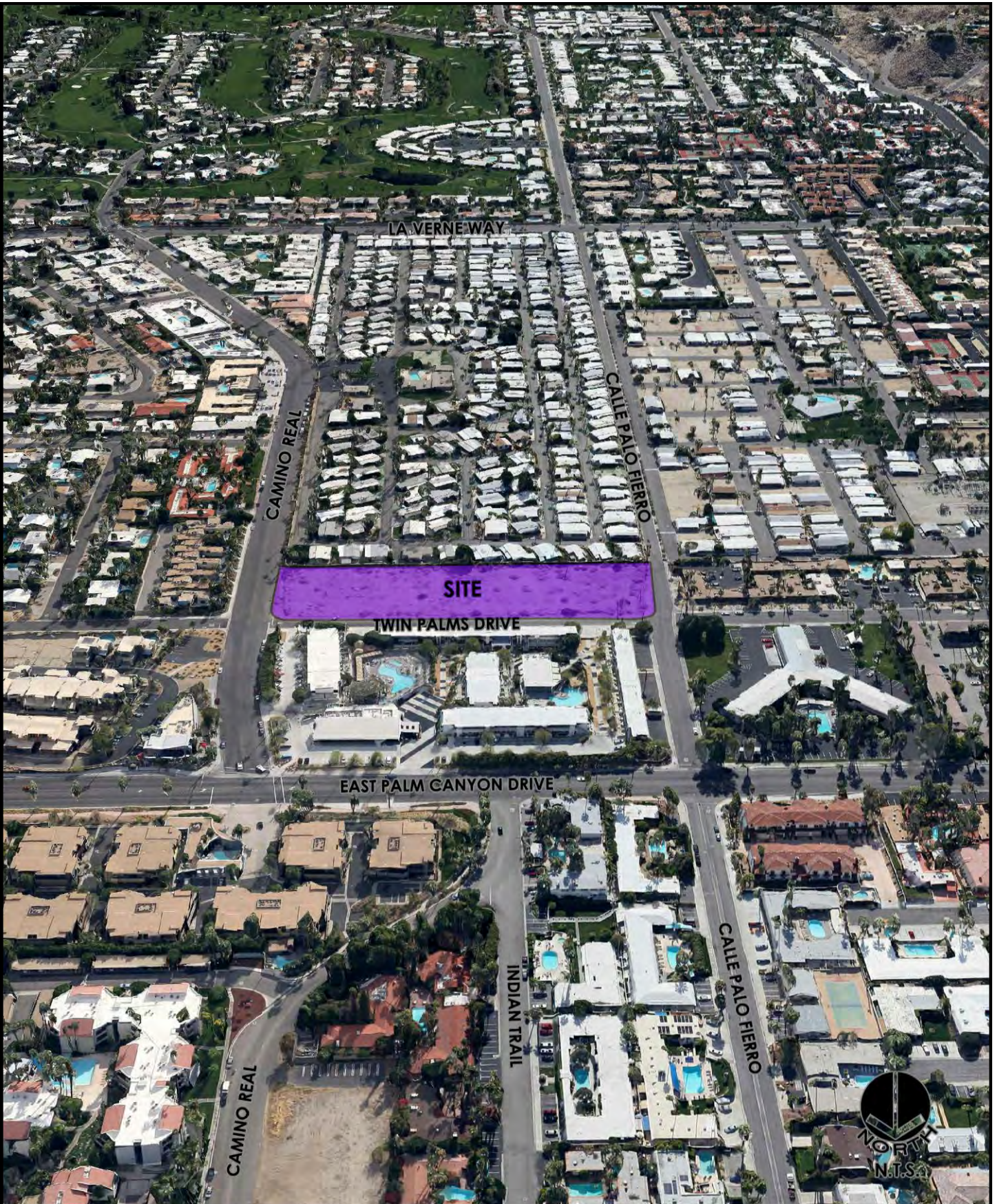
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## Vicinity Map

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Exhibit 2



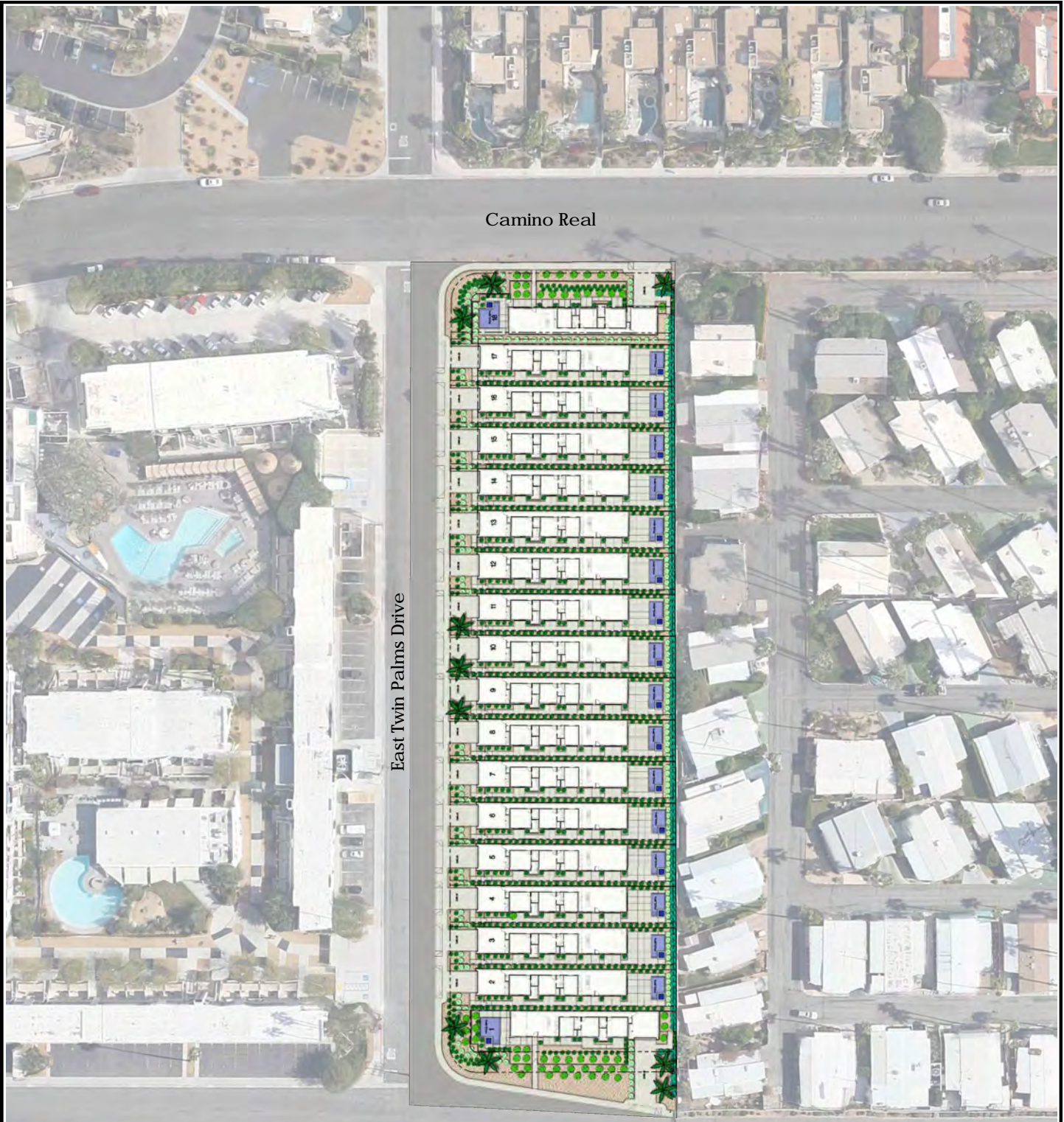
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## Aerial Photograph

18 @ Twin Palms  
Environmental Assessment

Exhibit 3



Camino Real

East Twin Palms Drive

Calle Palo Fierro

Site Plan Source:

**RJCLA**

RJ. CUNNINGHAM COMPANY  
Landscape Architects  
11 Villamoura  
Laguna Niguel, CA 92667  
(949) 661-3938 - FAX (949) 489-4477



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## Conceptual Site Plan

18 @ Twin Palms  
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Exhibit 4

## **2.0 PROJECT ALTERNATIVES AND COMPARISON**

### **2.1 No-Action Alternative.**

Implementation of the No-Action alternative would leave the Project site in its existing vacant condition. Overflow parking on the site would continue. This Alternative would not meet the Tribe's goals of diversifying income and economic ventures; opportunity for Tribal and community employment would not be realized. This is the baseline condition described throughout the document. Its impacts relative to the Allowed by Zone Alternative are correspondingly similar to the Preferred Alternative but in general to a lesser degree.

### **2.2 Allowed by Zone Alternative.**

This Alternative would result in increased impacts relative to some resources found in the Preferred Alternative, due to its higher density; however, many components of the environmental review would also see similar results for other resources. This Section is primarily a comparison between the Allowed by Zone Alternative and the Preferred Alternative. See Chapter 3.0 Environmental Impacts.

The Allowed by Zone Alternative would consist of a residential development of multi-family homes on 2.3 acres with the existing approved density of 15 DU/A. This would result in approximately 35 units and parking to accommodate approximately 45 vehicles. The structures would consist of two floors with a maximum height of 24 feet. The Project would be required to provide 50% open space.

Infrastructure would be similar to the Preferred Alternative. The facilities would be sized appropriately in accordance with estimated residents.

### **Land Resources**

Topo, Soils and Geology: same general geologic conditions, area of disturbance would be the same for both the Allowed by Zone and Preferred Alternative.

### **Water Resources**

The Preferred and Allowed by Zone Alternatives would both be developed with the necessary improvements to result in less than significant impacts regarding surface water, drainage, flooding, groundwater and related resources. Under the Allowed by Zone Alternative, impacts to have the potential to be greater than those expected from the Preferred and No-Action alternatives, primarily due to the higher number of residential units that would be developed.

### **Air Quality**

Air quality during construction will be equal, due to the limitations on disturbed surface area during construction. However, criteria pollutants during construction of the Allowed by Zone Alternative could be greater associated with the larger multi-family units, surface area and floor plans.

Cumulative air quality impacts relative to vehicular emissions would be greater for the Allowed by Zone Alternative.

### **Living Resources**

Wildlife, Vegetation, Ecosystems and Agriculture would be similar in that the site does not contain significant resources. Mitigation for Burrowing Owls would be included in both the Preferred and Allowed by Zone Alternatives, so impacts will be avoided.

### **Cultural Resources**

Historical, Archaeological and Religious impacts will be similar for both alternatives for potential impacts to resources. These impacts will be mitigated according to measures determined by Tribal consultation. Consultation with the Tribal Historic Preservation Office requires Tribal monitoring during the construction of both the Allowed by Zone and Preferred Alternatives.

### **Socioeconomic Conditions**

Both the Allowed by Zone and the Preferred Alternative would generate the same income from the residential leases. The Allowed by Zone would have more impacts to Police & Fire and utility demands when compared to the Preferred; however, those would likely be offset by corresponding increases in City development fees. Both Alternatives would serve as extensions to the existing residential uses.

### **Resource Use Patterns**

Less than significant impacts are expected for hunting, timber, agriculture and minerals as these resources are not found on the property that either the Preferred or Allowed by Zone Alternatives would encompass. Both Alternatives would serve as an extension of residential development.

### **Transportation**

The Allowed by Zone Alternative would have increased impacts when compared to the Preferred Alternative. Both Alternatives would be required to build permanent improvements on the adjacent roadways. Average Daily Trips for the Allowed by Zone Alternative would be increased when compared with the Preferred Alternative; however both Alternatives would not cause significant impacts to surrounding street systems.

### **Other Values**

Both Alternatives would be constructed on property that has been heavily disturbed. Less than significant impacts are expected for the Allowed by Zone Alternative and Preferred Alternative. Impacts relative to noise and light, vistas, public health, safety and hazardous materials would be similar between the two alternatives due to the proposed land uses.

### **Climate Change**

The Allowed by Zone Alternative would be expected to contribute a greater amount of CO<sub>2</sub>-equivalent emissions per year. However, the quantity expected to be generated by both Alternatives would be well below the 25,000 Metric Tons or more of CO<sub>2</sub>-equivalent emissions which is the Alternatives threshold that would trigger further quantitative and qualitative assessments of GHG emissions.

As previously discussed in the Socioeconomic Conditions and Resource Use Patterns, both Alternatives are expected to improve Indian Trust assets by adding value to the property.

### **2.3 Preferred Alternative**

Construction and operation of the Preferred Alternative (proposed Project) would not result in significant environmental impacts with the implementation of mitigation measures and regulatory conditions incorporated into the Project. The development of the Residential Project described throughout this document, would meet the goals of the Tribe for economic development.

The No-Action Alternative and the Allowed by Zone Alternative do not provide the best means for meeting the Tribe's goals of economic development diversity. While the Allowed by Zone Alternative would still contribute the same revenue, there is no interest from prospective developers at this time and not reasonably foreseeable in the future. This Preferred Alternative is found to represent the purpose and need of the proposed Project.



### **3.0 ENVIRONMENTAL IMPACTS**

#### **3.1 Land Resources**

Investigation of the subject property included site reconnaissance, review of aerial photographs, and pertinent geologic literature. The Project site is presently vacant, supporting natural scattered vegetation. No evidence suggests past uses or structures upon the property. Once a design layout has been determined and structural loads are known, a Project specific Geotechnical Analysis shall be generated to address specific site improvements. Under the present settings, neither soil nor geologic conditions were encountered during the investigation that would preclude the construction of the proposed residential development.

#### **A. Topography**

Topography in the vicinity of the Project has been defined as a fluvial terrace and alluvial fans created by the convergence of multiple drainages originating in the San Jacinto and Santa Rosa Mountains. Alluvial fans are created over time through the deposition and transportation of sediment through naturally occurring drainage patterns. Palm Canyon Wash and Tahquitz Creek convey flows through the area. Prior to urbanization of the area, flows through the washes were responsible for the formation of the alluvial fan landforms and gentle slope of the Project site and its vicinity.

The Project site is relatively flat with a downward slope to the north and northeast. Elevation change across the property is slight ranging from 438' to 441' above sea level. The gentle slope is attributed to the fluvial terrace and alluvial fan landforms. Historic aerial photographs show the Project site as being incised by natural drainage patterns consistent with the surrounding alluvial landforms. Signs of previous site clearing, surrounding development, and street improvements have eliminated the natural drainage patterns and flows through the property have been altered.

#### **B. Soils**

According to the City of Palm Springs General Plan EIR Geologic Map (Figure 5.6-1), the site is located in an area characterized by Remnants of Pleistocene-age alluvial channels. These deposits are typically found on the alluvial fans at the base of the Santa Rosa Mountains and near Palm Canyon. These deposits consist primarily of stratified sand, silt, gravel, and boulders. The General Plan EIR does not identify soils identified as Remnants of Pleistocene-age alluvial channels as being susceptible to soil compressibility, collapse, or expansion.

The USDA Soil Survey of Riverside County, Coachella Valley Area identifies the soil as being of the Carsitas Series, Carsitas gravelly sand variety, 0% to 9% slopes. Soils of the Carsitas Series are generally excessively drained with rapid permeability. Typically, the upper 10 inches of the soil type is calcareous gravelly sand. From 10 inches to 60 inches depth, more coarse, gravelly characteristics can be expected as depth increases. Small, entrenched stream channels are evident on steeper slopes and become less distinct as slope decreases to 1% to 2%. Previous on-site activity has eliminated naturally occurring drainage patterns.

### ***Groundwater***

The site is within the Whitewater Subbasin and no groundwater was discovered during the site investigation. According to the City General Plan EIR, groundwater in the majority of the City of Palm Springs occurs at 100 feet or more below the surface.

### **C. Geologic Hazards**

The site is not within an Alquist-Priolo or Riverside County Fault Hazard Zone. The San Andres Fault Zone is located approximately 8 miles to the north of the site. The site is within a seismically active region near the active margin between the North American and Pacific tectonic plates. The Palm Canyon Fault is concealed, but is estimated to be located approximately 800 feet to the west of the Project site. The principal source of seismic activity is movement along the northwest-trending faults including the San Andreas, San Jacinto and Elsinore fault zones. These fault systems are estimated to produce up to approximately 55 millimeters (2.2 inches +/-) of slip between the plates each year.

Due to the close proximity of multiple faults, the site could be subjected to strong ground shaking similar to most of Southern California. In the event of an earthquake and ground shaking, low profile and limited vertical construction can be mitigated if any proposed structures are designed and constructed in conformance with current building codes and engineering practices. The estimated maximum earthquake magnitude and peak ground acceleration for the San Andreas Fault are 8.2 and 0.60g respectively.

Landslides and Rock Falls have been triggered as a result of strong ground shaking caused by earthquakes. Areas in close proximity to steeply sloped terrain are especially susceptible to landslides or rock falls caused by a seismic event. The location of the Project site is not in an area typically associated landslides or rock fall. The City of Palm Springs General Plan EIR Seismically Induced Landslide and Rock Fall Susceptibility Map (Figure 5.6-6) identifies the site as being in an area being unsusceptible to seismically induced landslides or rock fall.

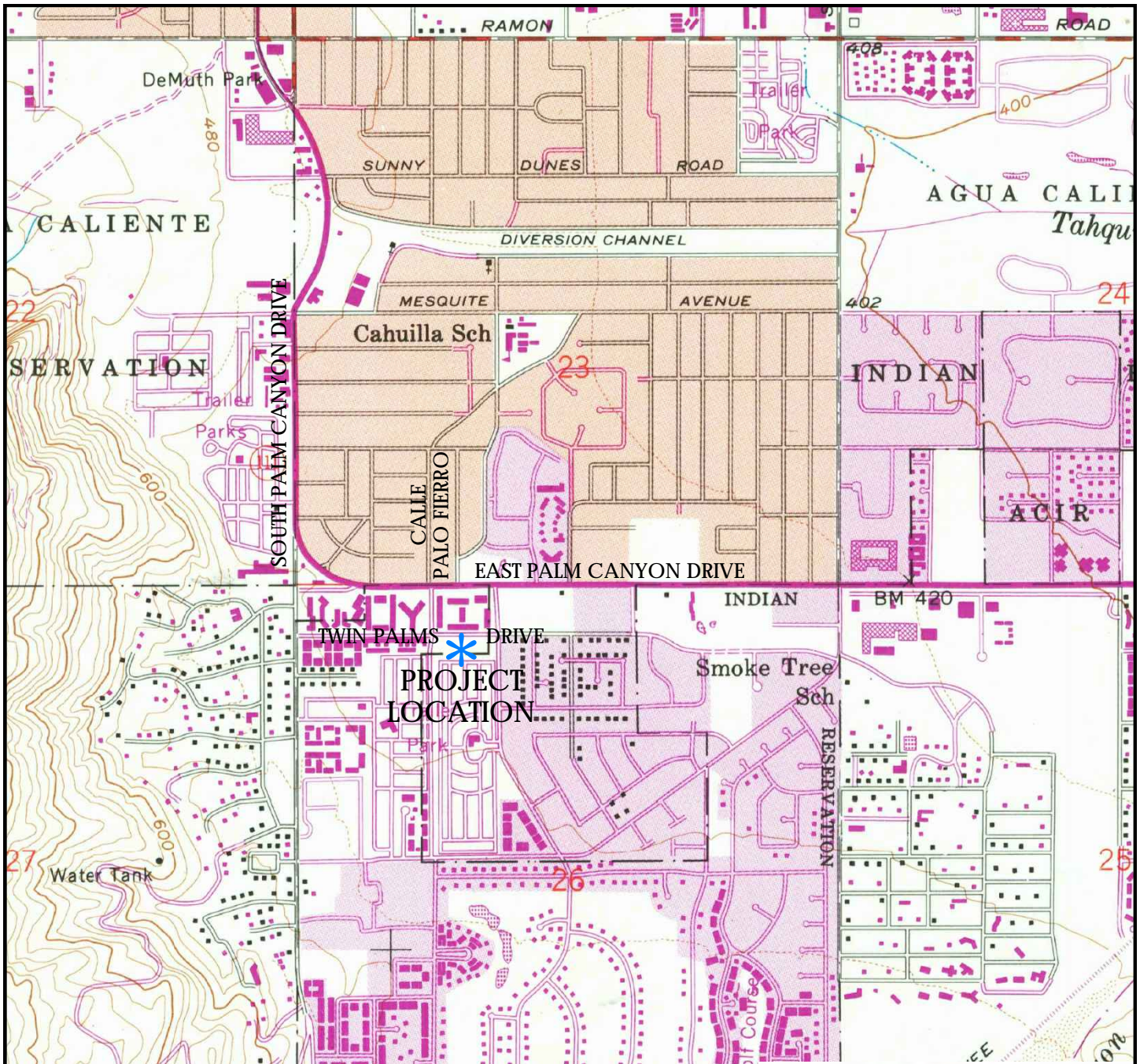
### ***Liquefaction***

Liquefaction is a phenomenon in which loose, saturated, relatively cohesionless soil deposits lose shear strength during strong ground motion. According to the City of Palm Springs General Plan EIR Faults and Liquefaction Susceptibility Map (Figure 5.6-4), the potential for liquefaction is very low across most of the Palm Springs area. Groundwater in the majority of the Project area is on the order of at least 100 feet or more below the surface. Sediments that are susceptible to liquefaction are generally water-saturated, medium-dense to loose soil materials within 50 feet of the surface with groundwater at similar depths. Based upon the depth to groundwater in the area, the potential for liquefaction and the related surficial effects of liquefaction impacting the site are considered negligible. Impacts related to liquefaction appear to be less than significant.

### ***Conclusion***

This Assessment concludes that the site could be suitable for the proposed residential development composed of single-family homes following a proper Geotechnical Investigation. These structures can be safely constructed if building codes and nominal engineering practices are followed.

Future development of the site as proposed would not result in any increase of geologic hazards to the proposed Project.



Mapped, edited, and published by the Geological Survey  
 Control by USGS and NOS/NOAA  
 Topography from aerial photographs by photogrammetric methods  
 Aerial photographs taken 1955. Advance field check 1957  
 Polyconic projection  
 10,000-foot grid based on California coordinate system, zone 6  
 1000-meter Universal Transverse Mercator grid ticks,  
 zone 11, shown in blue 1927 North American Datum  
 To place on the predicted North American Datum 1983 move  
 the projection lines 80 meters east as shown by dashed  
 corner ticks  
 Red tint indicates areas in which only landmark buildings are shown  
 There may be private inholdings within the boundaries  
 of the National or State reservations shown on this map

CONTOUR INTERVAL 40 FEET  
 DOTTED LINES REPRESENT 20-FOOT CONTOURS  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929  
 Revisions shown in purple and woodland  
 compiled from aerial photographs taken 1984  
 and other source data. Partial field check  
 by U.S. Forest Service. Map edited 1988

ROAD CLASSIFICATION  
 Heavy-duty ——— Light-duty ———  
 Medium-duty ——— Unimproved dirt - - - - -  
 ○ State Route



PALM SPRINGS, CALIF.  
 SE/4 PALM SPRINGS 15' QUADRANGLE  
 33116-G5-TF-024  
 1957  
 PHOTOREVISED 1988  
 DMA 2651 I SE-SERIES V895



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**U.S. Geological Survey**

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**Exhibit 5**

### **3.2 Water Resources**

The following section describes the existing conditions related to surface water, drainage, groundwater, water quality, use and rights.

#### ***Surface Water and Drainage***

The Project site of 2.3 acres is located in a western portion of the Coachella Valley, which forms part of the Salton Trough feature of the Colorado Desert Geomorphic Province. The Coachella Valley is described as a broad, low elevation, northwest-southeast trending valley situated within the Sonoran Desert. This region is formed by a sequence of sedimentary deposits surrounded by the San Bernardino Mountains to the northwest, Little San Bernardino Mountains to the north, the Santa Rosa Mountains to the south and San Jacinto Mountains to the west.

The Project site and its vicinity are relatively flat with a slight downward gradient to the north and northeast. The gentle slope is attributed to the fluvial terrace and alluvial fan deposits from multiple drainages originating at higher elevations to the south and west. Alluvial fans are defined as sloping fan-shaped landforms created over long periods of time by the natural deposition of eroded sediment from an upland source. It appears that prior to the local urban development, channelization of local drainages and other physical improvements in the City of Palm Springs and Agua Caliente Indian Reservation, the Project site would have been situated in an expanse where two alluvial fans merged: one formed by drainages from the San Jacinto Mountains to the west (including Tahquitz Creek) and the other formed by the drainage deposits from the south (including Palm Canyon Wash).

The Palm Canyon Wash, located approximately 1.2 miles to the southeast of the Project, intercepts intermittent flows from multiple canyons and creeks at the higher elevations to the south, including Andreas Canyon, Murray Canyon and Palm Canyon. These canyons collectively produce the general north-south limit between the San Jacinto Mountains to the west and Santa Rosa Mountains to the east. The Palm Canyon Wash has intermittent flows that are typically rapid with relatively high erosion during intense rainfall events. Palm Canyon Wash proceeds northeasterly through sections of the Agua Caliente Indian Reservation and a southern portion of the City of Palm Springs before turning southeasterly as it merges with the Whitewater River.

Tahquitz Creek, located 0.7 miles north of the Project, flows eastward from Tahquitz Canyon and the eastern slope in the San Jacinto Mountains. This Creek carries various sediments from the upper watershed and deposits them in the Tahquitz Alluvial fan, which extends from the mouth of Tahquitz Canyon to the Whitewater River floodplain in the valley floor surface. A portion of Tahquitz Creek is channelized for flood control purposes, directing winter rain and spring snowmelt to the desert floor eastward to intersect Palm Canyon Wash at the easternmost boundary of Palm Springs.

The Palm Canyon Wash and Tahquitz Creek merge with the Whitewater River approximately 4 miles to the west of the Project. The Whitewater River is the major drainage course in the region. Its constructed downstream extension in the eastern part of the Coachella Valley is known as the Coachella Valley Storm Water Channel, which in part serves as a drainage way for irrigation return flows, treated community wastewater, and storm runoff that eventually discharge into the Salton Sea.

The vacant Project site exhibits no signs of natural or man-made surface water or drainage. The only topographic features on-site are a series of small man-made earthen berms (1 to 2 feet high) found along the northerly boundary. As previously described, the property is surrounded by development within the Agua Caliente Indian Reservation and limits of the City of Palm Springs. Public streets without storm drain improvements frame the vacant property, including E. Twin Palms Drive to the north, Camino Real to the east and Calle Palo Fierro to the west. Based on elevation information, runoff on Camino Real and Calle Palo Fierro would have the propensity to surface-flow from south to north while runoff along E. Twin Palm Drive would drain from west to east. Runoff produced at the Project site, in the undeveloped and developed condition, would have the propensity to drain to the north and be captured by the existing storm drain system, which discharges at the Tahquitz Creek, approximately 0.7 miles to the north.

The Project plans will comply with the applicable requirements of the Riverside County Flood Control and Water Conservation District Revised Master Drainage Plan (MDP) for the Palm Springs Area, including the location of suggested storm drain improvements. The project is anticipated to result in the construction of “Lateral 27B” and “Lateral 28A” of the MDP, which subsequently be managed by the Riverside County Flood Control and Water Conservation District. Less than significant impacts to surface water or drainage are expected to result from the proposed action.

### ***Flooding***

As previously described, the Project site fits into a largely developed setting influenced by the slight down-gradient of the alluvial fan. There are no natural washes or blue-line streams that traverse the Project site. Prior road and utility improvements in the Project area and surroundings have resulted in features, drainage channels and streets, that presently divert flows farther east and away from the site. Minimal surface flows may impact the site in its current state due to the lack of curb and gutter on the site’s boundaries.

According to the Federal Emergency Management Agency (FEMA), the Project site is included in Flood Insurance Rate Map (FIRM) Number 06065C1566G, Dated August 28, 2008. The FIRM indicates that the property has three flood zone designations affecting different portions of the site: 0.2% Chance Annual Flood Hazard, Zone X Protected by Levee and Zone AO. See FEMA Exhibit 6 at the end of this section for reference.

Zone X is identified for an eastern portion of the site. This zone applies to areas with average depths of less than one foot or drainage areas less than one square mile and to areas protected from the 0.2% annual chance floodplain. Zone X is deemed have a low to moderate flood risk. The 0.2% Chance Annual Flood Hazard occupies a small western portion of the property. This zone is designated to areas subject to the 500-year storm event, otherwise determined as the 0.2 percent annual chance. A western portion of the site has a Zone AO designation. Zone AO areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain). The FIRM indicates an average depth of 1 feet with no specified velocity. Mandatory flood insurance purchase requirements and floodplain management standards apply.

As previously described, the Project will include grading and drainage improvements to ensure that any portions of the Project overlapped by the mapped flood zones are conditioned to prevent

flood impacts to residents, structures or surrounding properties. Off-site street and storm drain improvements associated with the project will further minimize flood impacts. These improvements would not result in changes to the existing flood zone designations or Flood Insurance Rate Map (FIRM). Less than significant effects are expected pertaining to flooding.

### ***Groundwater***

Groundwater refers to water that is found below the ground surface in water-bearing formations called aquifers. The Whitewater River sub-basin serves as the primary groundwater repository for Palm Springs. The Desert Water Agency (DWA) provides water services to Palm Springs and is known to extract approximately 43,000 acre feet of water annually from the Upper Whitewater and Garnet Hill sub-basins of the Coachella Valley. Water production operations to address the local population's demand have generally resulted in groundwater storage reductions, declining groundwater levels, land subsidence, and water quality degradation. In spite of these conditions, the development of 18 single-family residences is not expected to result in a significant increase in demand for local water resources which would impact the local groundwater resources. Improvements in water efficiency related to the proposed homes would help reduce the Project's overall demand. As described in the Community Infrastructure section of this Environmental Assessment, the water services to the site will be provided by the Desert Water Agency. Less than significant impacts are anticipated.

### ***Water Quality and Use***

As previously described, the Project site fits into a local physical setting previously formed by alluvial deposits, though recent development and engineered improvements within the Reservation and City have resulted in a relative control of the local drainage. As a result, no surface flows or washes traverse the Project. Federal statutes related to water resources, including the Clean Water Act, are implemented and administered pursuant to the U.S. Environmental Protection Agency (EPA).

In 1972, the Clean Water Act (CWA) was developed to address growing environmental and public health concerns related to water pollution. The Act created mechanisms to regulate the discharge of pollutants and to ensure water quality protection. The EPA is the primary federal agency responsible for administering the CWA. Federally recognized tribes, including the Agua Caliente Band of Cahuilla Indians, are eligible to administer certain activities of the CWA, including the development of water quality programs and standards.

The National Pollution Discharge Elimination System (NPDES) is an established program for regulating and administering permits for all discharges to receiving waters. Construction projects encompassing one acre or more on Federal land typically must be covered by the Construction General Permit under the NPDES.

The EPA has determined that the Agua Caliente Band of Cahuilla Indians is not required to maintain coverage under an NPDES permit as the operator of a municipal separate storm sewer system (MS4); however, the Project will be required to comply with City requirements to connect to their facilities. The City of Palm Springs operates under the Whitewater River Watershed MS4, under permit number CAS617002, issued by the Colorado River Basin Regional Water Quality Control Board.

Construction of the Project will include the development of a Storm Water Pollution Prevention Plan (SWPPP) by a qualified professional for implementation during construction by the properly trained practitioner. The SWPPP will include a site-specific strategy of non-structural and structural best management practices (BMPs) to control runoff, soil erosion and all potential sources of construction-related pollutants. The non-structural measures will include proper training and housekeeping procedures to prevent, identify, eliminate or control any potential sources of non-storm water (pollutants) and sediment. These measures will closely align with the construction management practices. Structural BMPs will be installed as necessary to physically contain or control runoff, soil erosion and any other potential pollutants. The placement and maintenance of these structural BMPs will be determined on the construction configuration and on factors that include climate, topography, soil types, and vegetation cover in the context of the Project site. Linear sediment and pollution barriers, such as silt fences, gravel bags, fiber rolls, wind fencing and erosion control blankets are common BMP options to surround the construction perimeter and reduce impacts to surrounding areas. Less than significant impacts are anticipated to result from the temporary construction operations.

Coachella Valley Water District (CVWD) and Desert Water Agency (DWA) provide potable water services to the Agua Caliente Band of Cahuilla Indians and surrounding Coachella Valley communities. DWA serves the portion of the Reservation that hosts the Project site. DWA also provides service to outlying Western Coachella Valley areas, Desert Hot Springs, part of Cathedral City and most of Palm Springs. The proposed Project will result in an increase in water demand compared to the current undeveloped site condition, but this increase is not expected to reach significant levels.

In conclusion, the nature and location of the proposed improvements is expected to have less than significant impacts as related to surface and water drainage, groundwater, flooding, water quality and use. Construction activities will adhere to applicable NPDES regulations to prevent temporary erosion and pollution impacts.





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## FEMA Exhibit

18 @ Twin Palms  
 Environmental Assessment

Exhibit 6

### **3.3 Air Quality**

The Project site lies within the Coachella Valley Planning Area of the Salton Sea Air Basin (SSAB) of the South Coast Air Quality Management District (SCAQMD). Air quality is determined by the amounts of primary pollutant emissions added daily, and by the primary and secondary pollutants already present. The State of California and the U.S. Environmental Protection Agency (EPA) have established ambient air quality standards (AAQS) for seven air pollutants based on their health impacts. The seven air pollutants are: ground-level ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter with a diameter of 10 microns or less (PM<sub>10</sub>), particulate matter less than 2.5 microns (PM<sub>2.5</sub>), and lead (Pb). The State of California has also set limits for four additional pollutants: sulfates, hydrogen sulfide (H<sub>2</sub>S), vinyl chloride, and visibility-reducing particles. All of the state and federal standards are designed to protect the health and welfare of the general population with a reasonable margin of safety.

Oxidants (90% of which are ozone) represent the major regional air quality problem and particulates represent the major localized problem. The Coachella Valley is designated as a non-attainment area for ozone precursors (NO<sub>x</sub> and VOC) and particulate matter (PM<sub>10</sub> Fugitive Dust particulate matter of 10 microns or less.)

Motor vehicles are by far the most significant source of air pollutants in urban areas, emitting photochemically reactive hydrocarbons (unburned fuel), carbon monoxide, and oxides of nitrogen. These primary pollutants chemically react in the atmosphere with sunlight and the passage of time to form secondary pollutants such as ozone.

#### ***Regulatory Setting***

Under the National Environmental Policy Act of 1969, Federal actions require a determination regarding the significance of air quality impacts. All federal actions are subject to General Conformity requirements unless otherwise exempt. Exempt actions include: (1) federal actions covered by the Transportation Conformity Regulations; (2) actions with total direct and indirect emissions below specified *de minimis* levels; (3) actions specifically listed as exempt in the rule; and (4) actions included on any list of “presumed to conform” actions. In determining significance under NEPA, the annual direct and indirect project-related emissions of all criteria pollutants (including the ozone precursors VOC and NO<sub>x</sub>) resulting from project construction and operation activities were compared to the applicable EPA General Conformity *de minimis* levels.

The federal Clean Air Act (CAA) governs air quality by directing federal, state and local agencies to regulate activities that generate air pollutants. The Environmental Protection Agency EPA is responsible for reducing air pollution nationwide and limiting the emissions of air pollutants coming from industrial and other stationary air pollution sources as well as mobile sources (i.e., on-road motor vehicles and non-road sources such as airplanes, trains, ships, boats, construction equipment, farm machinery etc.).

In the 1990 revision of the Clean Air Act, Congress recognized that Indian Tribes have the authority to implement air pollution control programs. The EPA's Tribal Authority Rule gives tribes the ability to develop air quality management programs, write rules to reduce air pollution and

implement and enforce their rules in Indian country. While state and local agencies are responsible for all Clean Air Act requirements, tribes may develop and implement only those parts of the Clean Air Act that are appropriate for their lands.

The EPA is responsible for the implementation of the Clean Air Act on Tribal lands; state and local agencies, such as the California Air Resources Board (CARB), SCAQMD, and the Coachella Valley Association of Governments (CVAG), do not have jurisdiction. However, although not required to do so for this Project, the Tribe will voluntarily comply with SCAQMD air quality regulations. This voluntary compliance does not include submission of the Tribe to SCAQMD authority or the payment of any fees to SCAQMD.

### ***Greenhouse Gases Indicator***

The United States Council on Environmental Quality Guidance (CEQ) issued guidance for consideration by Federal agencies in scoping their NEPA analyses in the form of a memorandum entitled *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions* on February 18, 2010. As stated therein:

*“Specifically, if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of CO<sub>2</sub>-equivalent GHG emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public.”*

### ***De Minimis Levels***

The General Conformity *de minimis* levels are appropriate thresholds for use in determining NEPA significance. *De minimis* levels are defined in 40 CFR 93 § 153 as the minimum threshold for which a conformity determination must be performed for various criteria pollutants in various areas. Project actions with total direct and indirect emissions specified *de minimis* levels are assumed to conform to Federal Implementation Plans and are not subject to a conformity determination.

### ***Existing Conditions***

Ambient air quality data, meteorology, and topography indicate that many air pollutants are channeled from the highly urbanized Los Angeles metropolitan South Coast Air Basin (SCAB) nonattainment area (to the west) to the less developed Coachella Valley in Riverside County. The Coachella Valley has fewer stationary sources and population centers and lower traffic volumes. Therefore sources of ozone precursor emissions in Riverside County are concentrated in the western portions, within the SCAB. As mentioned previously most ozone precursor emissions migrate from the SCAB.

According the Palm Springs General Plan Update the local surrounding streets currently carry approximately:

Camino Real=1200 ADT

E. Twin Palms Drive=1000 ADT

***Alternative transportation:***

As discussed in the Transportation of the document, the Palm Springs General Plan Circulation Element identifies a Class III Bike Route located on Camino Real.

- Class I – Protected bikeways separated from vehicular traffic by a physical barrier
  - Bicycle Path or Bicycle Trail – A specifically designated area for bicycle travel which is physically separated from auto traffic or entirely outside the road right-of-way
  - Pedestrian Safety Path – Any sidewalk or similar rights-of-way shared by cyclists and pedestrians 12 feet wide, of which 8 feet will be visually designated for pedestrians and 4 feet will be visually designated for cyclists. (Note: the City currently has 12-foot combination bicycle/pedestrian paths, but there are no specific designations on the paths.)
- Class II – Unprotected bikeways defined by a stripe on the roadway
  - Bike Lane – A lane within the roadway designated for the one-way use of bicycles. Preferably 6 feet wide lane for one-way bicycle traffic, separated from traffic by a stripe on the roadway.
- Class III – Unprotected bikeways sharing the roadway with vehicular traffic
  - Bicycle Safety Route – Any type of bikeway, including streets signed as bikeways but offering no other accommodation for bicycles.

The Class III Bike Route provides access to at least two established Bike Routes within Palm Springs. These two loops are the Citywide Loop and the Canyon Country Club Loop.

The site is also within close proximity to the Sunline Transit Agency Bus Route III on East Palm Canyon. This Transit Agency utilizes clean/alternative fuel vehicles.

***Emissions Data***

Sources of Air Quality impacts include stationary and mobile sources. The primary sources of ozone precursors can be found on local streets and are associated with vehicular volume. The surrounding streets currently (2012) carry approximately 1000 to 1200 Average Daily Trips. The 2025 Buildout condition Projects 4200 ADT to 1200 ADT on adjacent roadways.

The property is currently vacant with scattered vegetation. It is heavily disturbed and a portion appears to be utilized for over-flow parking.

***Proposed Conditions:***

The Project proposes to develop 18 residential units. Therefore, the proposed Project includes a lower residential density than the Palm Springs General Plan Update anticipated for the Project site. The maximum permitted density for the property is 15 du/ac according to the existing General Plan and Zoning designation. This equates to 35 units total on 2.3 acres.

The Project proposes 18 units, a density of 7.83 units/acre on the 2.3 acres. This is a decrease of approximately 50%. Therefore, impacts have already been recognized and adequately

addressed through prior environmental documentation prepared for the General Plan consistent with CEQA and NEPA requirements.

The project includes 18 Single Family Residential (SFR) Units. The Institution of Transportation Engineer (ITE) SFR rate is 9.57 average daily trips per unit. The proposed project will contribute  $9.57 \times 18 = 172.26$  ADT at buildout. Conservatively this rate is applied to both Camino Real and E. Twin Palms Drive. (Calle Palo Fierro was not included in the General Plan Tables.) Trip distribution was not taken into account.

If the project was built out to allowable density by zone (15 du/ac or 35 Units) the ITE Low-rise Apartment rate would be  $6.59 \times 35 =$  approximately **231.65 ADT**. This is 59.39 ADT above the proposed Project projection. Both of these estimates are well within the existing and projected buildout out traffic volumes and capacities.

Existing roadways are currently (2012) operating below capacity, the addition of 172.26 ADT would result in a 0.14% increase in existing volume on Camino Real and a 0.17% increase on Twin Palms Drive.

<i>Roadway</i>	<i>Project Volume (ADT)</i>	<i>By Zone Volume (ADT)</i>	<i>Reduction in Volume (ADT)</i>	<i>2012 Volume (ADT)</i>	<i>2012 Capacity (ADT)</i>	<i>2025 Volume (ADT)</i>	<i>2025 Capacity (ADT)</i>	<i>Reduction in 2025 Volume (%)</i>
<i>Camino Real</i>	172.26	231.65	59.39	1200	13,000	4200	25,900	1.4
<i>Twin Palms Drive</i>	172.26	231.65	59.39	1000	13,000	1200	13,000	5.0
<i>Calle Palo Fierro</i>	172.26	N/A	N/A	N/A	NA	N/A	N/A	N/A

***NEPA Impact Significance Considerations***

***Temporary Construction Impacts***

Construction equipment and construction related activities for the proposed project will contribute to short term air quality impacts. Because there are existing developments to the north, east, south and west of the proposed, construction activities may potentially expose sensitive receptors to pollutants.

The applicant will be required to adhere to the AQMD’s Coachella Valley Fugitive Dust and Erosion Control policies and ordinances as well as the City of Palm Springs Municipal Code to minimize potential construction related emissions. An approved Fugitive Dust (PM10) Control Plan will be required prior to issuance of a grading permit. The Dust Control Plan will include methods of maintaining/cleaning of the construction equipment, soil stabilization and wind fencing. Proposed permanent hardscape and landscaping for the development will help to reduce the future levels of fugitive dust in the area.

Additionally, the proposed project will stabilize on-site soils. It appears that a portion the subject property is utilized for overflow parking. Temporary Parking Approvals require a dust control

plan to mitigate fugitive dust associated with vehicular activities and track-out onto existing streets.

According to the Palm Springs General Plan, the City places a condition of approval on future development projects requiring the property owner/developer to include on all grading plans a note that requires the construction contractor to implement the following measures during grading operations; the Tribe will voluntarily comply with this requirement for the Project. These measures shall also be discussed at the pregrade conference:

- Contractors within the City of Palm Springs shall use Tier 1 or higher construction equipment.
- Construction contractors within the City shall maintain construction equipment engines by keeping them tuned according to manufacturers' standards.
- Contractors within the City of Palm Springs shall schedule construction operations to minimize traffic congestion.
- Contractors within the City of Palm Springs shall develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service).

### ***Short-Term Construction Impacts***

Due to the projects size of 2.3 Acres and the unit count if 18 single family residences, the unmitigated emissions of criteria pollutants and GHGs during a three-month construction period of the construction-related criteria pollutant emissions would be less than the General Conformity *de minimis* levels and therefore less than significant.

To reduce the potential for diesel particulate matter impacts associated with construction activities on-site, the construction specifications shall limit the idling of construction equipment on-site while not in use to periods no longer than five consecutive minutes. Emissions of toxic air contaminants and GHG may be further reduced by requiring the use of cleaner fuels and the preferential use of newer construction equipment with pollution control equipment installed (such as diesel oxidation catalysts and diesel particulate matter filters). Tier 3 and Tier 4 equipment may be required to substantially reduce emissions of diesel particulate matter, which is considered by both the CARB and the U.S. EPA to be a toxic air contaminant.

Short-term odor impacts associated with project construction, including diesel fumes and asphalt paving, will dissipate quickly and will not pose a significant impact.

### ***Operational Impacts***

Potential operational emissions throughout the life of the Project include mobile (vehicle trips) and stationary (emissions from electricity and natural gas consumption) sources related to residential, commercial activities. As discussed previously, because the Projects proposed density is almost 50% less than what was analyzed in the Palm Springs General Plan and AQMD

Air Quality Management Plan, impacts associated operational activities are expected to be less than significant or *de minimus*.

No CO modeling is required and no cumulative impact analysis is required because the General Conformity *de minimis* levels were not exceeded. No mitigation is required.

Since the proposed Project is not greater than that of the existing General Plan designation, it is appropriate to conclude that the Project's incremental contribution to criteria pollutant emissions is not cumulatively considerable. The Project proponent shall comply with all applicable SCAQMD Rules and Regulations relating to fugitive dust mitigation. In order to reduce impacts to the greatest extent feasible, mitigation measures recommended in this report shall be adhered to.

Over the long-term, the operation of a residential development would generate primarily indirect air pollutant emissions associated with mobile sources (automobiles, recreational vehicles, buses, and trucks) used to access the residences. Project-related operational impacts are expected to be less than significant. Additionally the close proximity to East Palm Canyon, Sunline Bus Route and the Class III Bike Route will encourage the use of alternative transportation sources which work to decrease vehicle miles traveled and associated emissions.

The long-term operational impact of the proposed Project on regional emissions of criteria pollutants including ozone precursors would be less than significant.

#### ***Operational Toxic Air Contaminant (TAC) Emissions***

There are existing sensitive receptor sites located within one-quarter mile of the Project site; however, the project is not expected to generate significant operational emissions of hazardous or toxic air contaminants that would result in adverse impacts on existing sensitive receptors located within one-quarter mile of the Project site. Any of these materials used on-site would be transported, stored, and used in accordance with existing regulations. This impact would be less than significant.

#### ***Operational Emissions of Objectionable Odors***

In making a determination of odor significance, trash and any recyclables should be collected regularly. Only odors associated with Residential uses are expected so impacts would be less than significant.

The project is a residential development and anticipated odors are those that are commonly found in this type of setting and therefore this development will not create objectionable odors.

The development does not propose any features that will alter air movement or temperature. Landscape irrigation can slightly increase humidity levels, but the use of drought tolerant plants and water efficient irrigation will reduce any humidity impacts. No significant impacts related to these issues are anticipated.

#### ***Cumulative Impacts***

In addressing cumulative effects for air quality, the Air Quality Management Plan (AQMP) is the

most appropriate document to use because the AQMP sets forth a comprehensive program that will lead the Salton Sea Air Basin, including the Project area, into compliance with all federal and state air quality standards and utilizes control measures and related emission reduction estimates based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments.

According to this analysis, pollutant emissions associated with construction and operation of the Project and surrounding projects are not expected to exceed SCAQMD thresholds of significance. The SCAQMD construction emissions thresholds of significance for reactive organic gasses (ROG,) oxides of nitrogen (NOx) and PM10 are not projected to be exceeded during the construction activities proposed to implement the Project. Less than significant impacts are expected.

Standard Conditions reflecting policies, rules or regulations that apply to proposed development in the City of Palm Springs will be applicable to this project. These regulations will ensure that project impacts are less than significant and that none of the projected annual average criteria pollutant emission levels are expected to exceed the General Conformity *de minimis* levels.

Additionally, the proposed Project will stabilize on-site soils. It appears that a portion of the subject property is utilized for overflow parking. Temporary Parking Approvals require a dust control plan to mitigate fugitive dust associated with vehicular activities and track-out onto existing streets.

The development does not propose any features that will alter air movement or temperature. Landscape irrigation can slightly increase humidity levels, but the use of drought tolerant plants and water efficient irrigation will reduce any humidity impacts. No significant impacts related to these issues are anticipated.

The Project is a residential development and anticipated odors are those that are commonly found in this type of setting and therefore this development will not create objectionable odors. Less than significant impacts are anticipated.

Short-term odor impacts associated with project construction, including diesel fumes and asphalt paving, will dissipate quickly and will not pose a significant impact.

### ***Conclusion***

According to the Palm Springs General Plan EIR, the Palm Springs General Plan is consistent with the Applicable Air Quality Management Plan. The proposed Project is consistent with the General Plan; therefore, there is no conflict between the Project and the AQMP.

Due to the size of the Project and conformance with local planning documents, pollutant emissions associated with construction and operation of the Project and surrounding projects are not expected to exceed SCAQMD thresholds of significance. The SCAQMD construction emissions thresholds of significance for reactive organic gasses (ROG,) oxides of nitrogen (NOx) and PM10 are not anticipated to be exceeded during the construction activities proposed to implement the project.



Future development of the site as proposed would not result in significant increases in local and regional air pollutant emissions, including project-related indirect operational emissions from motor vehicles.

The Project area is designated as a non-attainment area for ozone and PM-10. The discussion on air quality impacts presented in the preceding analysis supports a conclusion that the air quality impacts for the proposed Project are less than significant on an individual project basis.

Future development of the site as proposed would not result in significant increases in local and regional air pollutant emissions, including project-related indirect operational emissions from motor vehicles.

See Section 4.0 for a summary of Standard Conditions and Mitigation Measures.

### **3.4 Living Resources**

Investigation of the subject property included site reconnaissance, review of aerial photographs, the City of Palm Springs General Plan EIR, and the Agua Caliente Band of Cahuilla Indian Tribal Habitat Conservation Plan.

The proposed Project is located on vacant property within the Agua Caliente Indian Reservation and Palm Springs city limit. The Project site is presently vacant, supporting natural and invasive scattered vegetation. No evidence suggests past uses or structures upon the property. The site and surrounding area can be characterized as a gently sloping fluvial terrace. Historic aerial photographs show the Project site and surrounding area as being incised by evidence of natural drainages consistent with alluvial landforms. Signs of previous site clearing, surrounding development Projects, and street improvements have eliminated the natural drainage patterns and natural flows through the property have been altered. Additionally, a portion of the property has been utilized for overflow parking. The site is highly disturbed by human activity.

#### ***Regulatory Background***

The Agua Caliente Tribal Habitat Conservation Plan (Tribal HCP) addresses current and future land use and conservation measures within its planning area. The Tribal HCP is developed to establish a consistent and efficient development process on Tribal Lands while continuing the long-standing tradition of sensible land use management. The Tribal HCP outlines the conservation of natural and cultural resources within the 31,500 acres of land it covers in Riverside County. The Plan addresses land development along with other activities taking place within the Reservation; which includes Tribal Trust Land, Allotted Trust Land, and Fee Land. The Tribal HCP provides the means to protect and conserve federally listed species and others deemed by the Tribe and USFWS to be sensitive and potentially in need of listing in the future (collectively Covered Species); and authorizes the incidental take of these species where appropriate. Under the Tribal HCP, the Project site (in Section 26) forms part of the Valley Floor Planning Area (VFPA) and is identified for having urban land uses rather than supporting any distinctive vegetation community or known habitat under the Tribal HCP.

No blue-line stream corridors (streams or dry washes) run through the Project site. Following the completion of the recommended standard condition(s) in this EA, the residential Project should not have significant adverse impacts upon biological resources in the region.

#### **A. Wildlife**

The Project is an infill Project and is surrounded by developed parcels and city streets. The site, although vacant, has been previously disturbed and does not support any wildlife corridors. The likelihood of wildlife habitat occurring within the Project site is low according to analysis in both the Agua Caliente Tribal Habitat Conservation Plan and the City of Palm Springs General Plan EIR. Furthermore, neither the Agua Caliente Tribal Habitat Conservation Plan nor the City of Palm Springs General Plan EIR identifies the site as containing any natural plant community, and no habitat for covered species is located within the vicinity of the Project per the Tribal HCP.

There are protected and endangered species that are known to occur within the Coachella Valley Region. The Desert Tortoise (*gopherus agassizii*), Coachella Valley Fringed-Toed Lizard (*uma*

*inornata*), *Peninsular Big Horn Sheep (ovis canadensis nelsoni)*, Arroyo Southwestern Toad (*bufo microscaphus californicus*), Mountain Yellow Frog (*rana muscosa*), Least Bell's Vireo (*vireo bellii pusillus*), Southwestern Willow Flycatcher (*empidonax trailii extimus*), and American Peregrine Falcon (*falco peregrinatus anatum*) have all been identified as sensitive wildlife species known to occur within the City of Palm Springs General Plan planning area. However, no habitat for these species is located within the vicinity of the project per the Tribal HCP.

Therefore, no protected plant or animal species, or unique habitats, are anticipated to be present within the Project boundaries.

### **B. Vegetation**

The Project site is a previously disturbed, vacant parcel in a developed area of the Agua Caliente Indian Reservation within the City of Palm Springs. The site supports scattered invasive and natural vegetation typical of a creosote scrub community. However, there are no natural undisturbed biotic communities within the site boundaries. Coachella Valley milk-vetch (*Astragalus lentiginosus var. coachellae*) and triple-ribbed milk vetch (*Astragalus tricarinatus*) are known to occur within the creosote scrub community; however, neither is anticipated to occur upon the Project site. Furthermore, neither the Agua Caliente Tribal Habitat Conservation Plan nor the City of Palm Springs General Plan EIR identifies the site as containing any natural plant community.

### **C. Ecosystems**

The subject property and surrounding land have been subject to development for decades. Land to the north is also heavily impacted by roadways and commercial uses. Adjacent and onsite property has been altered from what was creosote scrub. There are no natural undisturbed biotic communities within the site boundaries. There were no wildlife corridors that could be identified through observation.

As mentioned previously, the site is composed of a fluvial terrace created by the converging alluvial fans of the San Jacinto and Santa Rosa Mountains. This system of alluvial fans was created by dry washes that originate in Palm Canyon and Tahquitz Canyon. The natural courses of the washes have been altered to control storm flows through the area. Surface waters are rare and the dry washes are estimated to exhibit surface flows no more than two to three times a year. There are no naturally occurring springs, permanent aquatic habitat, natural washes, or blue-line streams on the subject property. No biological findings indicate a federal streambed alterations permit is necessary as authorized under Section 404 of the Clean Water Act.

Wilderness areas within the region provide habitat for wildlife in a variety of different ecosystems. Within the San Jacinto and Santa Rosa Mountains more than 300,000 acres have been preserved between the Santa Rosa and San Jacinto National Monument and the San Jacinto Wilderness Area. These areas provide habitat to endangered species such as the Peninsular Bighorn Sheep as well ensuring the preservation of a unique range of desert and alpine flora/fauna. The Coachella Valley Preserve system was established for conservation of the Coachella Valley Fringed Toed Lizard (CVFTL) and its habitat. The preserve system covers nearly 29,000 acres in the valley that protects the CVFTL as well as conserving the unique

habitat of the desert floor's sand sources. The Whitewater Floodplain Reserve, the Indian Canyons Heritage Park are also valued for their archeological, historical, and ecological values.

No wilderness areas, conservation areas, or parks will be impacted by the proposed Project.

**D. Agriculture**

According to historic aerial photographs, the Project site and the surrounding areas have not supported agricultural uses. The Farmland Mapping and Monitoring Program does not identify the site as being of agricultural importance with a designation of "Urban-Built Up Land". No impacts to agriculture are anticipated.

***Conclusion***

Following the completion of the recommended Standard Condition(s) in this EA, the residential Project should not have significant adverse impacts upon biological resources in the region.

### **3.5 Cultural Resources**

This Cultural Resources assessment was prepared for the Project site referred to as the APE (Area of Potential Effect) relying on the City of Palm Springs General Plan EIR background studies, Paniktum hemki, A Study of the Cahuilla Cultural Resources in Andreas and Murray Canyons by Cultural Systems Research, 1983, multiple reports by CRM Tech in and around the Palm Springs area, and multiple historical aerial photographs including the two acre site.

#### ***The Agua Caliente Band of Cahuilla Indians Reservation***

The subject property is part of the original Agua Caliente Reservation and is located in the NW quadrant of Section 26 T.4S, R4E, SBBM. The Reservation was originally designated in 1876, expanded in 1877 and patented by Congress in 1891. The reservation was originally centered on Sections 14 and 22 and then was expanded to include most of the even numbered sections (square miles) as the odd numbered sections had been previously reserved as an incentive for the construction of the transcontinental railroad.

#### ***Current Natural Setting***

The relatively small Project site is surrounded by three public roads and existing development including hotels, restaurants, medium and high density residential developments and a mobile home park. The development of Tribally held properties in Section 26 has occurred largely since 1959 when long term leases were made available to allottees and developers. Some mobile home and scattered single family development was evident in 1947 adjacent to South Palm Canyon Drive about one-quarter mile west of the subject property. No discernible usage of the subject site is known. The only evidence is a trail or utility road which led from the intersection of South and East Palm Canyon Drive and headed in a straight line to Smoke Tree Ranch. The property is vacant with some surface disturbance, possibly from its occasional use for overflow parking from the adjacent hotel.

#### ***Cultural Setting***

A specific cultural sequence for the Colorado Desert, offered by Shaefer (1994) and others, identifies the earliest time period as the Paleoindian (ca. 8,000 to 10,000 to 12,000 years ago), with small, mobile bands of hunters and gatherers relying on a variety of small and large game animals and plants communities centered around freshwater lakes and other water sources. These groups preferred settling on mesa and terraces overlooking the larger washes. Flaked stone tools and fluted projectile points are the typical artifacts associated with this era.

Next follows the Late Pleistocene and Early Holocene era (also referred to as the San Dieguito complex) of which archaeologists have made few discoveries resulting in very little evidence for this time period. Material common to this transitional period have been composed entirely of flake stone tools located near currently dry lakebeds. This era notes a distinct lack of milling stone implements which is believed to be evidence that the San Dieguito did not utilize plant resources. Contrary to the archeological evidence ethnographic observations make mention of historic use of wooden mortars and pestles for plant food processing.

The Archaic Period dating to ca. 45,000 years ago with a notable decrease in human densities and more foraging than hunting and fewer artifacts identified to this time period followed by the Late Archaic Period (ca. 4,000 to 1,500 years ago). This period was characterized by continued

low population densities and groups of “flexible” sizes that settled near available seasonal food resources and relied on opportunistic hunting of game animals. Groundstone artifacts for food processing were prominent during this period.

The most recent period in Schaefer’s scheme is the Late Prehistoric, dating from ca. 1,500 years ago to the time of the Spanish missions. The seasonal settlement pattern associated with the weather extremes continued and human activity was associated with the Patayan cultural patterns which relied more heavily on the availability of seasonal wild plants and animal resources. It was during this period that brown and buff ware ceramics were introduced into the region.

The presence of Holocene Lake Cahuilla, the occasion fresh water lake in what is now the eastern Coachella Valley, was a major attractor of Native people at those times when the basin was filled to the 40 foot elevation level extending into what is now Indio and approximately 12 miles southeast of the subject property. The source of the fresh water was from the Colorado River which would flow alternately in various directions based on the alluvial formations caused by the natural sediment transport of that riverine system. When the lake was filling with fresh water, the lakeshore was a bustling series of native encampments there for the fish and wildlife. When the lake was drying up, the Native population would relocate toward canyons, other rivers, streams and water sources and further away areas as influenced by weather and food sources.

The Agua Caliente Cahuilla, because there were year around water sources in Palm Springs, had maintained year around home sites in proximity to those sources of water—mostly snow and rain runoff drainages emanating from the adjacent San Jacinto Mountain Range to the west and the Santa Rosa Mountains to the south. As the subject property is not close to any of those sources of water and lacked water to sustain mesquite or other food bearing plants, the site does not appear to have been used by the Tribe in any sustained way.

### ***Ethnohistoric Context***

The San Gorgonio Pass area was historically a major crossing and intersecting point for Native American tribes in the larger region. It is generally considered to be the traditional territory of the Pass Cahuilla, but was likely visited and used by the Serrano as well. The Pass Cahuilla are one of three subgroups of the Cahuilla as defined by modern anthropologists. The Cahuilla are a Takic-speaking people who for many centuries have occupied the central portion of what is now Riverside County. While the Serrano generally centered in the San Bernardino Mountains but also included the southern rim of the Mojave Desert and also into the Perris Valley.

Modern anthropological literature suggests that the Cahuilla and Serrano were similar in many respects and were both organized by lineages, clans, and moieties that interacted with the others through trade, ceremonies and intermarriage. The leading anthropological works on the Cahuilla and Serrano culture and history include Kroeber (1925), Strong (1929), Bean (1978) and Bean and Smith (1978).

While there was likely contact with Europeans in the early 1770’s, Spanish influence on the Cahuilla and Serrano culture was negligible until the early 1800’s. The Spanish and later, the American presence and involvement, severely impacted the Native populations and their culture. In particular, the Native populations were decimated during the 19<sup>th</sup> century due to the

introduction of European diseases such as smallpox for which the Native peoples had no immunity.

### ***Historic Context***

California's historic period is typically divided into three periods beginning with the arrival of the Spanish Explorers. The Spanish Period is characterized by the establishment of the first of many Spanish Missions to be founded along California's coastline and ended with the secularization of the mission system in 1834, marking the onset of the Mexican period. The first recorded Cahuilla and European encounter occurred during the Juan Bautista de Anza expedition in 1775-1776, when contact was made with the Cahuilla. By 1819, several mission outposts were established near the Cahuilla territory and the Cahuilla began to adopt Spanish practices and traits such as cattle ranching, agriculture, trade, language and religion.

There was trading between Arizona tribes and the California missions documented as early as 1821 which likely passed through the Palm Springs Cahuilla area and that same route later became the Bradshaw Trail around 1862. Because of the presence of water in Palm Springs and the protection from wind and sand, it is also likely that both trails passed along what is now East Palm Canyon Drive and easterly through the Coachella Valley first bringing trade and eventually stage and mail services. The construction of the Southern Pacific Railroad in the late 1870's was incentivized by granting the company most odd-numbered Sections of land for several miles on either side of the selected alignment. It was this federal action that set the stage for the infamous "checkerboard" land ownership pattern of the Agua Caliente and other Tribes along the route when those reservations were established.

### ***Historic Use of the Subject Property***

There does not appear to have been any historic use of the property.

### ***Conclusion***

Section II.C of Tribal Ordinance 28 (Tribal Environmental Policy Act) states, "The Agua Caliente Band of Cahuilla Indians therefore intends, and the purpose of this Ordinance is, to encourage the use and development of Tribal Property in ways that are compatible with environmental protection and preservation, and to ensure that no major Tribal action, including proposed development on Tribal Property, that might cause significant environmental degradation will be permitted prior to the completion of a thorough environmental review in which alternative and mitigation measures are fully considered."

In the case of the subject Property, the parcel has been somewhat disturbed through construction of surrounding properties, roads and infrastructure and frequent usage as an overflow parking area for the nearby hotel property. While a review of information on and around the site would indicate little probability of buried resources, discovery remains a possibility, particularly with any deep excavation.

The possibility of inadvertent discovery of historic resources supports the recommendation to include the Standard Condition(s) in this EA that are designed to mitigate the discovery of either important historic and prehistoric resources or human remains during the development of the site.

### **3.6 Socioeconomic Conditions**

This section describes the existing socioeconomic conditions and environmental justice issues that pertain to the proposed project.

#### **A. Employment and Income**

According to the U.S. Bureau of Labor Statistics for Palm Springs, the 2012 annual average of employment was 24,590 persons; unemployment labor force was 2,589 persons at an estimated unemployment rate of 9.5%. The U.S. Census Bureau cites the average median income for Palm Springs from 2007-2011 is \$45,989.

The Tribe employs thousands of people in and around the Coachella Valley in its two hotels, casinos, spas and other enterprises. The proposed development would meet the Tribal goals of diversifying income and promote economic self-sufficiency to the Tribe through a suitable use of the property. Lease of the Project would contribute revenue towards the development of Tribal socioeconomic services, such as, but not limited to, health, daycare, education, cultural enrichment and other Tribal governmental benefits and programs.

#### **B. Demographic Trends**

The 2012 U.S. Census Bureau data estimates the population of Palm Springs at 44,907 persons, the population percent change from April 2010 to July 2012 is 3.0%. Per the 2010 U.S. Census, the median age in Palm Springs is 51.6 years. Persons 18-64 years at 59.74% represent the largest age group of the City's total population. Persons 65 years and over are at 26.51%, the second largest number. Persons categorized as White makeup 75.7% percent of the population in Palm Springs. 25.3% are of Hispanic or Latino Origin and 24.31% are all other races, which includes the 1.0% categorized as Native American.

#### **C. Lifestyle and Cultural Values**

Ancestors of the Agua Caliente Band of Cahuilla Indians are the earliest settlers of Palm Springs. They were hunters and gatherers and lived in villages situated throughout Palm, Murray, Andreas, Tahquitz and Chino Canyons and sought the desert floor in winter months. The Tribes identity is rooted in the canyons and its hot mineral springs considered sacred by their ancestors. It is in honor of these springs called *sec-he* in Cahuilla (boiling water) that they took on the Spanish term for hot water and are now referred to as Agua Caliente.

The Agua Caliente Reservation consists of 31,500 acres of uneven sections (square miles) that make-up the checkerboard pattern intertwined with Palm Springs and portions of Cathedral City, Rancho Mirage and unincorporated Riverside County. This unique pattern of Reservation land originates from 1861 when the government gave Southern Pacific Railroad title to odd numbered parcels of land as an incentive to finish the railroad. Then in 1877, even parcels were reserved for the Tribe.

The Agua Caliente is actively involved with the City of Palm Springs and continues to work with local government and agencies for the betterment of the Tribe and community. Today's Agua Caliente Tribe has over 400 registered members. Traditions of the past continue to be passed onto future generations and preservation of history remains a primary focus through the Tribal Historic Preservation Office, Tribal Committees, and the Agua Caliente Cultural Museum.



The Agua Caliente Cultural Museum is located in downtown Palm Springs. The museum preserves the culture and history of the Agua Caliente Band of Cahuilla Indians and other Cahuilla peoples through exhibitions, collections and educational programs. Various special events throughout the year are given by the museum to inspire people to learn about the Tribe and other Native cultures. Museum programming is offered to Native and non-Native people of all ages.

The Agua Caliente Cahuilla Indians continue to thrive through their business ventures, community involvement and charitable contributions. Tribal enterprises include the AAA Four Diamond, Agua Caliente Casino Resort & Spa which also features The Show a premiere concert theatre, The Spa Resort Casino, and the Indian Canyons Golf Resort. The Agua Caliente continues to look for new opportunities to add long-term economic benefits to the Tribe and community

#### **D. Community Infrastructure**

##### ***Public Services***

The Palm Springs Fire Department covers 96 square miles of the City of Palm Springs. The department has 48 firefighters stationed out of four stations located throughout the City. There are a total of 16 firefighters on duty everyday working a 24 hour shift. The Palm Springs Fire Department provides fire and rescue operations, basic and advanced paramedic emergency medical service and educational services. Fire services will be provided to the proposed project by Fire Station 4, located at 1300 Laverne Way and .04 miles away from the development. All home construction of the 18 @ Twin Palms development will follow and meet the current Tribal building and fire codes.

Palm Springs Police Department has 92 authorized sworn police officers, which includes the Chief, two captains, three lieutenants and 14 sergeants. The police department is responsible for criminal investigation, traffic enforcement, service calls and preventative patrol for the City. In addition to its traditional services, the department also provides educational and outreach programs to the community.

18 @ Twin Palms will be an infill development of 18 single family homes on 2.3 acres located on a vacant parcel in an urbanized area. The proposed development is compatible with the surrounding residential land uses. The Palm Springs Police and Fire department respond to any incidents on Tribal and allotted lands. All development plans will be reviewed by the police and fire department to ensure that their standard level of service can continue to be met. A Community Facilities District (CFD) will be formed or the Project will be annexed into an existing CFD. Under the CFD a special tax will be collected on the residences of the Project to assist in the payment of fire, police and emergency services. With the CFD and the Project's size and land use, adequate response times by fire and police should remain in place and impacts should be less than significant.

##### ***Utilities***

Water and wastewater services are provided by Desert Water Agency (DWA). The water district serves 325 square miles including outlying county areas, Desert Hot Springs, part of Cathedral

City and most of Palm Springs. Potable water is provided to Palm Springs by three groundwater subbasins and is pumped from deep wells located throughout the service area. DWA Sewer system includes 23.1 miles of pipeline and two lift stations which create a four million gallon per day capacity. Both water and sewer connections are located within the boundary of the Project site. Less than significant impacts are expected related to the proposed Project. See Section 3.2 Water Resources for additional discussion.

Palm Springs Disposal Service (PSDS) would serve the Project site for all waste and recycling services. The developer will coordinate with the Palm Springs Public Works department and PSDS for these services. No impacts are anticipated.

Southern California Edison will provide electricity to the site. Connections are currently available at the site, existing power poles run along the western boundary of the site. No significant impacts to electric services are anticipated from the implementation of the proposed Project.

Impacts to Telephone, gas and cable services are expected to be less than significant with implementation of the proposed Project.

The Project will comply with all standard development fees typically imposed by the City of Palm Springs and other utility agencies for projects within the City, including but not limited to, sewer and drainage, public art, utility connections, Quimby, TUMF, school fees, etc. Less than significant impacts are expected as a result of the proposed Project.

#### **E. Environmental Justice**

There are no low-income or minority populations in the vicinity of the proposed Project that would be negatively impacted by the Project. Any impacts would affect all populations of the area equally.

### **3.7 Resource Use Pattern**

#### **A. Hunting, Fishing, Gathering**

The existing Project site of approximately 2.3 acres is undeveloped, but has continuously been disturbed by human activity. The Project property does not have the recognized resources to support hunting, fishing or gathering activities. As previously described the site is adjacent to urban land uses which include their respective access driveways and parking areas. As a result, the proposed action would not result in impacts to hunting, fishing or gathering.

#### **B. Timber Harvesting**

The vacant Project site does not contain or is located near any land uses or facilities timber harvesting activities. Moreover, the Project will not introduce such uses. Less than significant impacts are anticipated.

#### **C. Agriculture**

The vacant Project site does not contain or is located near any land uses that support agriculture or are designated for future agricultural uses. According to the California Farmland Mapping and Monitoring Program (FMMP), the Project site and its surroundings within the City of Palm Springs is identified as Urban and Built-Up Land (D). This category applies to land recognized for being occupied or surrounded by structures or other developed uses that don't include agriculture. Less than significant impacts to agriculture are anticipated.

#### **D. Minerals**

The Project site does not have known mineral resources or mineral extraction or processing facilities. Information related to mineral resources is primarily obtained from the various studies and research prepared pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA) under the California Department of Conservation, Division of Mines and Geology. Local and regional mineral deposits are classified according to Mineral Resource Zones (MRZs) designations. The Project land is designated as a zone MRZ-3, which applies as follows:

**MRZ-3:** Areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgraded it to MRZ-1.

The proposed improvements will not result in significant impacts to known mineral resources, as none are recognized to exist on the subject property.

#### **E. Recreation**

The City of Palm Springs is a popular resort destination. The local natural environment and climate have afforded various recreational opportunities such as hiking, golfing, camping and horseback riding. In addition to City-owned and developed parkland and facilities, there are multiple additional public and private parks and recreational facilities which are located throughout the City of Palm Springs and the Coachella Valley. These include the Palm Springs Aerial Tramway and Indian Canyons and Tahquitz Canyon, which are specialized parks under

management by the Tribe. The Project will result in the development of 18 single family residences and will not interfere or remove existing recreational opportunities. Less than significant impacts are expected.

### **F. Transportation**

The subject property is located on Tribal land in the City of Palm Springs at the southwest corner of E. Twin Palms Drive and Camino Real. It is surrounded on three sides by existing paved streets. Hotel and commercial uses are located to the north and residential uses are found to the east, south and west.

The public streets surrounding 18 @ Twin Palms include Twin Palms Drive to the North, Camino Real to the East, and E. Calle Palo Fierro to the West. Access to the Project site is primarily provided by Twin Palms Drive on the northern border of the property. The site is located between Calle Palo Fierro and Camino Real. The Sahara mobile home community is located to the south. The existing roads are not fully improved in the half streets adjacent to the Project.

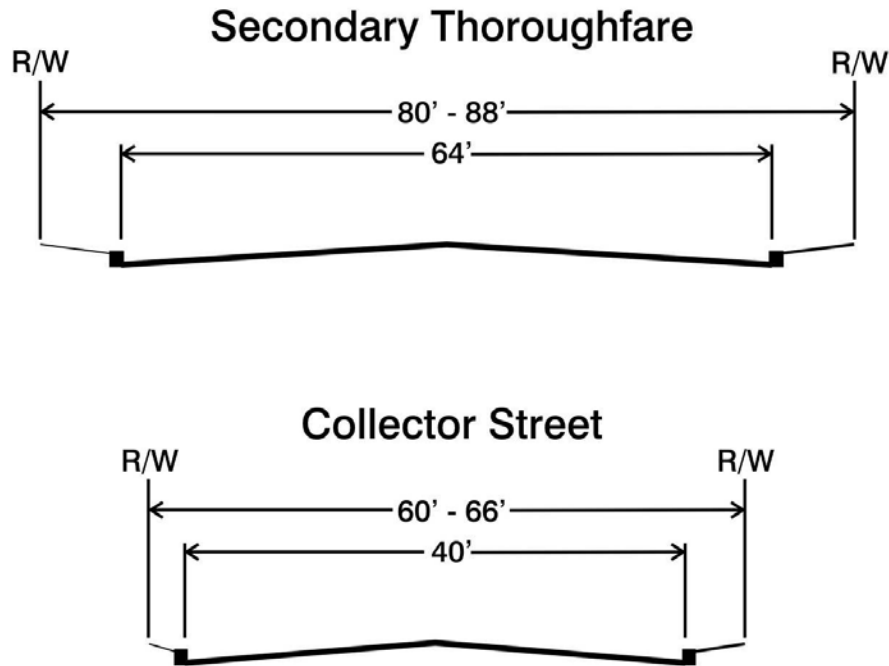
E. Twin Palms Drive and Calle Palo Fierro are designated as Collector's in the Palm Springs General Plan as indicated within the General Plan Update Traffic Analysis. Camino Real is designated a secondary thoroughfare (four lane undivided).

A Collector Roadway serves mostly local traffic; they are usually comprised of two lanes and carry traffic from secondary and major thoroughfares. On-street parking is permitted on collectors, which can be divided or undivided roadways. Typical right-of-way width for a collector is 60 feet, 66 feet in industrial areas.

A Secondary Thoroughfare serves through and local traffic and may allow on-street parking. Secondary Thoroughfares connect various areas of the City, provide access to major thoroughfares and serve secondary traffic generators such as small business centers, schools and major parks. Typically street right of way width is 88 feet, which can be divided or undivided.

The following is a brief description of status of the existing adjacent roadway improvements.

- The east half right-of-way for Calle Palo Fierro that is abutting the western boundary of the property has not been dedicated, nor has that portion of the street been completed.
- The south half right-of-way for E. Twin Palms Drive, where it abuts the property, is not improved and may acquire additional dedication(s) from the subject property.
- The west half right of way for Camino Real has been fully dedicated and the street is fully paved, although there is no curb, gutter and sidewalk along the east boundary of the Project.



***Alternative Transportation:***

According to the Palm Springs General Plan Circulation Element a Class III Bike Route is located on Camino Real.

1. Class I – Protected bikeways separated from vehicular traffic by a physical barrier
  - Bicycle Path or Bicycle Trail – A specifically designated area for bicycle travel which is physically separated from auto traffic or entirely outside the road right-of-way
  - Pedestrian Safety Path – Any sidewalk or similar rights-of-way shared by cyclists and pedestrians 12 feet wide, of which 8 feet will be visually designated for pedestrians and 4 feet will be visually designated for cyclists. (Note: the City currently has 12-foot combination bicycle/pedestrian paths, but there are no specific designations on the paths.)
2. Class II – Unprotected bikeways defined by a stripe on the roadway
  - Bike Lane – A lane within the roadway designated for the one-way use of bicycles. Preferably 6 feet wide lane for one-way bicycle traffic, separated from traffic by a stripe on the roadway.
3. Class III – Unprotected bikeways sharing the roadway with vehicular traffic
  - Bicycle Safety Route – Any type of bikeway, including streets signed as bikeways but offering no other accommodation for bicycles.

The Class III Bike Route provides access to at least two established Bike Routes within Palm Springs. These two loops are the Citywide Loop and the Canyon Country Club Loop. The Project site is also within close proximity to the Sunline Transit Agency Bus Route III on East Palm Canyon. This Transit Agency utilizes clean/alternative fuel vehicles.

The proposed Project includes a lower residential density than the General Plan Update and Zoning Code anticipated for the Project site. The maximum permitted density for the property is 15 du/ac according to the existing General Plan designation. This equates to 35 units total on 2.3 acres. The project proposes 18 units, a density of 7.83 units/acre on the 2.3 acres. This is a decrease of approximately 50%. Therefore, impacts have already been recognized and addressed through prior environmental documentation prepared for the General Plan consistent with CEQA and NEPA requirements.

***Existing (2012) Traffic Volumes***

Traffic volumes for existing conditions were obtained from the City of Palm Springs Traffic analysis for the General Plan Update.

***Existing Arterial Daily Level of Service (LOS)***

LOS is a qualitative measure of the effect of several factors, including speed and travel time, traffic interruptions, freedom to maneuver, safety, and driving comfort and convenience. Levels of service are designated by grades of “A” (excellent, free flow) through “F” (failure, jammed conditions). Table 3.1 below summarizes LOS descriptions and corresponding V/C ratios for roadway segments.

**Level of Service Definitions for Roadway Segments**

<b>Level of Service</b>	<b>Volume-to-Capacity Ratio</b>	<b>Definition</b>
A	0.00 - 0.60	EXCELLENT. Free flow, light volumes
B	0.61 - 0.70	VERY GOOD. Free to stable flow, light to moderate volumes
C	0.71 - 0.80	GOOD. Stable flow, moderate volumes, freedom to maneuver noticeably restricted.
D	0.81 - 0.90	FAIR. Approaches unstable flow, moderate to heavy volumes, limited freedom to maneuver
E	0.91 - 0.99	POOR. Extremely unstable flow, heavy volumes, maneuverability and psychological comfort extremely poor
F	Varies ( $\geq 1.00$ )	FAILURE. Forced or breakdown conditions, slow speeds, tremendous delays with continuously increasing queue lengths

Source: Highway Capacity Manual Special Report 209, Transportation Research Board, 2000

According to the General Plan, the City has established that roadways and intersections shall operate at LOS D or better to maintain a successful circulation system and to be consistent with the Riverside County Congestion Management Program (CMP). The intent of the CMP is to create more direct links between land use, transportation, and air quality, thereby prompting reasonable growth management programs that will effectively utilize new transportation funds, alleviate traffic congestion and related impacts, and improve air quality.

**General Plan Existing(2012) Traffic Volumes**

Level-of-service (LOS) designations are based on the criterion of average control delay per vehicle. Control delay is a measure of driver discomfort, frustration, and fuel consumption, and includes initial deceleration delay approaching the intersection, queue move-up time, stopped delay and final acceleration delay. The two roadway segments includes in the City of Palm Springs Traffic Analysis are currently operating at LOS “A”.

**Existing Arterial Daily Level of Service**

Roadway	Segment	Lanes (1)	Volume	Capacity (2)	V/C Ratio	LOS
Camino Real	South of East Palm Canyon Drive	2U	1,200	13,000	0.10	A
Twin Palms Drive	East of South Palm Canyon Drive	2U	1,000	13,000	0.08	A

Source: City of Palm Springs

1. U = Undivided; D = Divided
2. Roadway capacities based on Riverside County General Plan, 2003 and the Highway Capacity Manual

**Proposed Project Trip Generation**

The following section describes the methodology and procedures used to determine the trip generation, distribution and assignment of traffic resulting from the proposed project.

The Project includes 18 Single Family Residential (SFR) Units. The Institution of Transportation Engineer (ITE) SFR rate is 9.57 average daily trips per unit. The proposed Project will contribute  $9.57 \times 18 = 172.26$  ADT at buildout. Conservatively this rate is applied to both Camino Real and E. Twin Palms Drive. (Calle Palo Fierro was not included in the General Plan Tables.) Trip distribution was not taken into account.

If the Project was built out to allowable density by zone (15 du/ac or 35 Units) the ITE Low-rise Apartment rate would be  $6.59 \times 35 =$  approximately **231.65 ADT**. This is 59.39 ADT above the proposed Project projection. Both of these estimates are well within the existing and projected buildout out traffic volumes and capacities.

Existing roadways are currently (2012) operating below capacity, the addition of 172.26 ADT would result in a 0.14% increase in existing volume on Camino Real and a 0.17% increase on Twin Palms Drive.

**General Plan Buildout Forecast 2025 Arterial Daily Level of Service**

Facility	Location	Lanes (1)	Capacity (2)	Volume	V/C Ratio	LOS
Camino Real	South of East Palm Canyon Drive	4U	25,900	4200	0.16	A
Twin Palms Drive	East of South Palm Canyon Drive	2U	13,000	1200	0.09	A

Source: City of Palm Springs

1. U = Undivided; D = Divided
2. Roadway capacities based on Riverside County General Plan, 2003 and the Highway Capacity Manual

***Proposed Circulation Description and Associated Impacts***

The Project does not include interior streets. The garages and driveways for the two homes on the east and west sides of the Project will access Camino Real and Calle Palo Fierro, respectively. The remaining 16 units are proposed to include garages and driveways that provide access on E. Twin Palms Drive. Each unit will have a two-car attached garage and 20-ft driveways with parking for two cars.

Roadway	Project Volume (ADT)	By Zone Volume (ADT)	Reduction in Volume (ADT)	2012 Volume (ADT)	2012 Capacity (ADT)	2025 Volume (ADT)	2025 Capacity (ADT)	Reduction in 2025 Volume (%)
Camino Real	172.26	231.65	59.39	1200	13,000	4200	25,900	1.4
Twin Palms Drive	172.26	231.65	59.39	1000	13,000	1200	13,000	5.0
Calle Palo Fierro	172.26	N/A	N/A	N/A	NA	N/A	N/A	N/A

The Project will complete the following improvements to surrounding streets:

1. Twin Palms Drive: Paving of the southerly ½ of Twin Palms, with installation of curb, gutter and sidewalk and driveway aprons along the southern line of E. Twin Palms Dr. abutting the northern boundary of the Project.
2. Calle Palo Fierro: Paving of the easterly side of Calle Palo Fierro where it abuts the western boundary of the Project, with installation of curb, gutter and sidewalk, and the driveway apron for the end unit along that line.
3. Camino Real: Installation of curb, gutter and sidewalk, and driveway apron for the end unit along the eastern boundary of the Project and west side of Camino Real.

***Cumulative Projects***

Small areas of undeveloped land remain in this area of Palm Springs. The Buildout condition accounted for these undeveloped properties in the General Plan EIR so the projected 2025 traffic estimates will have included these projects

Because the Project density is below that which was analyzed in the General Plan, the traffic generated by the project along with the surrounding projects in the 2025 Buildout are equal to or less than that which was analyzed in the GP Traffic Analyses. Therefore it is appropriate to say that 2025 Projections determined that the addition of Project and cumulative projects traffic to existing traffic conditions would not deteriorate the LOS at area intersections.

Intersections are expected to operate within their capacity under both the 2012 and 2025 Project with Cumulative scenarios.

***TUMF Program***

The Transportation Uniform Mitigation Fee (TUMF) program is a regional traffic mitigation program in effect in the Coachella Valley that is administered by the Coachella Valley Association of Governments (CVAG). It is intended to address land use and transportation



system consistency through an integrated system-wide program that is based upon local agency general plans and associated trip generation rates.

Although the TUMF program is not required to provide direct financial benefit to the State Highway System, it may provide for other improvements that relieve congestion on the CMP System including State Highways.

The TUMF Ordinance became effective on July 1, 1989. The provisions of this Ordinance apply to new development yet to receive final discretionary approval and/or issuance of a building permit or other development right and to any reconstruction or new use of existing buildings that results in a change of use and generates additional vehicle trips.

No tract map, parcel map, conditional use permit, land use permit or other entitlement can be approved unless payment of the mitigation fee is a condition of approval for the entitlement. The mitigation fee is imposed and collected by the applicable jurisdiction then transmitted to CVAG to be placed in the Coachella Valley Transportation Mitigation Trust Fund.

TUMF payments are required of all developments under the jurisdiction of the cities of Cathedral City, Indian Wells, Indio, Palm Desert, Palm Springs, Rancho Mirage and the portion of Riverside County located within the Coachella Valley. The TUMF is assessed based upon fixed rates per average daily trip generated by three development types: (1) residential, (2) non-residential/non-sales tax producing, and (3) sales tax producing. The TUMF rates are reviewed annually to ensure that fees collected are set at a level that balances the cost of planned improvements.

Even though the proposed Project is less intense than assumed in the General Plan, the Project will make an in lieu contribution to planned off-site roadway improvements of regional benefit equivalent to the TUMF that would be required if the project were subject to TUMF.

#### **CVAG**

The Coachella Valley Association of Governments (CVAG) is the legal entity that manages and administers the TUMF program. CVAG maintains acceptable levels of service on CMP facilities by funding improvements deemed necessary to achieve and maintain LOS E operation. All projects processed by the City of Palm Springs contribute a TUMF to the City to pay their fair share of the cost of maintaining and upgrading CMP System facilities, as necessary to achieve the CVAG performance standards.

All State Highways within Riverside County and a set of Principal Arterials have been identified as the CMP System of Highways and Roadways.

The Project will not affect rail, waterborne, or air traffic. In addition, the developer will pay a fair share contribution (based on trip generation) in lieu of the TUMF to the Tribe to aid in regional transportation improvements. This in-lieu TUMF contribution will be passed on to CVAG.

**G. Land Use Plan**

The proposed residential project is a detached, single-family residential development of 18 units located on a 2.3 acre parcel in the northern portion of Section 26. This area of Palm Springs is often identified as the Canyon Country Club area although the golf club that spawned the name is located in the southern half of the section. The plan shows 18 detached units on separate lots ranging from 5,100 s.f. to nearly 8,800 s.f. with each lot providing its own amenities, parking, open space, retention and landscape areas. Each property would be independent as no home owners association is planned. The proposed houses are all single story and each home is approximately 1,800 s.f. in size. The Project is consistent with the General Plan/Zoning Ordinance density designation for the site which would allow up to 35 lots at full density.

### **3.8 Other Values**

#### **A. Wilderness**

As previously described, the Project site is surrounded by development within the Agua Caliente Indian Reservation and limits of the City of Palm Springs. Public streets frame the vacant property to the west by Calle Palo Fierro, to the north by E. Twin Palm Drive and to the east by Camino Real. Surrounding land uses include a single-story apartment complex to the west, hotel establishments to the north, single-family residences to the east, and a mobile home park to the south.

A wilderness refers to a designated area of undeveloped Federal land retaining its natural character and influence, without permanent improvements or human habitation, which is protected and managed as to preserve its natural conditions. A wilderness is often designated and protected for its ecological, geological, scientific, educational, scenic and/or historical values. Wilderness areas form part of the National Wilderness Preservation System, which was established under the Wilderness Act of 1964.

The proposed Project is not located on or near a designated Wilderness Area. The nearest land with such designation is the San Jacinto Wilderness, located approximately 4.5 miles west of the Project at elevations ranging from 6,000 to 10,000 feet above sea level in the San Jacinto Mountains. That area is managed by the United States Forest Services and occurs within the boundaries of Mount San Jacinto State Park and the larger Santa Rosa and San Jacinto Mountains National Monument. The proposed action to develop 18 single-family detached residences is not expected to result in impacts to the use or operation of the San Jacinto Wilderness Area.

In the Project vicinity and region, there are multiple conservation programs established to preserve natural and cultural resources. The principal program relevant to the Project is the existing Tribal Habitat Conservation Plan (Tribal HCP). The Tribal HCP is developed to establish a consistent and efficient development process while continuing the long-standing tradition of sensible land use management. The Tribal HCP outlines the conservation of natural and cultural resources within the 31,500 acres of land it covers in Riverside County. The Tribal HCP addresses land development along with other activities taking place within the Reservation; which includes Tribal Trust Land, Allotted Trust Land, and Fee Land.

The Tribal HCP provides the means to protect and conserve federally listed species and others deemed by the Tribe and USFWS to be sensitive and potentially in need of listing in the future (collectively Covered Species); and authorizes the incidental take of these species where appropriate. Under the Tribal HCP, the Project site (in Section 26) forms part of the Valley Floor Planning Area and is identified for having urban land uses rather than supporting any distinctive vegetation community or known habitat under that HCP. Smaller undeveloped portions of the Valley Floor Planning Area within the Reservation are generally determined to not serve as viable habitat primarily due to their isolation and fragmentation. Buildout of the 2.3-acre site in the context of the existing development is not expected to conflict with or impede the implementation of the existing Tribal HCP. Less than significant impacts are anticipated to result

from the proposed action. Other existing reserves, conservation areas and programs in the Project region are described as follows.

The Indian Canyons are located approximately 2.5 miles to the south of the Project. This area is valued for its archeological, historical and ecological resources in the context of a physical environmental setting significantly important to the Tribe. No impacts or conflicts with this plan are expected to result from this Project.

The Santa Rosa and San Jacinto Mountains National Monument encompasses more than 272,000 acres in the Santa Rosa and San Jacinto Mountains managed in part by the Bureau of Land Management (BLM). The National Monument was established to protect the nationally significant biological, cultural, recreational, geological, educational and scientific values of the mountain ranges. The boundary of this preserved area is located approximately 0.6 miles to the west of the Project.

Mount San Jacinto State Park is also delineated in the San Jacinto Mountains approximately 4.5 miles to the west of the Project. This area is valued for its biological diversity, natural and cultural resources, and recreation opportunities. The State Park is in part managed by the California Department of Parks and Recreation. The proposed action is not expected to conflict with the conservation objectives of this State Park.

Additional assessment about wildlife, vegetation and ecosystems in relation to the Project are provided in Section 3.4 – Living Resources.

## **B. Noise**

Sound is technically described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers. In terms of human response to noise, a sound 10 dB higher than another is judged to be twice as loud; and 20 dB higher four times as loud; and so forth. Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud). The human ear does not respond uniformly to sounds at all frequencies. It tends to be less sensitive to low and high frequencies than to medium frequencies that correspond with human speech. In response to this, the A-weighted noise level or scale has been developed to correspond better with peoples' subjective judgment of sound levels. This A-weighted sound level is called the "noise level" referenced in units of dB (A).

Noise is generally defined as unwanted sound that disrupts normal activities or that diminishes the quality of the environment. It is usually caused by human activity that adds to the existing acoustic setting of a locale. The responses of individuals to noise levels are diverse and influenced by multiple factors, including the type of noise, the perceived importance of the noise, its appropriateness to the setting, noise sensitivity of the individual, and the time of day as well as the type of activity during which the noise occurs.

Noise is generally deemed undesirable when it interferes with normal activities, causes actual physical harm, or has an adverse effect on health. The presence of structures (e.g., solid walls

and buildings) and natural topography (e.g., hills) that obstructs the line-of-sight between a noise source and a receptor tends to reduce the noise level. Several scales have been developed which address community noise levels. Those that are applicable to this analysis are the Equivalent Noise Level (Leq) and the Community Noise Equivalent Level (CNEL). Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any given time period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods. CNEL is another average A-weighted sound level measured over a 24-hour period. The CNEL scale, as described above, is expressed as a weighted aggregate number.

In general, sensitive noise receptors, such as residential uses, schools, libraries, churches, hospitals and nursing homes are considered unsuitable land uses in unmitigated noise environments where exterior CNEL levels exceed 65 dB. Commercial and industrial uses, conventional hotels and motels, neighborhood ballparks and playgrounds, and other outdoor spectator sport arenas are considered less sensitive land uses. Heavy commercial and industrial uses, transportation and utility land uses are considered least sensitive, with allowable unmitigated exterior ambient noise levels of up to 70 CNEL.

The potential impacts resulting from the Project can be divided into two categories: temporary and long term. Temporary impacts are usually associated with noise generated by construction activities. Long-term impacts are further divided into impacts on surrounding land uses generated by the proposed Project and those impacts that occur at the proposed Project site by existing or future surrounding conditions.

Construction activities have the potential to result in a temporary and localized short-term increase in noise. The Project would not involve significant grading (earth movement). Vertical construction would be limited to single-story detached homes. Therefore, the intensity of noise resulting from construction activities would be reduced based on the nature of this Project. The temporary noise increase for neighboring properties to the west, north and east would be partially reduced by the distance due to the existing roads. Moreover, the temporary construction noise perceived by the properties to the south (existing mobile home park) would be partially attenuated by the existing wall separating the Project from this property. Based on the City's Permitted Hours of Construction, with which the Tribe will voluntarily comply for this project, these activities would only be allowed between 7 a.m. and 7 p.m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No construction would be permitted on Sundays or Holidays. Less than significant temporary noise impacts are anticipated to result from construction of the Project.

The 18 proposed single-family detached residences will be situated in a 2.3-acre property generally surrounded by residential and tourist resort uses. Existing traffic along the Calle Palo Fierro and E. Twin Palms Drive (2-lane undivided collector streets) and Camino Real (4-lane undivided secondary thoroughfare) are existing sources of noise. Under the Noise Element of the City of Palm Springs General Plan, future noise environments were mapped for the 20-year forecast conditions (2025). A map of noise contours from road traffic (Figure 8.5) indicates that margins of the property would experience future ambient noise levels ranging from 60 to 65 dB CNEL, thus not exceeding the 65 dB threshold for exterior noise standards. Based on this information and Projections, the future noise settings resulting from road traffic is not likely to negatively impact future residents of the proposed residential Project. Furthermore, the

residential and hotel uses surrounding the Project are not expected to represent current or future noise sources with significant effects upon the Project property.

During the life of the Project, the nature of activities associated with the 18 proposed single-family residences are not expected to result in substantial noise increases, such that would cause significant effects on the surrounding properties. Future residents and activities on the Project property would be regulated under the City's Noise Ordinance (Chapter 11.74), which is established to reduce noise in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to the City's police power. Less than significant impacts are anticipated.

### **C. Visual and Light**

The existing visual and aesthetic setting of the 2.3-acre vacant Project property is largely influenced by the diversity in character of the surrounding built environment. As previously described, residential and hotel uses surround the site. These include a single-story apartment complex (*Twin Palms Apartments*) to the west, two-story hotel establishments to the northwest and north (*Motel 6* and *Ace Hotel*), a mixed use development to the northeast (*OCEO*), residential uses (*7 @ Twin Palms*) to the east and a mobile home community (Sahara Park) to the south. These surrounding facilities vary in architectural style and employ a range of methods to upkeep their appearance, including landscaping design and maintenance. Night-time lighting is also implemented for security and aesthetic purposes. This lighting is found in the landscaped areas and parking lots.

The Project is anticipated to enhance the existing visual setting of the vacant property. The development includes 18 single-family detached homes, each with three bedrooms, two baths, attached two-car garages and private yards with pools. The proposed architectural style is post-modern revival, which is considered compatible with the nearby OCEO and Seven @ Twin Palms developments. The single-story development will not block any views of the San Jacinto and Santa Rosa mountains. The Project will include night-time lighting for safety, security and aesthetic purposes in a manner that is complimentary with the proposed architectural and landscaping design. The future lighting conditions would also consider the sensitivity of surrounding uses in order to not disrupt the night-time light of the neighborhood.

### **D. Public Health and Safety**

Law enforcement/police services to the Project site and rest of the City are provided by the Palm Springs Police Department. The Police Department headquarters facility is located at 200 South Civic Drive and a sub-station is located at 105 S. Indian Canyon Drive in downtown Palm Springs. According to the Palm Springs Police Department web site, the Department is comprised of 92 sworn officers, which include the Chief, two Captains, three Lieutenants, and 14 sergeants. Additional public safety measures are provided to the various involved parts of the City under the existing Neighborhood Watch and Community Policing programs. The City's Neighborhood Watch program is established to combat crime and to increase public safety through community education programs, active involvement of residents, and coordination of crime prevention programs. The Community Policing program is also a collaboration between the Police Department and residents of the City to prevent crime and solve neighborhood problems. The proposed Project of 18 residences is not expected to induce a substantial increase

in demand for police services to the area or degrade the community policing efforts. Future residents of the Project would have the opportunity to strengthen the effectiveness of community policing efforts by becoming involved in the collaborations with the City's law enforcement services. Moreover, the Project's design will incorporate physical improvements that by demarcating each private property, providing locking methods and ensuring night-time safety illumination, will result in a more secure setting for residents. Less than significant impacts to safety, law enforcement, police services are expected to result from the Project.

Fire protection services to the site are provided by the Palm Springs Fire Department. The Department has 56 employees, including 48 firefighters station in a total of 4 stations. The nearest station to the Project – Fire Station No. 444 – is located approximately 0.5 miles to the southeast, at 1300 La Verne Way. Future residents of the 18 single-family homes are not expected to strain or obstruct the response effectiveness of the Department. The residential development would provide the necessary physical accommodations to allow for the proper Fire Department response to the residences. The Project plans will comply with the Agua Caliente Band of Cahuilla Indians Tribal Building and Safety Code. Project plans would also be subject to review and conditions by the Tribal Fire Marshall to ensure that the development is compliant with the current Tribal Fire Code and other applicable regulations. Less than significant impacts to fire protection services are expected to result from the Project.

According to the Federal Emergency Management Agency (FEMA), the Project site is included in Flood Insurance Rate Map (FIRM) Number 06065C1566G, Dated August 28, 2008. The FIRM indicates that the property has three flood zone designations affecting different portions of the site: 0.2% Chance Annual Flood Hazard, Zone X Protected by Levee and Zone AO. Zone AO primarily affects a western portion of the property, where additional grading and drainage design considerations would take place to property protect the homes and residents.

With the engineered improvements and safety measures addressing the mapped flood zones, including compliance with the applicable requirements of the Riverside County Flood Control and Water Conservation District Revised Master Drainage Plan (MDP) for the Palm Springs Area, less than significant effects are expected pertaining to this topic of public health and safety.

#### **E. Climate Change (Greenhouse Gasses)**

The Project's potential future emissions of greenhouse gases will primarily be attributed to the combustion of fossil fuels during construction and activities related the 18 residences during the life of the Project. Greenhouse gases (GHG) trap solar energy in the Earth's atmosphere and make the planet warmer. Without GHG, the Earth would be too cold to be inhabitable. Common greenhouse gases in the Earth's atmosphere include: water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone, and to a lesser extent chlorofluorocarbons. Carbon dioxide is the main GHG thought to contribute to global climate change. Carbon dioxide absorbs long-wave radiant energy reflected by the Earth, which warms the atmosphere. GHG radiate long-wave radiation absorbed by the atmosphere out to space as well as down toward the Earth's surface. This process is known as the "greenhouse effect." Human activities (such as burning carbon-based fossil fuels) create water vapor and CO<sub>2</sub> as by-products, thereby impacting the levels of GHG in the atmosphere. The largest source of GHG emissions is burning fossil fuels for electricity, heat, and transportation. The Project of 18 residences is not expected to result in a

significant increase in greenhouse gases in a manner that would result in climate change effects. Refer to the Air Quality Section of this Environmental Assessment for additional information and analysis.

#### **F. Indian Trusts Assets**

Indian Trust Assets (ITAs) are legal interests in assets held in trust by the Federal Government for federally recognized Indian Tribes or Individual Indians. Assets are anything owned that has monetary value. The asset need not be owned outright, but could be some other type of property interest, such as a lease or a right to use something. Assets can be real property, physical assets or intangible property rights. The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian Tribes or Indian individuals by treaties, statutes, and executive orders. A characteristic of an ITA is that it cannot be sold, leased, or otherwise alienated without the United States' approval. Examples of objects that may be trust assets are lands, minerals, hunting and fishing rights, and water rights. While most ITAs are on reservations, they may also be found off-reservations.

The Project is located within the northwest quarter of Section 26 within the Agua Caliente Indian Reservation. According to the Agua Caliente Indian Reservation Land Status Map (Nov. 2013), the property is designated as *Tribal*. Land to the west and north is designated as *Allotted and Leased* while land to the east and south is considered *Fee*. Based on the Agua Caliente Indian Reservation map of Land Use Ordinance Zoning Districts, the Project property is designated as *Tribal Enterprise*, within which the permitted uses are subject to Tribal Council determination.

Development of the Project site is expected to advance the Tribe's economic development opportunities by enhancing the local economy, providing temporary construction jobs and bringing new residents that benefit from the variety of services available in the Reservation and City. The proposed residential development would not occur without approval by the United States Bureau of Indian Affairs (BIA). Less than significant impacts are anticipated upon Indian Trust Assets.

#### **G. Hazardous Materials**

A multi-system database review was performed within the Environmental Protection Agency's (EPA) *Envirofacts* information platform to help identify EPA-regulated facilities or other sites which are known or suspected of having an existing release, a past release or a material threat of release of hazardous materials. The database search did not reveal the presence of such sites within the vacant Project area or its immediate surroundings. A map search within the State of California information platforms *Geotracker* and *Evironstar* was performed to identify sites on or near the Project that have known contamination or sites for which there may be reasons to investigate further. According to those database results, there are no such known sites within the Project area or its immediate surroundings.

On October 17, 2013, JCP-LGS issued a Commercial Property Disclosure Report for the Project property. The report included a review of special flood hazard areas, areas of potential flooding, very high fire hazard severity zones, wildland area that may contain substantial forest fire risk and hazards, earthquake fault zones, and seismic hazard zones among other hazard categories.



The investigation revealed that the Project is located in a City-mapped area of low liquefaction susceptibility, a County-mapped area of moderate liquefaction susceptibility, in a mapped area of high susceptibility to wind erosion and in a special flood hazard area. The said special flood hazard area pertains to the Zone AO designation issued by the Federal Emergency Management Agency (FEMA) for a western portion of the property.

As related to the mapped liquefaction susceptibility, less than significant impacts are anticipated due to the design and construction standards that will be followed by the Project to address the local soil conditions and geologic setting. Ground preparation, sub-grade preparation, site grading, utility trenching, slab and foundation design as well as any necessary reinforcement measures will be followed per engineering standards. The seismic design should comply with the latest edition of the Uniform Building Code for the corresponding seismic zone. Regarding the mapped wind erosion susceptibility, the less than significant impacts are also anticipated due to the proposed permanent improvements that will address such condition.

Project-specific hydrology studies, grading and drainage designs will ensure that all residential structures are protected from the mapped flood hazard zones. It is expected that the site will be graded to allow for runoff from the 100-year storm (affecting the westernmost lots) to be contained at a specified location of the site. The design intent is to ensure no increase in total runoff resulting from the development. No other foreseeable hazards have been identified in connection with the subject property that would affect the future residential development or result from it. Less than significant impacts are anticipated.

## **4.0 MITIGATION**

Mitigation includes specific means, measures or practices that would reduce or eliminate effects of the proposed action or alternatives. Mitigation measures can be applied to reduce or eliminate adverse effects to biological, physical, or socioeconomic resources. Mitigation may be used to reduce or avoid adverse impacts, whether or not they are significant in nature.

As defined in CEQ Regulations (40 CFR 1508.20) mitigation can include:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impact by limiting the degree of magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

Unless provided otherwise by Federal regulations (e.g. Clean Water Act) the enforceability of the following mitigation measures will be achieved through Project approval by the Agua Caliente Band of Cahuilla Indians.

### **4.1 Land Resources Mitigation**

*Standard Conditions for Geotechnical is as follows:*

- A project specific Geotechnical Analysis shall be generated to address improvements and grading activities. The Geotechnical Analysis is required prior to issuance of Grading Permit.

### **4.2 Air Quality Mitigation**

*Standard Conditions for Air Quality is as follows:*

- An approved Fugitive Dust (PM10) Control Plan will be reviews and approve prior to issuance of a grading permit.
- The Tribe shall place a condition of approval on the Project requiring the developer to include on all grading plans a note that requires the construction contractor to implement the following measures during grading operations. These measures shall also be discussed at the pregrade conference:
  - Contractors shall use Tier 1 or higher construction equipment.
  - Construction contractors shall maintain construction equipment engines by keeping them tuned according to manufacturers' standards.

- Contractors shall schedule construction operations to minimize traffic congestion.
- Contractors shall develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service).

***Mitigation Measures for Air Quality is as follows:***

MM 4.2-1 To reduce the potential for diesel particulate matter impacts associated with construction activities on-site, the construction specifications shall limit the idling of construction equipment on-site while not in use to periods no longer than five consecutive minutes.

**4.3 Living Resources Mitigation**

***Standard Conditions for Living Resources is as follows:***

- Prior to issuance of grading permits for the Project, the Project proponent shall pay the Tribal HCP VFPA fee that will be used to acquire and manage habitat preserve lands.

**4.4 Cultural Resources Mitigation**

No known historic resources are present in the APE (Area of Potential Effect), and thus no known historic properties will be affected by the undertaking as currently proposed. With the proviso that Standard Conditions Mitigation is included, no Project specific mitigation measures are recommended.

No further cultural resources investigation is necessary for the proposed undertaking unless development plans undergo such changes as to include areas not covered by this study.

***Standard Conditions for Cultural Resources is as follows:***

- Approved Native American cultural resource monitor(s) as well as archaeological monitors shall be present during all ground disturbing activities. Should buried cultural deposits be encountered, the monitor may request that destructive construction halt and the monitor shall notify a qualified Archaeologist (secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the Agua Caliente Tribal Historic Preservation Office. Additionally, the requirements under Title 36 (Code of Federal Regulation) CFR 800-13 shall be satisfied should any unidentified cultural deposits be discovered during construction.

According to the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) first priority of custody of inadvertently discovered human remains, funerary objects, sacred objects and objects of cultural patrimony during ground disturbing

activities within the exterior boundaries of the reservation belongs with the lineal descendant. In cases where a lineal descendant cannot be ascertained or no claim is made, custody is retained by the tribe on whose lands the inadvertent discovery is made (43 CFR 10.6 (a)).

- In compliance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the Riverside County Coroner must be notified immediately. If the coroner determines that the remains are not recent and may be Native American, in accordance with Public Resource Code 5097.94, the coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find. The NAHC will then determine, in consultation with the property owner, the disposition of the human remains. No known burial grounds or cemetery occurs on the Project site.

Although known resources are to be avoided, excavation is likely to occur to a greater depth and area. Should human remains be discovered during construction of the proposed Project, the Project contractor would be subject to the Tribe's "Treatment of Human Rights Policy" (ACBCI Tribal Historic Preservation Organization and Policies, 2004) which is consistent with State law regarding the discovery and disturbance of human remains. In that circumstance the Cultural Monitor has the authority to halt destructive activities in the immediate area.

#### **4.5 Resource Use Mitigation**

**Traffic** - As indicated in the Transportation Section, the proposed Project is expected to result in a LOS A for all of the adjacent roadways. The following Standards and Mitigation Measures are recommended to address Transportation impacts and can be found in the Resource Use Patterns section of this NEPA/TEPA Document.

##### ***Standard Conditions for Traffic are as follows:***

- Design of Street Improvement Plans shall be reviewed and approved by the City of Palm Springs Engineering Department.
- The Project will make an in lieu contribution to planned off-site roadway improvements of regional benefit equivalent to the TUMF that would be required if the Project were subject to TUMF.

##### ***Mitigation Measures for Surrounding Streets are as follows:***

MM 4.5-1 Twin Palms Drive: Paving of the southerly ½ of Twin Palms, with installation of curb, gutter and sidewalk and driveway aprons along the southern line of Twin Palms abutting the northern boundary of the Project.

MM 4.5-2 Calle Palo Fierro: Paving of the easterly side of Calle Palo Fierro where it abuts the western boundary of the Project, with installation of curb, gutter and sidewalk,

and the driveway apron for the end unit , tapered to match existing conditions sith of the Project site.

MM 4.5-3 Camino Real: Installation of curb, gutter and sidewalk, and driveway apron for the end unit along the eastern boundary of the Project and west side of Camino Real.

#### **4.6 Other Values Mitigation**

##### ***Mitigation Measures for Noise is as follows:***

MM 4.6-1 Control of Construction Hours – All construction activities shall be allowed between 7 a.m. and 7 p.m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No construction should be allowed during City recognized holidays.

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