CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: January 14, 2009

To: Planning Commission

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner DN

Subject: Case No. 5.1190–CUP & 6.509–VAR (Palm Springs Batch Plant)

On December 10, 2008, the Planning Commission conducted a public hearing on the above-referenced project and voted to continue the project to the next regular meeting of December 17, 2008. The project was continued on December 17, 2008, to January 14, 2009. During the initial public hearing meeting, the Commission offered comments regarding the following:

1. Neighbor Communication. The Commission requested that the applicant meet with adjacent neighbor to discuss operation and potential site plan modifications.
2. Dust Generated by Ongoing Operation. The ongoing operation of the batch plant raised concerns with regards to dust generation.
3. Fencing. The proposed chain-link fence around the immediate operation of the site was unfavorable to some Commissioners.
4. Landscaping. The applicant was asked to present a landscape plan for review.

Staff has discussed these concerns with the applicant. At the time of the writing of this memorandum, the applicant was in the process of addressing the Commission's concerns and the following actions were the intent for each concern:

1. Neighbor Communication. According to the applicant, a meeting has taken place with the project proponents and the neighbor to the east. As a result, the applicant has agreed to move the "Wash Down / Recycle Area" to the north to lessen the neighbor's concerns of dust impacts. A revised site plan will be presented at the meeting.
2. Dust Generated by Ongoing Operation. The applicant has stated that they intend to comply with the Air Resources Board permit (see Project Specific Condition, PSP1, in the draft Resolution). A copy of the permit is attached.
3. Fencing. The applicant has proposed forty lineal feet of block wall on each side of the entrance to the site from Karen Avenue. The applicant is proposing that the use

of chain-link be permitted for the remainder of the site to be consistent with other properties in the area.

4. Landscaping. The applicant has provided a conceptual landscape plan, which shows the addition of landscape along the Karen Avenue frontage. The plant materials are not specified but the applicant has stated that they intend on using desert plants and will present further details at the meeting.

The applicant intends to fully address the Commission's concerns during the next meeting. Should the Commission be satisfied with the applicant's responses during the meeting, staff has prepared a draft Resolution for approval of the Conditional Use Permit and Variance, Case No. 5.1190-CUP and 6.509-VAR.

Attachments:

1) Draft Resolution with Conditions of Approval
2) December 10, 2008 Planning Commission Staff Report and Exhibits (excluding the Draft Resolution with Conditions of Approval)
3) Air Resources Board Portable Equipment Registration Permit

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE 5.1190-CUP TO ALLOW A CONDITIONAL USE PERMIT FOR A CONCRETE BATCH PLANT AND CASE 6.509-VAR TO EXCEED THE MAXIMUM STRUCTURE HEIGHT IN THE ENERGY INDUSTRIAL ZONE, LOCATED AT THE SOUTHWEST CORNER OF RAMON ROAD AND KAREN AVENUE, ZONE E-I, SECTION 9.

WHEREAS, Elsinore Ready Mix (the "Applicant") filed an application with the City pursuant to Section 94.02.00 of the Palm Springs Zoning Code (PSZC) for a Conditional Use Permit application to allow the use concrete batch plant and Section 94.06.00 of the PSZC for a Variance application to exceed the building height limit in the "E-I" Zone at the southwest corner of Dillon Road and Karen Avenue; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider a Conditional Use Permit (Case 5.1190-CUP) application, Variance (Case 6.509-VAR) application and Mitigated Negative Declaration was issued in accordance with applicable law; and

WHEREAS, on December 10, 2008, a public hearing on applications for Conditional Use Permit 5.1190-CUP and Variance 6.509-VAR, and review of the Mitigated Negative Declaration was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on January 14, 2009, a public hearing on applications for Conditional Use Permit 5.1190-CUP and Variance 6.509-VAR, and review of the Mitigated Negative Declaration was held by the Planning Commission in accordance with applicable law; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA), the Planning Commission finds as follows:

Pursuant to CEQA, the Planning Commission finds that the current environmental assessment for Case 5.1190-CUP and 6.509-VAR adequately addresses the general environmental setting of the proposed Project, its significant environmental impacts, and the mitigation measures related to each significant environmental effect for the

proposed project. The Planning Commission further finds that, with the incorporation of the proposed mitigation measures, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance and therefore adopted of a Mitigated Negative Declaration for the project.

Section 2: Pursuant to Section 94.02.00 of the PSZC, the Planning Commission finds that:

a. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by the City's zoning ordinance.

Pursuant to Section 92.17.2.01(D)(5) of the Palm Springs Zoning Code, Concrete Batch Plants are permitted in the "E-I" Zone with the approval of a Conditional Use Permit. The subject site is located in an energy industrial area and will have easy access to a Major Thoroughfare.

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

The General Plan designation for the site is "Industrial" and the site is located within the "Wind Energy Overlay". This Industrial designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The use is primarily an outdoor operation and is proposing an office of approximately 200 square feet and metal container buildings totaling approximately 2,560 square feet on approximately 4.85 acres. The proposed project has a F.A.R. of approximately 0.013 as an industrial use.

The project is consistent with the General Plan and assists in meeting various General Plan Goals and Policies as noted below.

- **Policy LU1.4**: "*Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City.*"
- **Policy LU3.3**: "*Ensure operation of industrial uses is unobtrusive to surrounding areas and prohibit the development of manufacturing uses that operate in a manner or use materials that may impose a danger on adjacent uses or are harmful to the environment.*"

The proposed project is a new use to the City that will assist the surrounding areas and cities with concrete for construction purposes. The operation is required to follow all local, state and federal requirements, including permitting, so as not to operate in an obtrusive manner. Therefore, the project is consistent with the objectives and policies of the General Plan.

c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features

required in order to adjust said use to those existing or permitted futures uses of land in the neighborhood.

The project site is adequate to accommodate the project. There is a sufficient area within the 4.85-acre site for large truck maneuverability. Lot coverage is less than the maximum prescribed in the Zoning Code. The project site includes adequate area for appropriate yards and setbacks. Landscaping is provided along the front yard and street front yard, and the use will be surrounded by a fence and oleander hedge.

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

Dillon Road is paved to accommodate two-way traffic and Karen Avenue is required to be paved to the subject property's entrance to accommodate two-way traffic as part of this approval. The proposed use will accommodate eight to ten concrete transportation trucks, as well as ten standard vehicles. Therefore, the streets will be of a sufficient design level to handle the minor traffic generated by the project in addition to future anticipated traffic volumes. Any expansion of the use (additional trucks, employees, etc.) would require an amendment to further review site capacity and its impact on streets.

e. The conditions to be imposed are deemed necessary to protect the public health, safety and general welfare, of the existing neighborhood in which this project is situated.

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

Section 3: Pursuant to Section 94.06.00(B) of the PSZC, the Planning Commission makes the following findings in granting the variance to building height:

1. *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is located within the "E-I" Zone and predominately surrounded by Wind Energy Conversion Structures (WECS) also known as windmills. A concrete batch plant is similar to a windmill in that it is a non-dwelling structure used for an industrial purpose. WECS in the vicinity typically reach heights of up to three hundred feet and sometimes higher. The "E-I" Zone limits buildings and structures to a height of not more than thirty feet, except Wind Energy Conversion Systems (WECS) may reach heights of up to 300 feet. The concrete batch plant structure is proposed at a height of forty-nine feet and

six inches, exceeding the maximum allowed height by nineteen feet and six inches.

A variance was granted by the Planning Commission on May 23, 2007, for a property in the vicinity to allow WECS that exceeded the PSZC maximum of 300 feet to a height of 327 feet. Therefore, the strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the special circumstance applicable to the subject property, including non-dwelling structures in the surrounding area that exceed the PSZC requirement.

2. *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The increased height will not constitute a grant of special privilege since there are numerous existing WECS structures in the adjacent properties that reach heights of three hundred feet and above. The batch plant will be limited to forty-nine feet and six inches in height. Any modification to the use would require an amendment to the associated Conditional Use Permit as determined by the Director of Planning Services.

3. *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The increased height is nineteen feet and six inches for a structure that is predominately surrounded by WECS with heights of three hundred feet; this height is minimal in the surrounding area's context and would not be materially detrimental to the public health, safety, convenience, or welfare.

4. *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation for the site is "Industrial" and the site is located within the "Wind Energy Overlay". This Industrial designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The use is primarily an outdoor operation and is proposing an office of approximately 200 square feet and metal container buildings totaling approximately 2,560 square feet on approximately 4.85 acres. The proposed project has a F.A.R. of approximately 0.013 as an industrial use.

Section 4: Section 94.04.00(D) of the PSZC provides guidelines for the Architectural review of development projects. Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

   The site layout, orientation and location of structures have been designed to accommodate the concrete batch plant with the unit and operations located in the center of the overall site, as well as easy truck flow in and around the site. An ADA compliant parking space is provided.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

   A majority of the structures in the area are Wind Energy Conversion Structures (WECS) with small basic industrial warehouse buildings. The project is harmonious with the character of existing development in the area in the sense that it does not stand out as a strong architectural style, but blends in with the mix.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

   The project is consistent with the Zoning Code in terms of area and setbacks. The overall mass is relatively small compared to the size of the property, and the height requires the approval of a Variance to reach forty-nine feet and six inches. Excessive open space relative to structure bulk results in massing that does not overburden the site.

4. *Building design, materials and colors to be sympathetic with desert surroundings;*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; AND,*
6. *Consistency of composition and treatment,*

   The batch plant is a metal mechanical structure that is painted light tan. The metal container buildings are all uniform in design with various colors that include clay reddish-brown, navy blue and off-white. The structure colors are soft in appearance and the materials are conducive to a desert environment.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

   The landscaping is minimal relative to the size of the overall site. The proposal includes an oleander hedge around the 4.85 acres that contains the development. The remainder of the site will remain vacant and contain the

existing native vegetation. A final landscape / irrigation plan will be reviewed to ensure that the irrigation is a water efficient system.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby adopts the Mitigated Negative Declaration and approves Conditional Use Permit application (Case 5.1190-CUP) and Variance application (Case 6.509-VAR), subject to those conditions set forth in the attached Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 14th day of January, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

_____

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO._____

EXHIBIT A

Case 5.1190-CUP & 6.509-VAR
Elsinore Ready Mix

Southwest corner of Dillon Road and Karen Avenue

January 14, 2009

CONDITIONS OF APPROVAL

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

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

PROJECT SPECIFIC

PSP1. The applicant shall comply with all permitting requirements of the California Environmental Protection Agency Air Resources Board.

ADMINISTRATIVE CONDITIONS

ADM1. Project Description. This approval is for the construction of a concrete batch plant on approximately 5.29 acres, located at the southwest corner Dillon Road and Karen Avenue (APN: 668-280-015). The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, and landscaping on file in the Planning Division. The project shall further conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM2. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1190-CUP & 6.509-VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or

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

ADM3. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM4. Time Limit on Approval. Approval of this Conditional Use Permit (CUP) and Variance (VAR) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM5. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM6. 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.

ADM7. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM8. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers who request it.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV2 California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

ENV3 Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:

MM V-1 Should buried or other cultural resources be discovered during any ground disturbing activities, all work in the area shall be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the resources. Should the archaeologist determine the cultural resources to be significant, the following shall occur at the expense of the applicant:

1. Archeologically significant finds shall be appropriately collected and deposited under supervision of an archeologist certified by the County of Riverside.

2. Any significant findings shall be documented and presented to the State Historic Preservation Office (SHPO), Bureau of Indian Affairs (BIA), the Agua Caliente Band of Cahuilla Indians and the City, and shall be resolved to their satisfaction.

3. Copies of any cultural resources documentation generated in connection with this project shall be given to the Agua Caliente Band of Cahuilla Indians for inclusion into the Agua Caliente Cultural Register. Copies shall also be presented to the City for inclusion in the project file.

MM V-2 An Approved Cultural Resource Monitor or multiple monitors as indicated by the Agua Caliente Tribal Historic Preservation Office shall be present during any survey and/or ground disturbing activities at the expense of the applicant.

MM VI-1 Any future development shall be setback a minimum of fifty feet southwest and northeast of the mapped Earthquake Fault Zone, as indicated in Figure 1 of Appendix D of the Preliminary Geotechnical Investigation dated June 24, 2008, or a subsurface fault investigation should be conducted.

MM VI-2 The project proponent shall conduct grading, other ground disturbing activities and site preparation in accordance with the recommendations of the Preliminary Geotechnical Investigation Report prepared by Leighton Consulting on June 24, 2008.

MM VI-3 Prior to grading, the proposed structural improvement areas (i.e. structural fill areas, pavement areas, buildings, etc.) of the site shall be cleared of surface and subsurface obstructions. Heavy vegetation, roots, and debris should be disposed of off-site. Septic tanks, pipes and cesspools, if encountered shall be removed or abandoned in accordance with the Riverside County Department of Health Services requirements and guidelines.

MM VI-4 Existing fill soils shall be excavated to minimum depths of at least 3 feet below existing grade OR a minimum depth of 2 feet below the footing level, which ever is deeper. The over-excavation shall not need to extend deeper than 10 feet below the existing grade in any case, unless otherwise recommended by the geotechnical consultant after observing the exposed soils.

MM VI-5 The removals shall extend beyond the footings in plan for a distance equal to at least the thickness of fill beneath the foundations but not less than five feet.

MM VI-6 The upper soils beneath areas to be paved shall be removed to depths of approximately 2 feet below the existing grade or 2 feet below the proposed subgrade level, whichever is deeper. The exposed soils shall be observed by the geotechnical consultant and further removals performed where unsuitable soils are encountered. The removals should extend beyond the paving areas in plan for a distance of approximately 3 feet.

MM VI-7 The removal bottoms shall be observed by the geotechnical consultant. The removal bottom elevations, methodology of testing

alluvium and test results of left-in-place alluvium shall be documented in the as-graded geotechnical report.

MM VI-8 After observation of the removal bottoms, the exposed soils shall be scarified to a depth of 8 inches. The soils shall then be moisture controlled to bring them to their optimum moisture content or slightly above and compacted to at least 90 percent of their maximum dry density as determined by ASTM D1557.

MM VI-9 The bottom of sub-surface excavations shall be scarified, moisture conditioned and compacted to a least 90% relative compaction for a depth of 1 foot.

MM VI-10 The fill soils shall be placed in uniform lifts that do not exceed 8 inches in loose thickness.

MM VI-11 The fill soils shall be moisture conditioned to their optimum moisture content or slightly above, and compacted to at least 90 percent of their maximum density as determined by ASTM D1557.

MM VI-12 Fill slopes shall be overbuilt a minimum of 2 feet and trimmed back to the compacted core.

MM VIII-1 The project will be required to contain the difference in storm run off between predevelopment and post-development conditions. The final capacity of retention shall be approved by the City Engineer prior to the issuance of a grading permit based upon a hydrology study prepared by a qualified professional.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the

Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:

1. Site lighting shall be fully shielded from other adjacent properties.
2. Metal Container Boxes should be straightened up with better placement. Final locations must be approved by the Planning Services Department prior to issuance of building permits.

PLN 7. Sign Applications Required. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

PLN 8. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."

PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 11. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

STREETS

ENG 1. Engineering Division recommends deferral of off-site improvement items identified by ***"Deferred"*** at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 2. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

ENG 3. Submit street improvement plans for Karen Drive prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

DILLON ROAD

ENG 4. Construct an 8 inch curb and gutter, 38 feet south of centerline along the entire frontage, with a 35 feet radius curb return at the southwest corner of the intersection of Dillon Road and Karen Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***"Deferred"***

ENG 5. Construct the west half of an 8 feet wide cross gutter and spandrel at the southwest corner of the intersection of Dillon Road and Karen Drive with a flow line parallel with and located 38 feet south of the centerline of Dillon Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***"Deferred"***

ENG 6. Construct a 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. ***"Deferred"***

ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of Dillon Road and Karen Drive in accordance with City of Palm Springs Standard Drawing No. 212. ***"Deferred"***

ENG 8. Construct a 14-feet wide raised, landscaped median island as specified by the City Engineer across the entire frontage. ***"Deferred"***

ENG 9. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire

Dillon Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. ***"Deferred"***

ENG 10. All broken or off grade street improvements shall be repaired or replaced.

KAREN DRIVE

ENG 11. Construct a 6 inch curb and gutter, 32 feet west of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200. ***"Deferred"***

ENG 12. Construct a 6 inch concrete driveway, unless otherwise approved by the City Engineer, from the property line to the existing back of curb.

ENG 13. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. ***"Deferred"***

ENG 14. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. ***"Deferred"***

ENG 15. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, 24 feet wide minimum, extending from Dillon Road to a point 30 feet beyond the proposed driveway location (as shown on approved site plan).

TIFFANY WAY

ENG 16. Construct a 6 inch curb and gutter, 20 feet north of centerline along the entire frontage, with a 35 feet radius curb return at the northwest corner of the intersection of Tiffany Way and Karen Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***"Deferred"***

ENG 17. Construct the north half of an 8 feet wide cross gutter and spandrel at the northwest corner of the intersection of Tiffany Way and Karen Drive with a flow line parallel with and located 32 feet west of the centerline of Karen Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206. ***"Deferred"***

ENG 18. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. ***"Deferred"***

ENG 19. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from

edge of proposed gutter to centerline along the entire Tiffany Way frontage in accordance with City of Palm Springs Standard Drawing No. 110. ***"Deferred"***

SANITARY SEWER

ENG 20. Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. The sewer connection fee shall be paid prior to issuance of the current building permit (for future connection). The record property owner shall enter into a covenant agreeing to extend the private sewer lines the necessary distance to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the lot. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 21. The City recommends that the applicant contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

GRADING

ENG 22. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed

the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at http://www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

ENG 23. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 24. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 25. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 26. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

ENG 27. Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed

letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

ENG 28. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars ($2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.

ENG 29. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 30. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

ENG 31. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).

ENG 32. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention

basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.

ENG 33. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 34. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

ON-SITE

ENG 35. The minimum pavement section for all on-site pavement drive aisles and parking spaces shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

GENERAL

ENG 36. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including

additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 37. All proposed utility lines shall be installed underground.

ENG 38. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 39. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 40. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

ENG 41. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 42. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 43. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

ENG 44. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee of $ 30,311.70.

TRAFFIC

ENG 45. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 46. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 47. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 48. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

FID 1. Fire Department Conditions were based on the 2007 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 2. Site plan does not show temporary or permanent building structures at this time. If or when temporary or permanent structures are placed on this property, fire plan check will be required and additional fire department conditions will be applied.

FID 3. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

- **Minimum Access Road Dimensions:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, a greater width for private streets may be required by the City engineer to address traffic

engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a ***minimum width of 24*** **feet** is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

FID 4. **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 5. **Fire Apparatus Access Gates (8.04.260 PSMC)**: Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.

FID 6. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 7. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 8. **Dead Ends (CFC 503.2.5):** Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

FID 9. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

FID 10. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".

FID 11. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

FID 12. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

FID 13. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top I not more than 5 feet above the floor.

END OF CONDITIONS

Planning Commission Staff Report

Date:	December 10, 2008
Case No.:	5.1190 – CUP & 6.509 – VAR
Type:	Conditional Use Permit & Variance
Location:	Southwest corner of Dillon Road & Karen Avenue
APN:	668-280-015
Applicant:	Elsinore Ready Mix
General Plan:	IND (Industrial) with Wind Energy Overlay
Zone:	E-I (Energy Industrial)
From:	Craig A. Ewing, AICP, Director of Planning Services
Project Planner:	David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit application to allow the operation of a portable concrete batch plant on approximately 5.29-acres. The applicant is also requesting a Variance application to exceed the thirty foot height maximum permitted by the "E-I" Zone. The proposed height of the batch plant is approximately forty-nine feet and six inches from the existing grade. The concrete batch plant is proposed to be located at the southwest corner of Dillon Road and Karen Avenue.

RECOMMENDATION:

That the Planning Commission adopt the Mitigated Negative Declaration (MND) and approve the Conditional Use Permit (Case 5.1190-CUP) and Variance (Case 6.509-VAR) applications to allow the installation and operation of a concrete batch plant that is approximately forty-nine feet and six inches tall at the southwest corner of Dillon Road and Karen Avenue.

PRIOR ACTIONS:

On August 11, 2008, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 6-0 recommended approval to the Planning Commission with the following comments:

1. The location is an appropriate area for use
2. Good element for City
3. Site lighting should be fully shielded from adjacent properties
4. Metal Container Boxes should be straightened up with better placement

Staff has included Conditions of Approval in the draft Resolution that addresses the third and fourth comments made by the Committee.

BACKGROUND AND SETTING:

The proposed operation is a portable concrete batch plant that was previously constructed without proper approvals at the southwest corner of Dillon Road and Karen Avenue. The site was previously vacant and covered in common, local desert shrub vegetation. A majority of the site remains untouched. The total gross area of the site is approximately 18.36 acres, and the net area of where the concrete batch is proposed to be fenced and operating is approximately 4.85 acres. There is an existing chain-link fence that surrounds the entire site. The surrounding land uses are shown below in Table 1:

Table 1: Surrounding General Plan Designations, Zones and Land Uses

	General Plan	Zone	Land Use
North	Riverside County Jurisdiction		Windmills
South	IND (Industrial)	E-1 (Energy Industrial)	Vacant
East	IND (Industrial)	E-I (Energy Industrial)	Vacant and Windmills
West	IND (Industrial)	E-I (Energy Industrial)	Vacant and Windmills

The proposed project includes the following:

- Concrete batch plant
- Site office (approximately 200 square feet)
- Metal container buildings (8 ft. by 40 ft. – 8 total)
- Storage areas for raw materials
- Maintenance area
- Wash down and recycle area
- Nine standard parking spaces dedicated for employees and visitors
- Eight oversize parking spaces dedicated to large truck parking

The hours of operation are normally between 5:00 a.m. to 6:00 p.m. and occasionally 24 hours-a-day.

The proposed use involves the production of concrete from the mixture of cement, water, and aggregate. These raw materials are all transported to the site for

processing. No on-site mining will occur. The concrete is processed in the batch plant on site and then transported off site to construction sites. Once the concrete is delivered, the trucks return to the plant where they are cleaned and staged for the next delivery. Any excess or returned concrete is made into large concrete blocks and all residues are placed in a self contained weir system and reclaimed. All discharged water is captured and reused.

ANALYSIS:

General Plan

The General Plan designation for the site is "Industrial" and the site is located within the "Wind Energy Overlay". This Industrial designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The use is primarily an outdoor operation and is proposing an office of approximately 200 square feet and metal container buildings totaling approximately 2,560 square feet on approximately 4.85 acres. The proposed project has a F.A.R. of approximately 0.013 as an industrial use.

The project is consistent with the General Plan and assists in meeting various General Plan Goals and Policies as noted below.

- **Policy LU1.4**: "*Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City.*"
- **Policy LU3.3**: "*Ensure operation of industrial uses is unobtrusive to surrounding areas and prohibit the development of manufacturing uses that operate in a manner or use materials that may impose a danger on adjacent uses or are harmful to the environment.*"

The proposed project is a new use to the City that will assist the surrounding areas and cities with concrete for construction purposes. The operation is required to follow all local, state and federal requirements, including permitting, so as not to operate in an obtrusive manner. Therefore, the project is consistent with the objectives and policies of the General Plan.

Zoning

The project is located within the "E-I" Zone. Pursuant to Section 92.17.2.01(D)(5) of the Palm Springs Zoning Code (PSZC), a concrete batch plant is a permitted use when approved by conditional use permit.

Development Standards

A comparison of the applicant's proposal and the development standards found in the PSZC is provided in Table 2.

Table 2: Property Development Standards of the E-I Zone and Proposed Project

	E-I (Energy Industrial)	Proposed Project (approx.)
Lot Area	5 acres	16.53 acres
Lot Width	250 feet	587 feet
Lot Depth	250 feet	1,227 feet
Setbacks:		
Front (Dillon Rd.) Yard	25 feet[1]	485 feet
Side (Karen Ave.) Yard	0 feet[2]	170 feet
Side (Interior) Yard	0 feet[2]	118 feet
Rear (Tiffany Way) Yard	0 feet	0 feet
Building Height	30 feet maximum	49 feet 6 inches
Building Coverage	15%	1.3%

[1]Section 92.17.2.03(D)(3)(a) of the PSZC states, "*Not less than twenty-five (25) percent of such yard shall be landscaped and maintained.*"
[2]Section 92.17.2.03(D)(3)(d) of the PSZC states, "*Landscaped buffers at least fifteen (15) feet in width may be required by the planning commission along interior yards.*"

The project is consistent with the development standards of the "E-I" Zone, except for the building height. The applicant has applied for a Variance to exceed the thirty foot height maximum that is permitted by the "E-I" Zone to allow the concrete batch plant structure at a height of approximately forty-nine feet and six inches. Staff has provided recommended findings below in the Required Findings portion of the staff report.

Access and Circulation

The site has one vehicular access point from Karen Avenue and one from Tiffany Way. All vehicles and trucks entering and exiting the site will use Karen Avenue. The access point from Tiffany Way will be primarily used to retrieve water from the well at the south end of the property. All internal driveways are at least twenty-four feet wide.

Parking

The proposed use is a manufacturing use that has two hundred square feet of office floor area and approximately 2,560 square feet of metal container building (storage) floor area. Pursuant to Section 93.06.00(D)(17) of the PSZC, Manufacturing and Industrial Uses (including open industrial uses) are required to provide one space for each five hundred square feet of gross floor area. With a total floor area of approximately 2,760 square feet, the subject property is required to provide six parking spaces. The proposal includes ten parking spaces. Additionally, the proposal includes eight oversized parking stalls for concrete truck parking.

Architecture

The batch plant is a metal mechanical structure that is painted light tan. The metal container buildings are all uniform in design with various colors that include clay reddish-brown, navy blue and off-white. The structure colors are soft in appearance and the materials are conducive to a desert environment.

REQUIRED FINDINGS:

Conditional Use Permit

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

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

Pursuant to Section 92.17.2.01(D)(5) of the Palm Springs Zoning Code, Concrete Batch Plants are permitted in the "E-I" Zone with the approval of a Conditional Use Permit. The subject site is located in an energy industrial area and will have easy access to a Major Thoroughfare.

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

The General Plan designation for the site is "Industrial" and the site is located within the "Wind Energy Overlay". This Industrial designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The use is primarily an outdoor operation and is proposing an office of approximately 200 square feet and metal container buildings totaling approximately 2,560 square feet on approximately 4.85 acres. The proposed project has a F.A.R. of approximately 0.013 as an industrial use.

The project is consistent with the General Plan and assists in meeting various General Plan Goals and Policies as noted below.

- **Policy LU1.4**: "*Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City.*"
- **Policy LU3.3**: "*Ensure operation of industrial uses is unobtrusive to surrounding areas and prohibit the development of manufacturing uses that operate in a manner or use materials that may impose a danger on adjacent uses or are harmful to the environment.*"

The proposed project is a new use to the City that will assist the surrounding areas and cities with concrete for construction purposes. The operation is required to follow all local, state and federal requirements, including permitting, so as not to operate in an obtrusive manner. Therefore, the project is consistent with the objectives and policies of the General Plan.

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

The project site is adequate to accommodate the project. There is a sufficient area within the 4.85-acre site for large truck maneuverability. Lot coverage is less than the maximum prescribed in the Zoning Code. The project site includes adequate area for appropriate yards and setbacks. Landscaping is provided along the front yard and street front yard, and the use will be surrounded by a fence and oleander hedge.

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

Dillon Road is paved to accommodate two-way traffic and Karen Avenue is required to be paved to the subject property's entrance to accommodate two-way traffic as part of this approval. The proposed use will accommodate eight to ten concrete transportation trucks, as well as ten standard vehicles. Therefore, the streets will be of a sufficient design level to handle the minor traffic generated by the project in addition to future anticipated traffic volumes. Any expansion of the use (additional trucks, employees, etc.) would require an amendment to further review site capacity and its impact on streets.

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

a. *Regulation of use*
b. *Special yards, space and buffers*
c. *Fences and walls*
d. *Surfacing of parking areas subject to city specifications*
e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
f. *Regulation of points of vehicular ingress and egress*
g. *Regulation of signs*
h. *Requiring landscaping and maintenance thereof*
i. *Requiring maintenance of grounds*
j. *Regulation of noise, vibrations, odors, etc.*
k. *Regulation of time for certain activities*
l. *Time period within which the proposed use shall be developed*
m. *Duration of use*
n. *Dedication of property for public use*
o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

Variance

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

1. *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

   The subject property is located within the "E-I" Zone and predominately surrounded by Wind Energy Conversion Structures (WECS) also known as windmills. A concrete batch plant is similar to a windmill in that it is a non-dwelling structure used for an industrial purpose. WECS in the vicinity typically reach heights of up to three hundred feet and sometimes higher. The "E-I" Zone limits buildings and structures to a height of not more than thirty feet, except Wind Energy Conversion Systems (WECS) may reach heights of up to 300 feet. The concrete batch plant structure is proposed at a height of forty-nine feet and six inches, exceeding the maximum allowed height by nineteen feet and six inches.

   A variance was granted by the Planning Commission on May 23, 2007, for a property in the vicinity to allow WECS that exceeded the PSZC maximum of 300 feet to a height of 327 feet. Therefore, the strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the special circumstance applicable to the subject property, including non-dwelling structures in the surrounding area that exceed the PSZC requirement.

2. *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

   The increased height will not constitute a grant of special privilege since there are numerous existing WECS structures in the adjacent properties that reach heights of three hundred feet and above. The batch plant will be limited to forty-nine feet and six inches in height. Any modification to the use would require an amendment to the associated Conditional Use Permit as determined by the Director of Planning Services.

3. *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

   The increased height is nineteen feet and six inches for a structure that is predominately surrounded by WECS with heights of three hundred feet; this height is minimal in the surrounding area's context and would not be materially detrimental to the public health, safety, convenience, or welfare.

4. *The granting of such variance will not adversely affect the general plan of the city.*

   The General Plan designation for the site is "Industrial" and the site is located within the "Wind Energy Overlay". This Industrial designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The use is primarily an outdoor operation and is proposing an office of approximately 200 square feet and metal container buildings totaling approximately 2,560 square feet on approximately 4.85 acres. The proposed project has a F.A.R. of approximately 0.013 as an industrial use.

Architecture

The Palm Springs Zoning Code, Section 94.04.00(D)(1-9), provides guidelines for the Architectural review of development projects to determine that the proposed development will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

   The site layout, orientation and location of structures have been designed to accommodate the concrete batch plant with the unit and operations located in the center of the overall site, as well as easy truck flow in and around the site. An ADA compliant parking space is provided.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

   A majority of the structures in the area are Wind Energy Conversion Structures (WECS) with small basic industrial warehouse buildings. The project is harmonious with the character of existing development in the area in the sense that it does not stand out as a strong architectural style, but blends in with the mix.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

   The project is consistent with the Zoning Code in terms of area and setbacks. The overall mass is relatively small compared to the size of the property, and the height requires the approval of a Variance to reach forty-nine feet and six inches. Excessive open space relative to structure bulk results in massing that does not overburden the site.

4. *Building design, materials and colors to be sympathetic with desert surroundings;*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; AND,*
6. *Consistency of composition and treatment,*

   The batch plant is a metal mechanical structure that is painted light tan. The metal container buildings are all uniform in design with various colors that include clay reddish-brown, navy blue and off-white. The structure colors are soft in appearance and the materials are conducive to a desert environment.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

   The landscaping is minimal relative to the size of the overall site. The proposal includes an oleander hedge around the 4.85 acres that contains the development. The remainder of the site will remain vacant and contain the existing native vegetation. A final landscape / irrigation plan will be reviewed to ensure that the irrigation is a water efficient system.

ENVIRONMENTAL DETERMINATION:

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA). An environmental Initial Study (I.S.) was prepared and a Mitigated Negative Declaration was prepared, noting that the project had the potential for significant impacts. These impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. Local and State permitting and on-going monitoring of the facility are part of these mitigation measures as outlined in the Conditions of Approval attached as Exhibit A of the draft Resolution.

The environmental document (I.S.) was distributed to federal, state and local agencies for review and comments. No written comments were received from agencies or concerned citizens.

A Notice of Intent to adopt the Mitigated Negative Declaration (MND) was noticed and published on October 31, 2008.

CONCLUSION:

Based on the above analysis, Staff finds the project to be consistent with the General Plan and the Palm Springs Zoning Code. Staff recommends that the Planning Commission adopt the Mitigated Negative Declaration and approve Case No. 5.1190-CUP and Case No. 6.509-VAR to allow the concrete batch plant use with a height of forty-nine feet and six inches at the southwest corner of Dillon Road and Karen Avenue.

NOTIFICATION:

A notice of this public hearing was mailed to all property owners within the required four hundred foot (400') radius of the property in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.

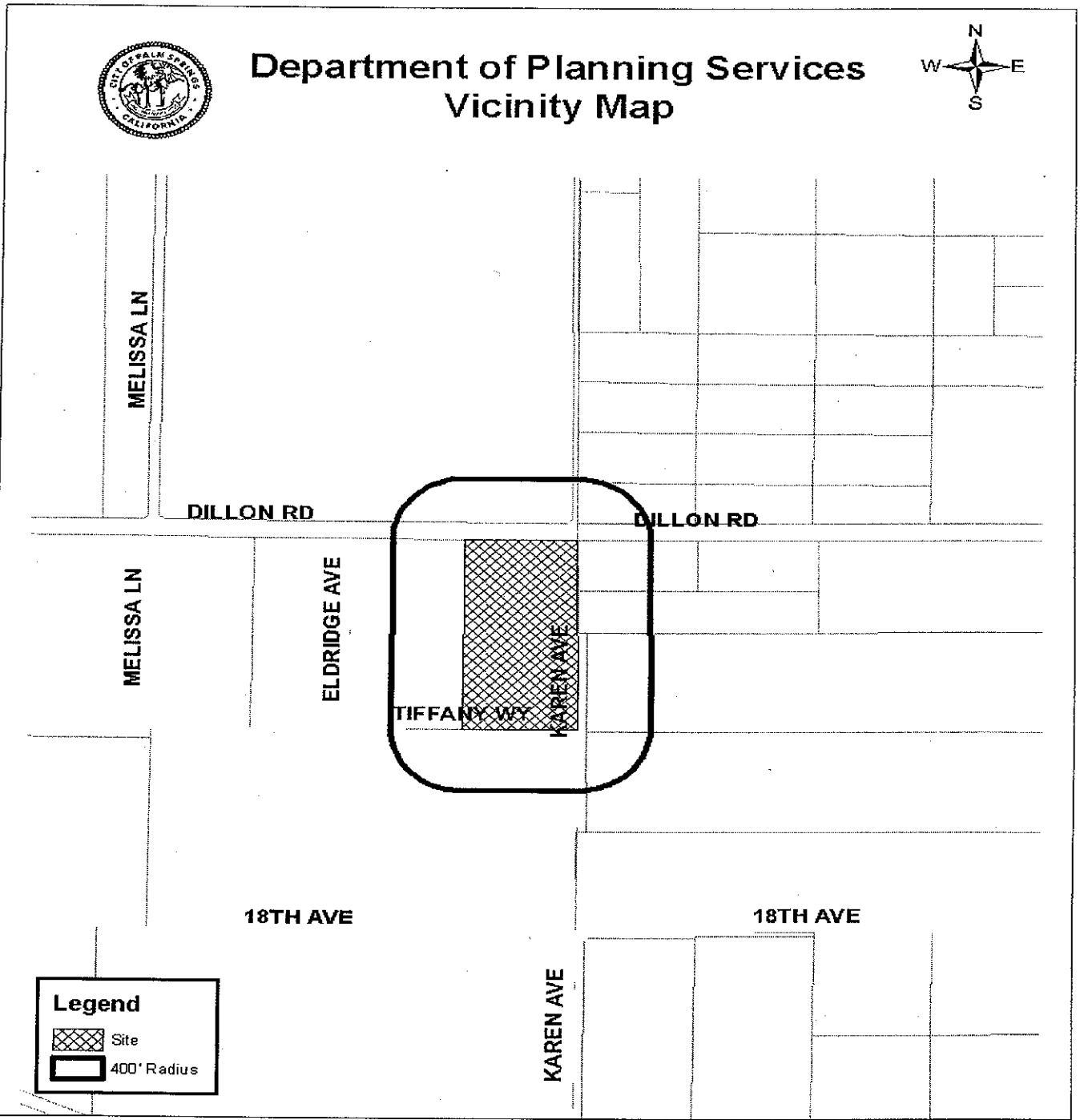
David A. Newell
Associate Planner

for Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. ~~Draft Resolution w/ Exhibit A~~
3. Initial Study
4. ~~Site Plan~~
5. Batch Plant Elevations

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1190 CUP 6.509 VAR APPLICANT: Elsinore Ready Mix	DESCRIPTION: To consider an application by Elsinore Ready Mix for a Conditional Use Permit to allow the development of a portable concrete batch plant on approximately 5.29-acres and a Variance application to exceed the thirty foot height maximum permitted by the E-I Zone to be located at the southwest corner of Dillon Road and Karen Avenue.

INITIAL STUDY

MITIGATED NEGATIVE DECLARATION

FOR

THE ELSINORE READY MIX COMPANY

Prepared by:

The City of Palm Springs

September 2008

ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**

   Palm Springs Batch Plant
   Case 5.1190 CUP & 6.509 VAR

2. **Lead agency name and address:**

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

3. **Contact person and phone number:**

   David A. Newell, Associate Planner
   (760) 323-8245 ext. 8763

   Edward O. Robertson, Principal Planner
   (760) 323-8245 ext. 8258

4. **Project location:** (See Exhibit 1, Regional Map and Exhibit 2, Vicinity Map)

   Southeast Corner of Dillon Road and Karen Avenue (17551 Karen Avenue)
   APN: 668-280-015
   Being a portion of Parcel 4 of Map 11456 of the north half of the south half of Section 9, Township 3 south, Range 4 east, San Bernardino Base.

5. **Project sponsor's name and address:**

   Elsinore Ready Mix Copmany
   16960 Lake Elsinore Drive
   Lake Elsinore, CA 92530

   James Bennett
   909-224-6262

6. **General Plan:** (See Exhibit 3, Land Use Designations)

   Industrial – the Industrial land use designation provides for research and development parks, light manufacturing, laboratories and industrial services at a floor-to-area ratio (FAR) of 0.50. Retail commercial and office uses are supported as ancillary uses to surrounding industrial uses to create self-sustaining employment centers.

   Wind Energy Overlay – this overlay classification is in areas where Wind Energy Conversion Systems (WECS) are permitted. These areas are predominantly located within areas designated as Desert, Industrial, or Open Space–Water on the General Plan Land Use map. Industrial and clean energy uses in these areas may occupy up to 15 percent of the total acreage located within the industrial and regional business center land uses.

7. **Zoning:**

E-I (Energy Industrial) – the E-I zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy.

8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

An application has been submitted for a Conditional Use Permit (CUP) and Variance (VAR) pursuant to Section 94.02.00 and 94.06.00 of the City of Palm Springs Zoning Code, respectively. Type I CUP and Variance applications are reviewed and approved by the Planning Commission.

The project consists of a concrete batch plant on approximately 18.36 acres (799,762 square feet) to be constructed in one phase. (See Exhibit 4, Site Plan) The project includes the following:

- Concrete batch plant
- Site office
- Storage areas for raw materials
- Maintenance area
- Wash down and recycle area
- Nine standard parking spaces dedicated for employees and visitors
- Eight oversize parking spaces dedicated to large truck parking

The project site is currently vacant and covered in common, local desert shrub vegetation. Project utilities will be serviced by existing utilities in the area.

The proposed use involves the production of concrete from the mixture of cement, water, and aggregate. These raw materials are all transported to the site for processing. No on-site mining will occur. The concrete is processed in the batch plant on site and then transported off site to the customer. Once the concrete is delivered, the trucks return to the plant where they are cleaned and staged for the next delivery. Any excess or returned concrete is made into large concrete blocks and all residues are placed in a self contained weir system and reclaimed. All discharged water is captured and reused.

9. **Surrounding land uses and setting:**

Surrounding zoning, General Plan designations and current land use are described in Table 1.

Table 1: Surrounding Land Uses and Setting

Location	Zoning	General Plan	Current Land Use
North	Unincorporated (Riverside County)		Wind Energy
East	E-I	Industrial	Vacant and Wind Energy
South	E-I	Industrial	Vacant
West	E-I	Industrial	Vacant and Wind Energy

Sources: City of Palm Springs General Plan, City of Palm Springs Zoning Code

1. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

    - Mission Springs Water District (Water - "Will Serve" and connections)
    - Southern California Gas Company (Natural Gas - "Will Serve" and connections)
    - Southern California Edison (Electricity - "Will Serve" and connections)
    - Regional Water Quality Control Board (General Construction Permit)
    - Air Resources Board (Statewide Portable Equipment Registration)

Exhibit 1: Regional Map

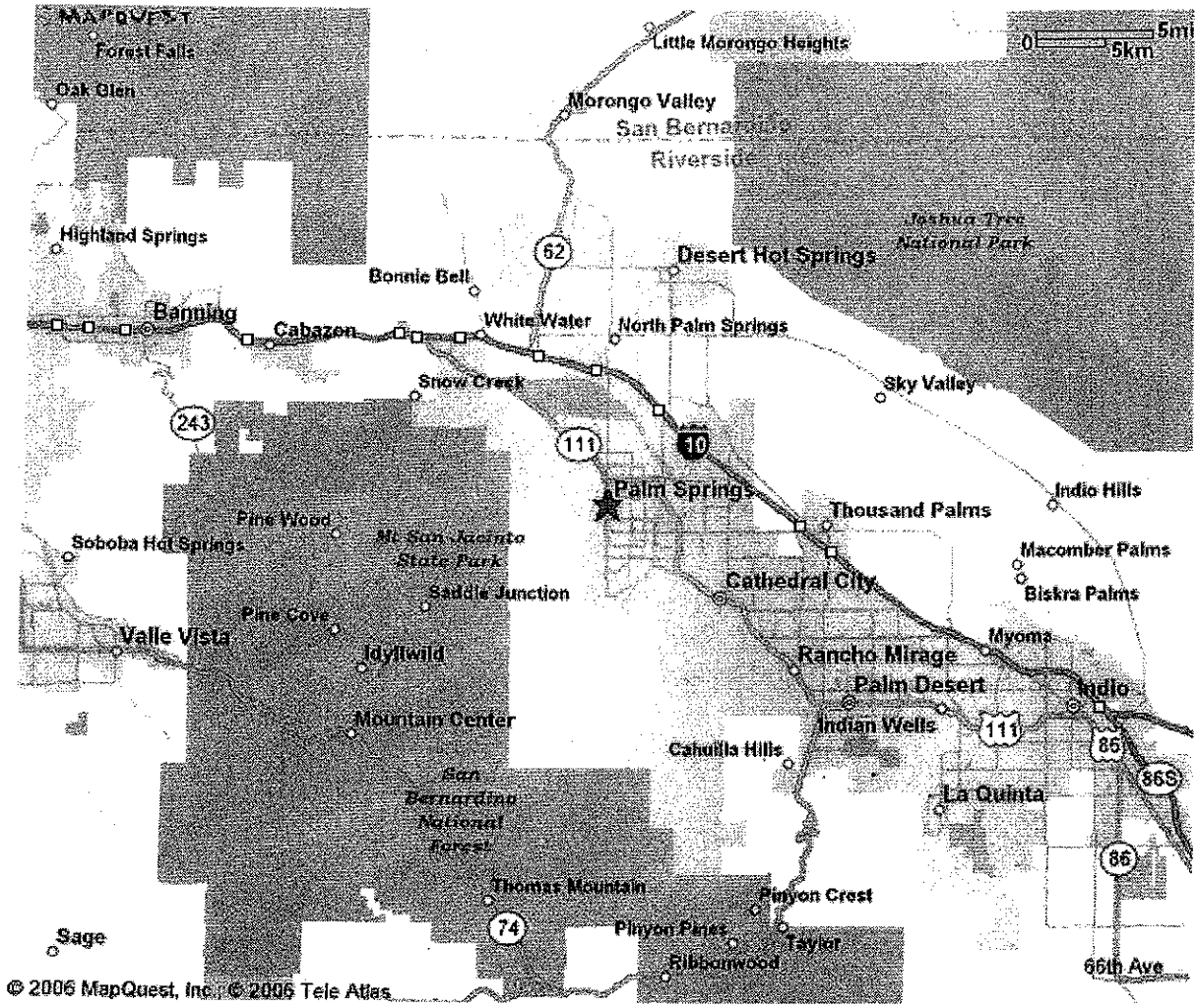


Exhibit 2: Vicinity Map

Department of Planning Services
Vicinity Map

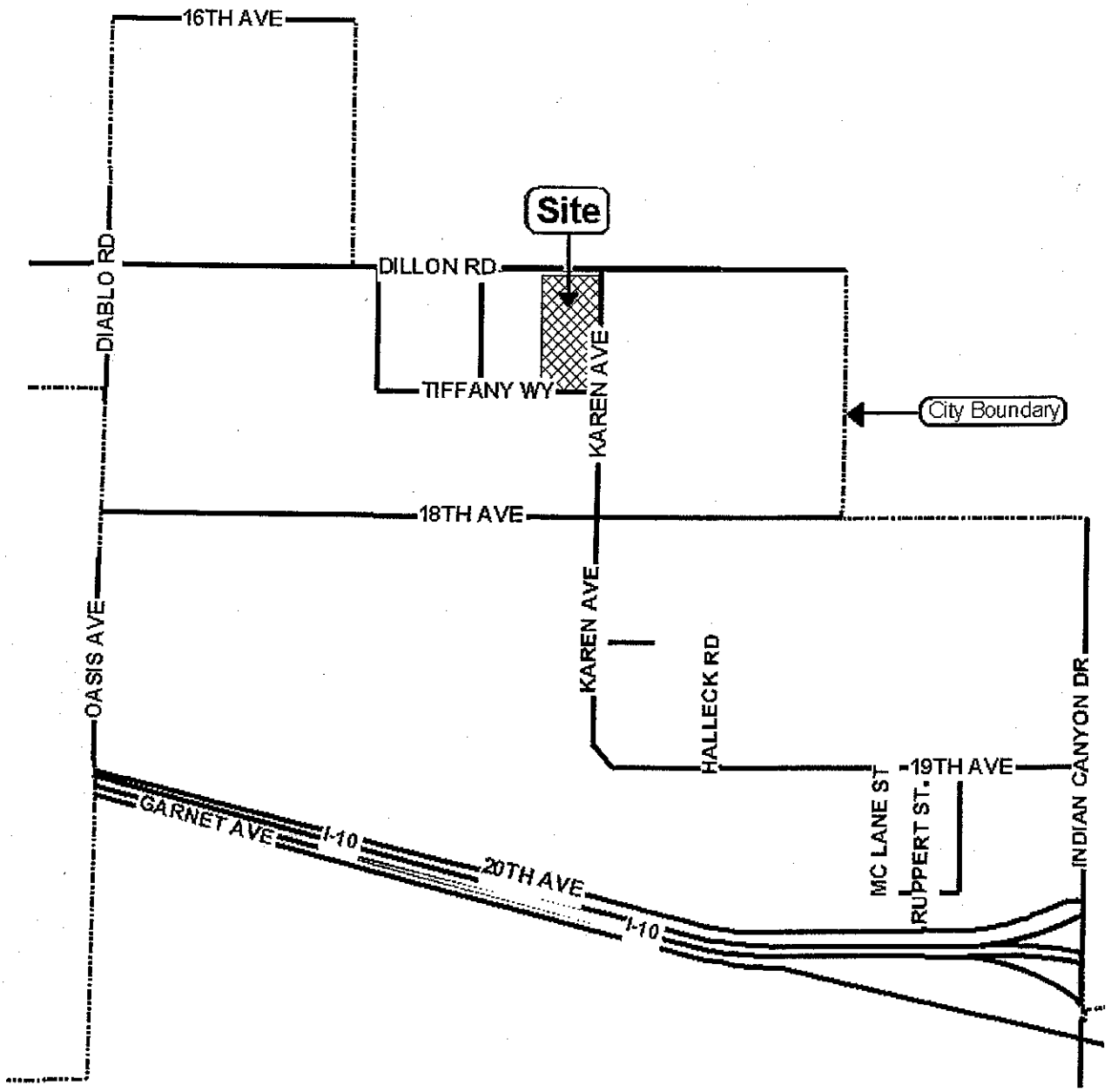
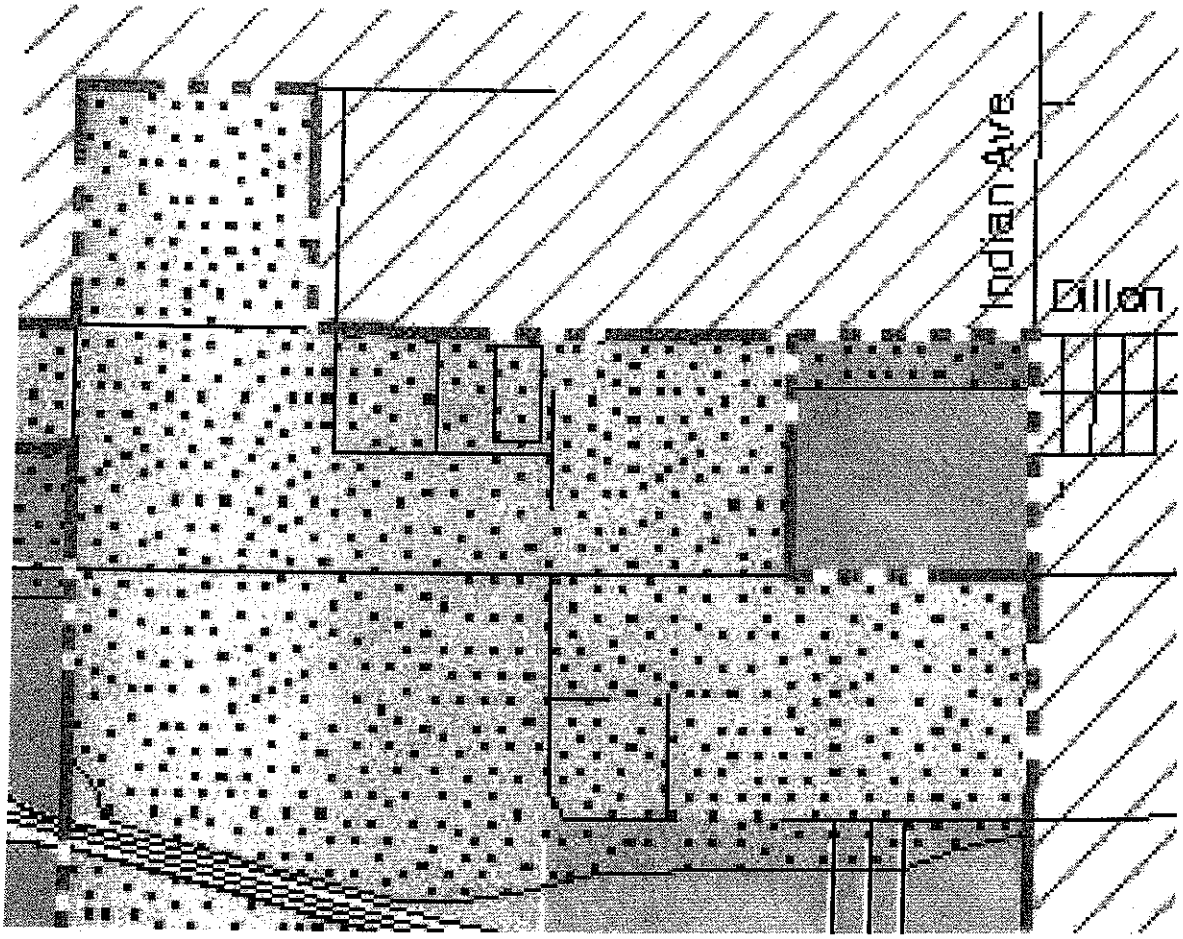


Exhibit 3: Land Use Designations

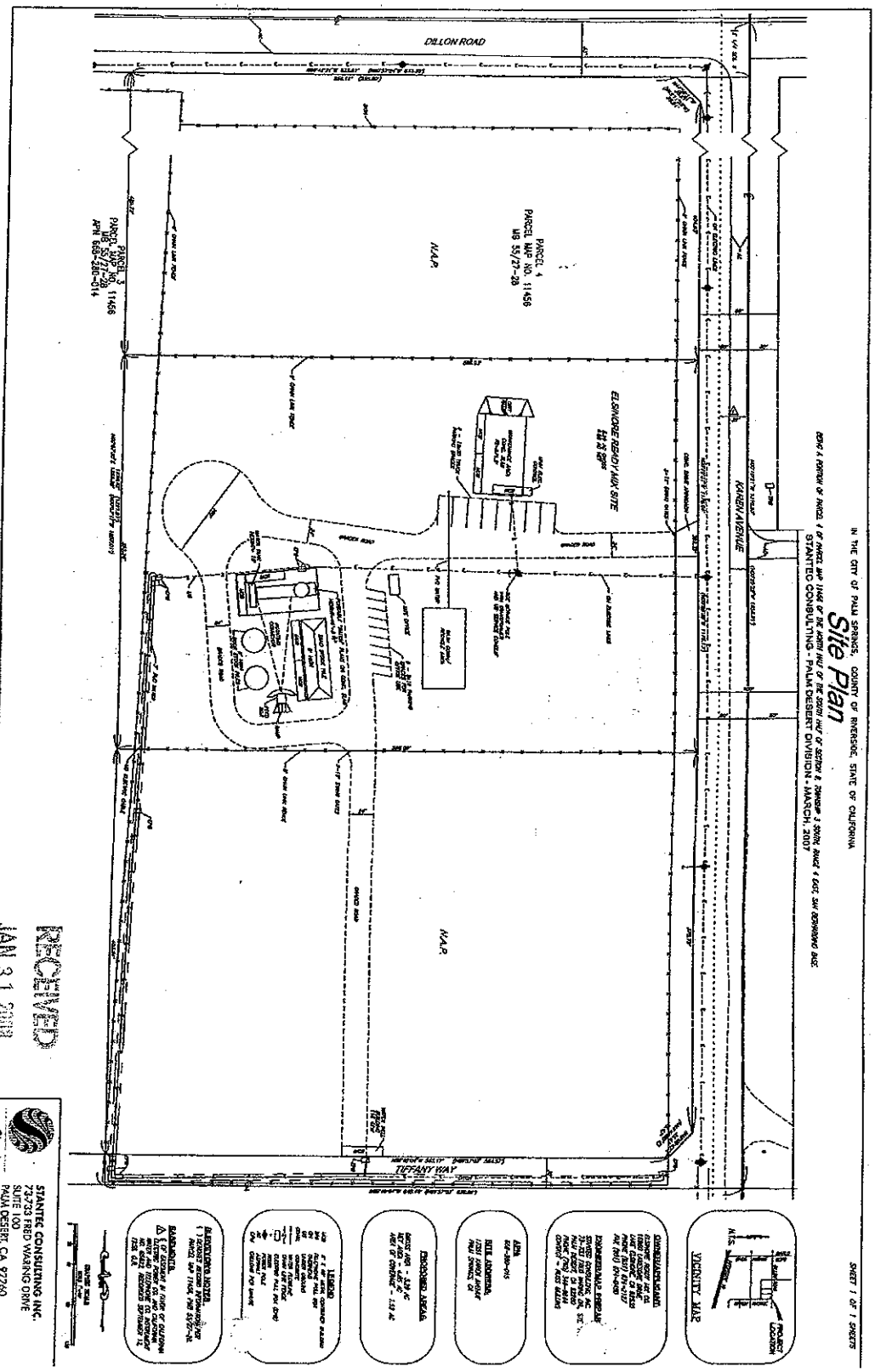


Site Boundaries

N
NTS

Source: City of Palm Springs General Plan Land Use Map (Central City)

Exhibit 4: Site Plan



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P12 5 1190 CUP

Environmental Factors Potentially Affected:

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

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David A. Newell
Associate Planner

10-30-2008
Date

Edward O. Robertson
Principal Planner

10.30.08
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

a) **Less than Significant Impact.** The San Jacinto Mountains are located southwest of the project site and are one of the most dramatic scenic vistas in the Coachella Valley. A significant impact may occur if the view of the San Jacinto Mountains from surrounding properties was substantially blocked or disrupted; however, the proposed structure is located in the center of 18.36-acre site and other structures (WECS) in the vicinity are five and six times the height of the proposed structure. The project will not affect views for travelers on Dillon Drive since the structures are located over 450 feet from the roadway. Impacts on the scenic vistas of the city are anticipated to be less than significant.

b) **No Impact.** The project is proposed on a lot with little slope. The project location, after review of photographs and site visits, does not appear to include any substantial scenic resources. The project site is vacant and does not include any historic structures. The project is not located on a state designated scenic highway. The project will have no impacts to scenic resources.

c) **Less than Significant Impact.** While the project is requesting a height Variance for the concrete batch plant that is approximately 49.5 feet tall, there are a significant amount of WECS that exceed this structure's height. The Palm Springs Zoning Code allows WECS to reach a height of three hundred feet. In addition, the project site planning and architectural drawings were reviewed on August 11, 2008 and recommended for approval by the City's Architectural Advisory Committee (AAC). Impacts to the visual character of quality of the area are anticipated to be less than significant.

d) **Less than Significant Impact.** An increase in light and minor glare would occur as a result of the project being constructed on a currently vacant site. These impacts would be limited to lighting associated with parking and batch plant areas, commercial structures and automobile headlights. The project's lighting is subject to the provisions of Section 93.21.00 (Outdoor Lighting Standards) of the City's Zoning Code. Light from automobiles will be minimal since the operation will be done primarily during the day. The buildings and batch plant are setback from adjacent properties enough to prevent glare and light spill-over from affecting adjacent properties. Impacts due to light and glare are anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

a) **No Impact.** The proposed site is located in an area that does not contain prime, unique, or farmland of statewide importance. Therefore, no impact would occur.

b) **No Impact.** No Williamson Act Contracts are located on the project site. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site. Therefore, no impacts to Williamson Act Contracts would occur.

c) **No Impact.** This land is subdivided and is not zoned for agricultural uses nor is it anticipated to be converted to an agricultural uses. The project will have no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

a) **No Impact.** The project is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The City of Palm Springs is in the Coachella Valley Source Receptor Area (SRA 30). The pollutants for which the eastern Riverside portion of the Salton Sea Air Basin (SSAB) is designated a non-attainment area for national ambient standards are ozone, and fine particulate matter. Ozone is a colorless, odorless pollutant formed by a chemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen in the presence of sunlight. The primary sources of VOCs and oxides of nitrogen are mobile, including cars, trucks, buses, agricultural and construction equipment. Particulate Matters consists of fugitive dust caused by soil disturbances such as construction grading and causes a greater health risk than larger sized particles< since these fine particles can be inhaled more easily and irritate the lungs by themselves and in combination with gases. Between 1999 and 2001 the Coachella Valley exceeded the federal annual average PM10 national ambient air quality standards (NAAQS), and is currently classified as serious non-attainment for PM10 in accordance with the federal Clean Air Act. Because the Coachella Valley was unable to demonstrate attainment of NAAQS through the 2001 attainment year, SCAQMD prepared the 2002 Coachella Valley PM10 State Implementation Plan (CVSIP). The CVSIP includes control program enhancements that meet the Most Stringent Measures (MSM) requirements and a request for extension of the PM10 attainment date. Jurisdictions within the Coachella Valley are required to adhere to the requirements outlined in the CVSIP, including preparation of a fugitive dust control plan prior to issuance grading permits.

A project's air quality impacts can be separated into short-term impacts from construction and long-term permanent impacts from project operations. To determine whether emissions resulting from construction of a project are significant, the South Coast Air Quality Management District recommends significance thresholds in its CEQA Air Quality Handbook. The City has determined that these thresholds are appropriate for the project in order to assure regional consistency and based on the best available scientific information. The pollutants addressed by the SCAQMD thresholds include carbon monoxide (CO), sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM10), and reactive organic compounds. Based on the size of the project (approximately 5.29 acres), there is a potential for PM10 emissions thresholds to be exceeded by the proposed project

without mitigation. The SCAQMD has established a threshold of 150 pounds per day, and 6.75 tons per quarter of PM10 emissions.

CONSTRUCTION RELATED AIR QUALITY IMPACTS

Air quality impacts of a project may occur during construction on both a regional and local scale. Construction impacts can include airborne dust from grading, demolition, and dirt hauling, and gaseous emissions from heavy equipment, delivery and dirt hauling trucks, employee vehicles, and paints and coatings. The SCAQMD CEQA Handbook estimates that each acre of disturbed soil creates approximately 26.4 pounds per day of PM10.

This project site will require very minimal grading activities, since the operation of the ready mix does not require new structures at the site. The project is consistent with the General Plan; therefore there will be no conflict with the 2003 AQMP. There will be no impacts due to conflict with the 2003 AQMP.

b) **No Impact.** The Federal and California State Ambient Air Quality Standards for important pollutants are summarized in Table 2 and described in detail below: The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation because the scope of the project will not involve mass grading, new structures or demolitions.

Table 2
Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone (O3)	1-Hour 8-Hour	0.12 ppm 0.08 ppm	0.09 ppm –
Carbon Monoxide (CO)	8-hour 1-hour	9.0 ppm 35.0 ppm	9.0 ppm 20.0 ppm
Nitrogen Oxide (NOx)	Annual 1-hour	0.05 ppm –	– 0.25 ppm
Sulfur Dioxide (SO2)	Annual 24-hour 1-hour	0.03 ppm 0.14 ppm –	– 0.05 ppm 0.5 ppm
PM10	Annual 24-hour	50 $\mu g/m^3$ 150 $\mu g/m^3$	30 $\mu g/m^3$ 50 $\mu g/m^3$
PM2.5	Annual 24-hour	15$\mu g/m^3$ 65 $\mu g/m^3$	– –
Lead	30-day Avg. Month Avg.	– 1.5 $\mu g/m^3$	1.5 $\mu g/m^3$ –

Source: California Air Resources Board, "Ambient Air Quality Standards," January 25, 1999
ppm = parts per million
$\mu g/m^3$ = micrograms per cubic meter
Ozone (O3) is the most prevalent class of photochemical oxidants formed in the urban atmosphere. The creation of ozone is a result of complex chemical reactions between hydrocarbons and oxides of nitrogen in the presence of sunshine. Unlike other pollutants, ozone is not released directly into the atmosphere from any sources. The major sources of oxides of nitrogen and reactive hydrocarbons, known as ozone precursors, are combustion sources such as factories and automobiles, and evaporation of solvents and fuels. The health effects of ozone are eye irritation and damage to lung tissues.
Carbon Monoxide (CO) is a colorless, odorless, toxic gas formed by incomplete combustion of fossil fuels. CO concentrations are generally higher in the winter, when meteorological conditions favor the build-up of directly emitted contaminants. CO health warning and emergency episodes occur almost entirely during the winter. The most significant source of carbon monoxide is gasoline-powered automobiles, as a result of inefficient fuel usage in internal combustion engines. Various industrial processes also emit carbon monoxide.
Nitrogen Oxides (NOx) the primary receptors of ultraviolet light initiating the photochemical reactions to produce smog. Nitric oxide combines with oxygen in the presence of reactive hydrocarbons and sunlight to form nitrogen dioxide and ozone. Oxides of nitrogen are contributors to other air pollutant problems including: high levels of fine particulate matter, poor visibility and acid disposition.
Sulfur Dioxide (SO2) results from the combustion of high sulfur content fuels. Fuel combustion is a major source of SO2, while chemical plants, sulfur recover plants, and metal processing are minor contributors. Sulfates result from a relation of sulfur dioxide and oxygen in the presence of sunlight. So2 levels are generally higher in the winter than in the summer (when sunlight is plentiful and sulfate is more readily formed).
Particulate Matter (PM10 and PM2.5) consists of particles in the atmosphere as a by-product of fuel combustion, through abrasion such as tire wear, and through soil erosion by wind. Particulates can also be formed through photochemical reactions in the atmosphere. PM10 refers to finely divided solids or liquids such as soot, dust, and aerosols which are 10 microns or less in diameter and can enter the lungs. Fine particles are those less than 2.5 microns in diameter and are also referred to as PM2.5.
Lead is found in old paints and coatings, plumbing and a variety of other materials. Once in the blood stream, lead can cause damage to the brain, nervous system, and other body systems. Children are most susceptible to the effects of lead. The South County Air Basin and Riverside County portion of the Salton Sea Air Basin are in attainment for Federal and State standards for lead.

c) **No Impact.** The project site is located within the Salton Sea Air Basin. This basin has been designated as a "severe-17" Ozone non-attainment area due to the violations of the federal ambient

air quality standards for ozone primarily due to pollutant transport from the South Coast Air Basin. This designation indicates that the attainment date for Federal ozone standards is November 2007 (17 years after the enactment of the Federal Clean Air Act). When adopted in 1993, the City Council adopted a Statement of Overriding Consideration regarding air quality. This statement acknowledges that it is not feasible to reduce City-growth impacts to air quality to a level of significance at this time. This project is a temporary use primarily for the support of other projects in the vicinity. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard this includes releasing emissions that exceed quantitative thresholds for ozone precursors

d) **No Impact.** Sensitive Receptors are generally defined as people that are of the highest risk of respiratory problems from emissions. Sensitive receptors are often times associated with schools, hospitals, convalescent homes, etc. Residential uses are located to the west and east of the project site, but they are approximately over a mile away on each direction from the location. These uses may include sensitive receptors.

e) **No Impact.** The project is not anticipated to create objectionable odors as the project does not include manufacturing activities that are likely to create odors. No impact will occur due to objectionable odors. Furthermore, the project is required to comply with all applicable SCAQMD Rules and Regulations which insures clean up of construction related dirt on all routs to the site.

****The applicant shall comply with all permitting requirements of the California Environmental Protection Agency Air Resources Board.****

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

The project site is located within an existing Industrial Zone. The site has been previously disturbed, grading activities has taken place at the site and is void of vegetation. There are no riparian habitats or other sensitive natural communities on the subject site. There are no wetlands as defined by Section 404, are located on the project site or within the general vicinity of the property. There are no known sensitive species around the project site. The immediate area is outside the Coachella Valley Fringed Toed Lizard that is south of the I-10 Freeway in the project vicinity.

a) **No Impact.** The project site has been previously graded; the project will have no substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species, since there are none at the location.

b) **No Impact.** Riparian habitat is not located on-site. The site does contain sand fields; however these sand fields are stabilized due to low-vegetation growth and urban influence.

c) **No Impact.** There are no federally protected wetlands on the project site. No impact will occur.

d) **No Impact** Although the site is vacant, it does not provide substantial opportunities for wildlife movement. The site has been previously disturbed and is not in a wildlife nursery area. There will be no impacts.

e) **No Impact.** The City of Palm Springs has no local ordinances dealing with biological resources. The project will have no impact on local ordinance protecting biological resources.

f) **No Impact.** The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. According to the Coachella Valley Multi-Species Habitat Conservation Plan, the subject property is outside the conservation areas.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

a) **No Impact.** CEQA defines specific criteria for significant historical and archaeological resources in Section 15064.5 of the Guidelines. Criteria include eligibility for or placement on California Register of Historical Resources and resources that are important to the history or culture of California. The project site does not include any structures, roads or other historical features, as it has never been developed. No impact to historical resources will occur.

b) **Less Than Significant Impact.** CEQA defines specific criteria for significant historical and archaeological resources in Section 15064.5 of the Guidelines. No visible or known archaeological sites are present on the project site. Impacts may occur if archaeological resources are uncovered during ground disturbing activities. Mitigation has been included which requires the presence of a cultural resources monitor to assess for buried archeological and to help ensure that any uncovered resources are properly handled. Impacts to archeological resources will be less than significant after implementation of mitigation measures.

Mitigation Measure

MM V-1 Should buried or other cultural resources be discovered during any ground disturbing activities, all work in the area shall be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the resources. Should the archaeologist determine the cultural resources to be significant, the following shall occur at the expense of the applicant:

1. Archeologically significant finds shall be appropriately collected and deposited under supervision of an archeologist certified by the County of Riverside.

2. Any significant findings shall be documented and presented to the State Historic Preservation Office (SHPO), Bureau of Indian Affairs (BIA), the Agua Caliente Band of Cahuilla Indians and the City, and shall be resolved to their satisfaction.

3. Copies of any cultural resources documentation generated in connection with this project shall be given to the Agua Caliente Band of Cahuilla Indians for inclusion into the Agua Caliente Cultural Register. Copies shall also be presented to the City for inclusion in the project file.

MM V-2 An Approved Cultural Resource Monitor or multiple monitors as indicated by the Agua Caliente Tribal Historic Preservation Office shall be present during any survey and/or ground disturbing activities at the expense of the applicant.

c) **Less Than Significant Impact with Mitigation Incorporated.** The site does not encompass any unique geologic features. The site is relatively flat, with a minor slope from north to south. Cultural resources, including paleontological resources, are not anticipated to occur as indicated in Section V.b above. Mitigation measures MM V-1 and MM V-2 has been included should cultural resources be uncovered during ground disturbing activities. Impacts to paleontological and geological resources will be less than significant after mitigation incorporation.

d) **Less Than Significant Impact with Mitigation Incorporated.** Buried remains are not anticipated to be located on-site, as indicated in Section V.b above. However, the chance for cultural resources to be uncovered is always present; therefore mitigation measures MM V-1 and MM V-2 have been included to mitigate any impacts to buried cultural resources, including interred remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

The nearest known active fault is the Banning branch (southern branch) of the San Andreas fault, which is located in the northern portion of the site. Movement along the Banning fault appears to have offset an older alluvial deposit right-laterally in the vicinity of the site. Additionally, there has been movement (up to the northeast) along the fault. North of the site within the San Gorgonio Pass, the Banning fault accommodates reverse (thrust) movement along the foothills of the San Bernardino Moutains.

As defined by the California Geologic Survey (CGS), an active fault is one that has had surface displacement within the Holocene Epoch (roughly the last 11,000 years). The CGS has defined a potentially active fault that has been active during the Quaternary Period (approximately the last 1,600,000 years).

These definitions are used in delineating Earthquake Fault Zones (EFZ) as mandated by the Alquist-Priolo Geologic Hazard Zones Act of 1972 and as subsequently revised as the Alquist-Priolo Earthquake Fault Zoning. The intent of the act was to require fault investigations on sites located within Special Study Zones to preclude new construction of habitable structures across the trace of active faults. The northern portion of the site is located within the EFZ for the Banning branch of the San Andreas fault. (Leighton)

a-i) **Less than Significant Impact with Mitigation Incorporated.** The site has no evidence of previous ground rupture (Leighton 10). However, ground rupture is generally considered most likely to occur in the northern portion of the site along the Banning fault in the event of an earthquake. The concrete manufacturing plant will be located approximately 500 feet southwest of the Banning Fault, a mapped splay of the San Andreas fault, and approximately 150 feet from the edge of the Alquist-Priolo Earthquake Fault Zone – the plant proposed towards the center of the overall site. Based on the results of the Leighton Geotechnical Investigation study, the central and southern portions of the site (where development is proposed) are not located within a state of California or Riverside County Established Earthquake Fault Zone. Therefore, impacts may be significant if development is located within the northern portion of the site unless mitigation is incorporated. Impacts will be less than significant with the following mitigation measures incorporated:

MM VI-1 Any future development shall be setback a minimum of fifty feet southwest and northeast of the mapped Earthquake Fault Zone, as indicated in Figure 1 of Appendix D of the Preliminary Geotechnical Investigation dated June 24, 2008, or a subsurface fault investigation should be conducted.

a-ii) **Less than Significant Impact.** The City of Palm Springs is located in a seismically active region. The Uniform Building Code (UBC) has designated the Palm Springs area as a Seismic Zone 4, the highest rating available, due to its proximity to major active faults (particularly the San Andreas Fault to the north). The project site is anticipated to be subject to ground shaking similar to other projects and development in the area. The UBC requires specific design criteria for construction in the Seismic Zone 4, which the project will be subject to. Impacts due to seismic ground shaking will be less than significant after adherence to standard conditions and the Uniform Building Code.

a-iii) **Less Than Significant Impact with Mitigation Incorporated.** The General Plan EIR states that liquefaction typically occurs within the upper 50 feet of the surface, when saturated, loose, fine- to medium-grained soils (sand and silt) are present (5.6-24). The regional ground water maps and ground water data indicate that shallow ground water conditions do not exist locally, nor have they existed according to recent historical data. In the upper 50.3 feet, no subsurface groundwater or potential perched soil layers were encountered during a subsurface exploration performed in June of 2008 (Leighton 10).

Ground failure may also occur when excessive ground water is removed from under a site, a process known as subsidence or seismically induced settlement. The General Plan EIR indicates that the City of Palm Springs has no evidence of groundwater-induced subsidence occurring or having occurred (Environmental 5.6-10). However, settlement can occur within loose to moderately dense, dry or saturated granular soils. Therefore, ground failure presents a potentially significant impact if not mitigated for. Mitigation Measure MM VI-2 through MM VI-12 has been included to ensure that near surface soils are appropriately excavated and recompacted. Impacts due to ground failure are anticipated to be less than significant after mitigation incorporation.

Mitigation Measures

MM VI-2 The project proponent shall conduct grading, other ground disturbing activities and site preparation in accordance with the recommendations of the Preliminary Geotechnical Investigation Report prepared by Leighton Consulting on June 24, 2008.

MM VI-3 Prior to grading, the proposed structural improvement areas (i.e. structural fill areas, pavement areas, buildings, etc.) of the site shall be cleared of surface and subsurface obstructions. Heavy vegetation, roots, and debris should be disposed of off-site. Septic tanks, pipes and cesspools, if encountered shall be removed or abandoned in accordance with the Riverside County Department of Health Services requirements and guidelines.

MM VI-4 Existing fill soils shall be excavated to minimum depths of at least 3 feet below existing grade OR a minimum depth of 2 feet below the footing level, which ever is deeper. The over-excavation shall not need to extend deeper than 10 feet below

the existing grade in any case, unless otherwise recommended by the geotechnical consultant after observing the exposed soils.

MM VI-5 The removals shall extend beyond the footings in plan for a distance equal to at least the thickness of fill beneath the foundations but not less than five feet.

MM VI-6 The upper soils beneath areas to be paved shall be removed to depths of approximately 2 feet below the existing grade or 2 feet below the proposed subgrade level, whichever is deeper. The exposed soils shall be observed by the geotechnical consultant and further removals performed where unsuitable soils are encountered. The removals should extend beyond the paving areas in plan for a distance of approximately 3 feet.

MM VI-7 The removal bottoms shall be observed by the geotechnical consultant. The removal bottom elevations, methodology of testing alluvium and test results of left-in-place alluvium shall be documented in the as-graded geotechnical report.

MM VI-8 After observation of the removal bottoms, the exposed soils shall be scarified to a depth of 8 inches. The soils shall then be moisture controlled to bring them to their optimum moisture content or slightly above and compacted to at least 90 percent of their maximum dry density as determined by ASTM D1557.

MM VI-9 The bottom of sub-surface excavations shall be scarified, moisture conditioned and compacted to a least 90% relative compaction for a depth of 1 foot.

MM VI-10 The fill soils shall be placed in uniform lifts that do not exceed 8 inches in loose thickness.

MM VI-11 The fill soils shall be moisture conditioned to their optimum moisture content or slightly above, and compacted to at least 90 percent of their maximum density as determined by ASTM D1557.

MM VI-12 Fill slopes shall be overbuilt a minimum of 2 feet and trimmed back to the compacted core.

a-iv) **No Impact.** Based on the Earthquake-Induced Slope Instability Map in the County of Riverside General Plan, the site is not in an area susceptible to earthquake-induced landslides (Leighton 11). No impacts from landslides will occur.

b) **Less than Significant Impact.** Loss of topsoil and erosion are expected during construction of the project. Erosion may impact water and air resources if not properly addressed. Construction projects in the City are subject to Section 9.60.040 (On-Site Development) of the Municipal Code, requiring wind and water erosion to be addressed. In addition, the project is subject to the South Coast Air Quality Management District's (SCAQMD) Rule 403 for the control of Fugitive Dust and are required to submit a certified PM10 plan to the City, per Section 8.50.022 (Construction and Demolition Activities) of the City's municipal code. Erosion due to water is addressed by the requirements of the Stormwater General Permit and the implementation of BMPs. Impacts will be less than significant after implementation of standard provisions.

c) **Less than Significant Impact with Mitigation Incorporated.** The geotechnical study prepared for the project indicates that native soils are suitable for excavation and re-compaction in preparation of building pads. The project site is not suspected to contain extensive subsurface boulders or other deleterious materials; as such materials are generally located in the soils of alluvial fans and near the base of mountains. Mitigation measures above have been included to ensure that native soils are handled appropriately to support construction of the project. Impacts will be less than significant after mitigation incorporation.

d) **Less Than Significant Impact.** Expansive soils in the City are unlikely to occur, due to the granular nature of the dominant alluvial soils. (Environmental 5.6-9) Expansive soils are characterized as

"cracked" or have "popcorn" like texture when dry. These types of soils may change shape considerably depending on moisture content and thereby can cause damage to structures and flatwork when constructed upon. The project site is not anticipated to contain such soils. Project impacts due to expansive soils are anticipated to be less than significant after implementation of standard provisions.

e) **Less than Significant Impact.** The proposed project site is located in an undeveloped area that currently is not served by the City of Palm Springs wastewater disposal system. A septic tank is proposed to handle project wastewater. Neither the project's Geotechnical Report nor the City's Engineering Department has identified any issues with support of a septic system. Therefore, impacts due to the ability for project soils to support a septic system will be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

a) **No Impact.** The project is for a concrete batch plant. Raw materials (cement, rock and sand) will be transported to the site and processed into concrete. The concrete is then transported to other sites as needed. No impacts due to site environmental hazards are anticipated.

b) **No Impact.** The project is not anticipated to release substantial amounts of hazardous materials into the environment. Accident conditions would involve the loss or spill of concrete, which is not a hazardous material or substance. No impacts due to accidental release of hazardous materials into the environment will occur.

c) **No Impact.** There are no existing or proposed schools within a ¼ mile radius of the project site. No impacts to schools due to the handling of hazardous waste will occur.

d) **No Impact.** A review of a number of resources finds that the project site is not listed as a hazardous materials site. Resources examined include the USEPA's EnviroMapper software (Envirofacts) and the Right-To-Know Network's Master Area Report for the City of Palm Springs (Right). These databases indicate that the project site is not listed as a superfund site or a site with a history of contamination. The project site has never been developed, so it is unlikely that the site is substantially contaminated. Therefore, no impacts due to site contamination will occur.

e) **No Impact.** The project site is not located within an airport land use plan or within two miles of a public airport. No impacts due to airport operations are anticipated.

f) **No Impact.** The project is not within the vicinity of a private airport. No impacts from private airstrip compatibility issues will occur.

g) **Less than Significant Impact.** The City of Palm Springs Emergency Plan was established to address planned response to extraordinary emergency situations associated with natural disasters and technological incidents. The Plan focuses on operational concepts relative to large-scale disasters, which can pose major threats to life and property requiring unusual emergency responses. The project will not impede the ability for the Plan to be executed, in that the project will not cause substantial population growth nor will the project interfere with infrastructure necessary to implement the Plan. Impacts will be less than significant to the implementation of the City of Palm Springs Emergency Plan.

h) **No Impact.** The proposed project is not located in an area with a potential for significant wildland fires. The project is industrial in nature. No impacts due to wildland fires are anticipated.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☒	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒

a) **Less than Significant Impact.** The project will create minor impervious surfaces that will accumulate pollutants and discharge them into the City's storm drain system. The project and its associated storm water discharges are subject to the provisions of the City's National Pollution Discharge Elimination System (NPDES) permit, which requires the City to reduce discharges of pollutants into waterways. The City's NPDES permit is codified as Section 8.70 (Stormwater Management and Discharge Controls) and includes provisions for construction and new development. The project is also required to obtain converge under the State's General Permit for Stormwater Discharges Associated with Construction Activities, in that the project site is one (1) acre or greater in size. Both of these regulations require the implementation of Best Management Practices (BMPs) to prevent and

eliminate pollutant contributions to storm water systems, thereby preventing pollution of down-stream waterways. The project is also subject to the Section 15.28 (Sewer Use Regulations) of the City's Municipal Code which regulates discharges into the City's wastewater system. After implementation of standard regulations for water and wastewater discharges, the impacts will be less than significant.

b) **Less than Significant Impact.** Implementation of the proposed project would incrementally increase groundwater consumption, but would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The project is consistent with the General Plan and therefore was evaluated as such during the water assessment prepared for the General Plan. Impacts to groundwater supplies will be less than significant.

c) **Less than Significant Impact.** The project will alter existing, on-site drainage patterns due to development of the site and does not include any streams or rivers. Erosion and siltation may occur during the grading process. However, as indicated in section (a) above, the project is subject to construction BMPs that will prevent and/or eliminate discharges of sediments into waterways. Impacts due to erosion and siltation will be less than significant.

d) **Less than Significant Impact with Mitigation Incorporated.** The project will alter existing site drainage patterns and does not include any streams or rivers. Impacts may occur if changes in drainage patterns cause on- or off-site flooding. The project proponent is required to prepare a Hydrology Study for the project site, per the City Engineer to ensure that on- or off-site flooding does not occur. This provision has been included as a mitigation measure below. The project will be required to retain incremental increases in storm water flows on-site. Historical flows through the site will continue to be conveyed over the site. On- or off-site flooding is not anticipated as the project is not located within a flood zone and no new storm water will be conveyed into the existing, natural drainage system. Impacts are anticipated to be less than significant after mitigation.

Mitigation Measures

MM VIII-1 The project will be required to contain the difference in storm run off between predevelopment and post-development conditions. The final capacity of retention shall be approved by the City Engineer prior to the issuance of a grading permit based upon a hydrology study prepared by a qualified professional.

e) **Less than Significant Impact.** The project will increase pollutant discharges into the City's storm drain system. Possible pollutants include hydrocarbons from vehicle motor oil, pesticides, nitrogen and phosphorous from landscape irrigation runoff and trash from project site users. These discharges are anticipated not to be substantial after adherence to the City's storm water quality provisions. Substantial impacts generally occur from large commercial and industrial sources that handle specific quantities of hazardous and/or polluting materials or are subject to substantial traffic flows or patronage. Impacts to the City's storm drain system due to pollutant contributions from the project site will be less than significant.

f) **Less than Significant Impact.** The project is not anticipated to otherwise impact water quality outside those areas discussed above. The project is subject to mitigation measures and standard provisions to prevent impacts to water quality. Impacts to water quality from other project sources are anticipated to be less than significant.

g) **No Impact.** The project does not include housing; therefore no housing will be place in a 100-year flood zone. No impact will occur.

h) **Less than Significant Impact.** The project site is identified on the Flood Information Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) as Zone X, an area of minimal flooding. (Federal) Therefore, project structures will not be placed in a flood zone and will not redirect flood waters. Project impacts will be less than significant.

i) **No Impact.** The project site is not located in a 100- or 500-year flood zone and is located in an area of minimal flooding. There are no damns or levees in the area. Therefore, the facility will not expose people or structures to significant risk of loss, injury or death involving flooding or failure of a levee or dam.

j) **No Impact.** The City of Palm Springs is not located in an area subject to seiche, tsunami or mudflow. A seiche is a large wave produced in an enclosed or partially enclosed body of water (i.e., a lake) while a tsunami is a large wave produced in an open body of water. The City is located a great length from the Pacific Ocean and the Salton Sea. The project site is not subject to mudflows in that it is not located in a flood zone. Therefore, no impacts from seiche, tsunami or mudflows will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

a) **No Impact.** The project site is vacant. The project is surrounded by other vacant land and Wind Energy Conversion Systems (WECS) development. No communities will be divided or removed as a result of the project. Impacts due to the division of a community will not occur.

b) **No Impact.** The project is consistent with the General Plan and is generally consistent with the Zoning Code. The project proponent is requesting a Variance to the Zoning Code height restrictions. The maximum permitted height in the E-I Zone is thirty (30) feet (PSZC, Section 92.17.2.03(C)(1)). The property is surrounded by vacant land and land that is or will likely be developed by WECS. A majority of these WECS structures are in excess of two hundred feet and the uses that are consistent with the character of the area.

c) **No Impact.** The project will not conflict with any applicable habitat conservation plan or natural community since there are no natural habitats or natural communities present at the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a) **No Impact.** The project does no lie in an area of known mineral resources. The City's General Plan EIR indicates that the project is in a Mineral Resource Zone (MRZ) -3 as designated by the State's Surface Mining and Reclamation Act (SMARA). (Environmental 5.10-3) MRZ-3 zones are areas for which the significance of mineral resources cannot be determined. The majority of the urbanized area of the City is designated MRZ-3. As such, no impact to a known mineral resource will occur.

b) **No Impact.** The site is not located in an area designated as a locally important mineral resources recovery area. Therefore, no impact will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) **Less Than Significant Impact.** The project is subject to Section 11.74 (Noise Ordinance) of the City's Municipal Code. Section 11.74.031(2) indicates that the noise limits in Table 4 apply to the project:

Table 1: Industrial Noise Level Limits

Time	dBA
7:00 am – 6:00 pm	70
6:00 pm – 10:00 pm	60
10:00 pm – 7:00 am	55

Source: City of Palm Springs Municipal Code

The above referenced provisions are applicable to industrial interiors. Exterior standards are not established for industrial development in the City. The major source of noise impacts to the project site will occur from transportation generated noise. The latest noise analysis for Interstate 10 and the railroad to the south has been prepared in conjunction with the City's General Plan Update. Data in the Noise Element of the Draft General Plan indicates that project development will be exposed to noise exterior noise in excess of 70 dBA (Planning 8-17) The City's General Plan indicates that noise levels between 70 dBA and 85 dBA are normally acceptable for industrial uses. Therefore, impacts will be less than significant.

Noise due to construction is likely to temporarily impact noise standards in the area. However, the site and all parcels surrounding the site are vacant. Noise impacts due to construction activities will be less than significant due to the lack of receptors.

b) **Less than Significant Impact.** The project will not create permanent groundborne vibrations. Impacts from groundborne vibrations are possible during construction activities however there are no receptors in the area to be exposed to the temporary impacts. There are no known sources of groundborne vibrations present in the vicinity of the project. Impacts due to groundborne vibrations will be less than significant.

c) **Less than Significant Impact.** The project is an industrial development consistent with the City's General Plan and Zoning Code. The project will increase ambient noise levels in the area, however these increases are not anticipated to be substantial. The area has been planned for Wind Energy and therefore ambient noise levels consistent with commercial development are to be expected. Impacts to ambient noise levels are anticipated to be less than significant.

d) **Less than Significant Impact.** Noise levels in the area will be increased due to construction of the project. These noise levels would be temporary and periodic. Property surrounding the project site is vacant. Ambient noise levels will increases minimally due to operation of the project. However, due to the proximity to the freeway, these impacts are unlikely to exceed the noise levels created by Interstate 10. Impacts are anticipated to be less than significant.

e) **No Impact.** The project is not within the boundaries of the Palm Springs International Airport Land Use Compatibility zone. No impact will occur.

f) **No Impact.** The project is not within two (2) miles of a private airstrip. No impact will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) **No Impact.** The project does not include residential development and therefore will not directly increase population growth. Additionally, the project will not be extending infrastructure as the project will rely on existing infrastructure. Since the project is a commercial development, jobs will be created which may attract new residents to the area. The project is consistent with the General Plan; therefore any increases in population have been accounted for in the General Plan EIR. No impact will occur.

b) **No Impact.** The project is proposed on vacant land and will not displace or destroy any housing units. No impact will occur.

c) **No Impact.** The project is proposed on vacant land and will not displace any people. No impact will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☐	☒

a) **Less than Significant Impact.** Fire protection within the incorporated boundaries and sphere of influence of the City are provided by the City of Palm Springs Fire Department. Contract agreements also make the fire protection services of the County of Riverside and other agencies available for large scale emergencies. The department includes five (5) strategically placed stations that work to keep response times under five (5) minutes. (Planning 6-50) Station No. 442 is located closest to the project site at 300 North El Cielo Road. Station No. 443 is located closest to the project site at 590 East Racquet Club. Station No. 443 is equipped as follows:

- 1 Pierce Quantum Engine – 1 Engineer / 1 Captain / 1 Firefighter
- 1 Beck Telesquirt – Manned as needed
- Trench Rescue Truck – Manned as needed

The project will increase the need for fire protections services slightly; however, the need will not unduly burden existing fire protection resources. In addition, the City requires projects to participate in Community Facility Districts to offset increased costs for public services. No new fire stations or other large scale facilities will need to be constructed in conjunction with this project. Impacts to the provision of fire protection services will be less than significant.

b) **Less than Significant Impact.** Police services are provided by the City of Palm Springs. The department employs 96 sworn officers and 62 non-sworn officers. The department strives to achieve an emergency response time of five (5) minutes and a non-emergency response time of 30 minutes. (Planning 6-49) Although the project will increases the need for police protection services, this need is not anticipated to be substantial. The City requires projects to participate in Community Facility Districts to offset increased costs for public services. No new police facilities will need to be constructed as a result of this project. Impacts due to the provision of police services will be less than significant.

c) **Less than Significant Impact.** The project will increases the need for school services indirectly by increasing the job base. The Leroy F. Green School Facilities Act of 1998, which governs a school district's authority to levy school impact fees, will assist in mitigating impacts to schools. California Government Code Sections 65995(h) and 65996(b) note that payments of fees provide full and complete school facilities mitigation. The project proponent will be required to pay the mandated school fees in place at the time that building permits are issued, to offset the impacts to the school district. No new school facilities will need to be constructed as a result of this project. Impacts due to the provision of school facilities will be less than significant.

d) **Less than Significant Impact.** The project will not directly increase the population in the area and therefore will not directly increase the use of parks and/or recreation facilities in the vicinity or

region. Minor increases to population due to job creation have been accounted for in the City's General Plan, which the project is consistent with. No new park facilities will need to be constructed as a result of this project. Less than significant impacts due to the provision of parks will occur.

e) **No Impact.** No impacts to other public facilities or public services are anticipated.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) **No Impact.** The project will not directly increase the population in the area and therefore will not directly increase the use of parks and/or recreation facilities in the vicinity or region. Minor increases to population due to job creation have been accounted for in the City's General Plan, which the project is consistent with. Therefore, no impact will occur.

b) **No Impact.** The project does not include the construction or expansion of recreational facilities. No impact will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

a) **No Impact.** The project is not anticipated to generate an increase in traffic that would be substantial in relation to the existing traffic load and capacity of the surrounding street system. There will be no impact.

b) **No Impact.** The closest roadway designated by the Riverside County Transportation Commission is Interstate 10 and Highway 62, as noted in the Congestion Management Program. The project is not anticipated to significantly affect this roadway. No impact will occur.

c) **No Impact.** No impacts to air traffic patterns will occur.

d) **Less Than Significant Impact.** Intersection and driveway designs are proposed to be in accordance with City standards. Sharp curves or dangerous intersections are not proposed. Hazards due to roadway design and uses are anticipated to be less than significant.

e) **No Impact.** The project entryway is 24 feet in width, as required by the Fire Department for fire truck access. The project will have adequate emergency service. No impact will occur.

f) **No Impact.** The project is required to provide required parking spaces based on the PSZC. The project proponent has provided 9 parking spaces and additional eight oversized parking spaces (15' x 30') for the concrete trucks. No impact will occur.

g) **No Impact.** The project does not conflict with any adopted policy promoting multi-modal transportation. No impact will occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

a) **Less than Significant Impact.** The City of Palm Springs provides wastewater treatment to properties located within its boundaries. The City owns, and operates, one wastewater treatment plant (WWTP) located at 4375 Mesquite Avenue. The plant has a capacity of approximately 10.9 million gallons per day (mgd) and demands typically range from 7 to 8 mgd. The project will connect to the City's wasterwater treatment system. The plant is regulated by the California Regional Water Quality Control Board, and standard permitting and monitoring ensure that treatment requirements for waste discharges are not exceeded. The project will have minimal impacts to the capacity of the City's WWTP and is subject to the standard requirements of the City. The project will not affect the treatment plant's ability to meet the requirements of the RWQCB. Impacts will be less than significant.

b) **No Impact.** The project will not require the expansion of the City's wastewater treatment facilities or the construction of new facilities. No impact will occur.

c) **No Impacts.** The project will not connect to the City's existing storm drain system. Stormwater will be conveyed across the site in sheets flows. Incremental increases in stormwater discharges will be required to be retained on-site. No impact will occur to the City's storm drain system.

d) **No Impact.** The project is serviced by the Coachella Valley Water District (CVWD). CVWD obtains most of its water supply from groundwater. The City is located within two subbasins of the Coachella Valley Ground Water Basin: The Mission Creek subbasin; and the Garnet H

e) **No Impact.** Project wastewater will not be serviced by a wastewater treatment facility. The project will be serviced by a septic tank. No impacts to the City's wastewater treatment facility will occur.

f) **No Impact.** The project will be serviced Palm Springs Disposal Services (PSDS).

g) **No Impact.** Solid waste generated by the proposed project would be collected by Palm Springs Disposal Services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☐	☒
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

a) **No Impact.** The project will not have significant impacts on Biological and Cultural Resources, as identified in sections IV and V above, because Mitigation Measures MM IV-1 and MM V-1 and V-2 will be implemented to reduce impacts to less than significant levels. Impacts to the environment will be less than significant after mitigation incorporation.

b) **No Impact.** No cumulative impacts have been identified in regards to the project.

c) **No Impact.** The project will not have impacts on humans due to Geology and Soils, Hydrology and Water Quality, Land Use and Planning or Noise as identified in sections VI, VIII, IX and XI above, because Mitigation Measures MM VI-1 through MM VI-7, MM VIII-1 and MM XI-1 through MM XI-8 will be implemented to reduce impacts to less than significant levels. Impacts to humans will be less than significant after mitigation incorporation.

List of Preparers

- City of Palm Springs
  3200 East Tahquitz Canyon Way
  Palm Springs, California 92262
  (760) 323-8245

  Edward O. Robertson
  Principal Planner

  David A. Newell
  Associate Planner

List of Persons and Organizations Consulted

References

1) California Department of Health Services. California Medical Waste Management Program. www.dhs.ca.gov/ps/ddwem/environmental/Med_Waste/default.htm [June 26, 2007]

2) California Native Plant Society. Inventory of Rare and Endangered Plants: Astragalus crotalariae. [September 6, 2007]

3) City of Palm Springs. City of Palm Springs Environmental Impact Report. December 2007

4) City of Palm Springs. City of Palm Springs General Plan. 2007 & PSZC, 2004

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6) City of Palm Springs. City of Palm Springs Zoning Code. 2004

7) Federal Emergency Management Agency. Flood Insurance Rate map 06065C0895G. August 28, 2008.

8) Leighton Consulting, Inc. Preliminary Geotechnical Investigation prepared for Elsinore Ready Mix Company. Concrete Batch Plant at Southwestern Corner of Dillon Road and Karen Avenue. June 24,2008.

9) Right-To-Know. RTK NET Master Area Report, 92240, North Palm Springs, CA, All. [October 24, 2008]

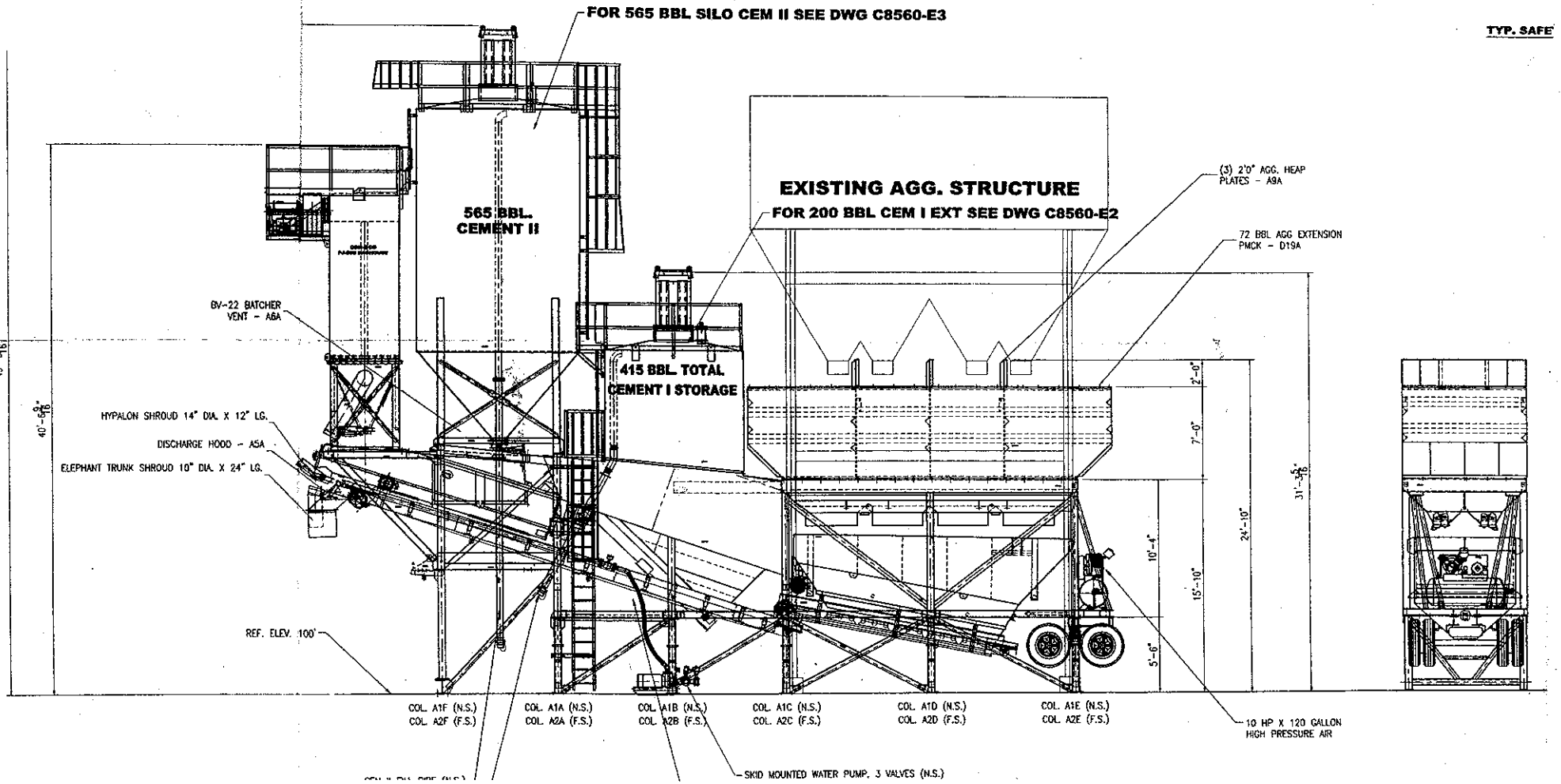
10) Riverside County Airport Land Use Commission. Riverside County Airport Land Use Compatibility Plan. 2004

11) Riverside County Congestion Management Plan. Riverside County Transportation Commission. December 12, 2007.

12) Riverside County. General Plan. October 7, 2003

13) United States Environmental Protection Agency. Envirofacts Data Warehouse, Palm Springs, California. [October 24, 2008]

14) United States Geologic Survey. Palm Springs, CA 7.5 Minute Series Quadrangle. 1957



Air Resources Board

Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Arnold Schwarzenegger
Governor

Statewide Portable Equipment Registration

Registration No: 130420

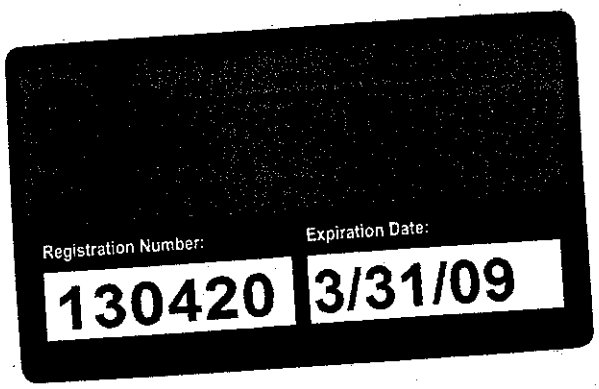
Legal Owner or Operator: Elsinore Ready Mix Company, Inc.

Mailing Address: P.O. Box 959
Lake Elsinore, CA 92531-0959

Equipment Description:

Portable concrete batch plant, manufactured by Concrete Equipment Company, model LP12HP, serial number C8560L, with a maximum throughput rating of 150 cubic yards per hour, and consisting of:

(1) cement silo
(1) fly ash silo
(1) 4 compartment aggregate bin
(1) baghouse
(1) aggregate weigh hopper
(1) fly ash weigh hopper
(1) cement weight hopper



Conditions: see attached

Home District: none

Expiration Date: March 31, 2009

Jorge Fernandez
Chief, Program Evaluation Branch
Stationary Source Division

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: http://www.arb.ca.gov.

Statewide Portable Equipment Registration

The following operating conditions apply for registration 130420

General Requirements

1. This registration is not valid for operation within the boundaries of the California Outer Continental Shelf and State Territorial Waters.
2. The equipment unit shall be properly maintained and kept in good operating condition at all times.
3. When changing equipment or operating scenario or number of transfer points such that it would necessitate a change in operating conditions, a complete application for modification is to be filed and approved by the Air Resources Board prior to operation.
4. The registration identification device shall be affixed in a visible location on the registered portable equipment unit at all times and a legible copy of the registration certificate shall be kept on site with the portable equipment unit, and shall be made accessible to the Air Resources Board or district representative upon request.
5. The owner or operator must notify the United States Environmental Protection Agency and comply with 40 CFR 52.21 if:
    a. the portable equipment unit is part of a facility defined as a major source under 40 CFR 51.166 or 52.21, and
        i. the facility is located within 10 kilometers of a Class I area; or
        ii. the portable equipment unit, operating in conjunction with other registered portable equipment units, is part of a the stationary source and would be defined as a major modification to the stationary source under 40 CFR 51.166 or 52.21; or
    b. the portable equipment unit, operating in conjunction with other registered portable equipment units, would be defined as a major stationary source, as defined under 40 CFR 51.166 or 52.21.
6. The equipment unit and any replacement equipment unit shall not reside at the same location for more than 12 consecutive months.
7. The registration certificate is not valid for operation at any given location where a local air district has issued a permit to operate for the same equipment unit or where other air contaminant emitting equipment, excluding engines, is operating as a stationary source and the operation of this equipment unit would qualify as part of the stationary source. A stationary source is any building, structure, facility, or installation which emits any affected pollutant directly or as a fugitive emission. Building, structure, facility, or installation includes all pollutant emitting activities which are under the same ownership operation, or which are owned or operated by entities which are under common control; belong to the same two-digit standard industrial classification code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material; and are located on one or more contiguous or adjacent properties.
8. The operation of this equipment unit shall not cause a public nuisance.

The following operating conditions apply for registration 130420

9. The portable equipment unit shall not be operated under both statewide registration and a district permit at any specific location.
10. When this equipment unit is sold, the new owner shall submit a change of ownership application. The existing registration is not valid for the new owner until the application has been filed and all applicable fees have been paid.
11. The operator of a portable engine or equipment unit shall obtain district authorization prior to operation at any specific location where the Statewide registration is not valid.
12. Materials containing hazardous waste or materials that may potentially lead to emissions of toxic air contaminants shall not be processed by this unit. Hazardous wastes and toxic air contaminants are any substances that may cause or contribute to an increase in serious illness, or may pose a potential hazard to human health. Examples of such materials include, but are not limited to: wood railroad ties, serpentine rock, chemically treated wood, construction or demolition debris containing asbestos, and contaminated soil.

Emission Limitations

13. There shall be no visible emissions beyond the property line on which the equipment is being operated.
14. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent 20 percent opacity.
15. Emissions shall not exceed 82 pounds per day of PM10.
16. Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.
17. Emissions of particulate matter less than 10 microns (PM10), exclusive of emissions emitted directly from the associated portable engine, shall not exceed 10 tons per year per district.

The following operating conditions apply for registration 130420

Operational Requirements

18. Maximum daily throughput shall not exceed 3,600 cubic yards per day when the equipment unit is operated by itself. When operating together with other equipment units as part of an onshore project, the daily throughput shall be tracked to ensure that total project PM10 emissions do not exceed 82 pounds per day. Compliance with this provision shall be determined daily by monitoring and recording total throughput of all registered equipment units operating as part of a project. Records shall include running totals of material throughput for each equipment unit multiplied by the corresponding PM10 emission factor included on each registration. The PM10 emission factor for this unit is 0.0065 pounds PM10 per ton of material processed. These records are to be made accessible to the Air Resources Board or district representative upon request. An onshore project is one or more registered engines or equipment units operated at one location under the same or common ownership or control, and used to perform a single activity.
19. Maximum throughput shall not exceed 1,314,000 cubic yards of finished concrete per year per district.
20. All dry material transfer points shall be ducted through a cartridge filter dust collector, unless there are no visible emissions from the transfer point.
21. Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.
22. Silo service hatches shall be dust-tight.
23. All dry material transfer points shall be ducted through a fabric filter dust collector, unless there are no visible emissions from the transfer point.
24. All aggregate transfer points shall be equipped with water sprays to control fugitive particulate matter emissions, unless there are no visible emissions from the transfer point.
25. All conveyors shall be covered, unless the material being transferred does not result in any visible particulate matter emissions.
26. Water sprays shall be used on all stockpiled material to control fugitive particulate matter emissions, unless the stockpiled material does not result in any visible particulate matter emissions.
27. The dust collection equipment shall maintain a minimum control efficiency of 99 percent for particulate matter.
28. All cement storage silos shall be equipped with fabric vent filters.
29. The silo vent filters shall be maintained in proper operating condition.
30. All cement storage silos shall be equipped with cartridge vent filters.
31. All roads subject to vehicular traffic shall be either paved or adequately watered to minimize fugitive particulate matter emissions.

The following operating conditions apply for registration 130420

Recordkeeping

32. Daily records shall include a log of date, registration number, location(s) at which the equipment was operated (identified by district, county or specific location), type of material processed, and throughput of material processed.
33. Daily records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or district upon request.

Reporting and Notification

34. If a registered portable equipment unit will be in a district for more than five days, the operator shall notify the district in writing, facsimile, electronic mail, or telephone within two working days of coming into the district. Notification shall include: the registration number of the equipment unit, name and phone of the responsible official, and estimated number of days the equipment unit will be located in the district. If the district has not been notified because the owner or operator did not expect the duration of operation to trigger notification, the operator shall notify the district within 12 hours of determining the portable equipment unit will be operating in the district more than five days.
35. The owner of a registered portable equipment unit shall notify the Executive Officer in writing within five days of replacing the registered portable equipment unit with an identical replacement. The notification shall include: company name, responsible official, phone number, registration number, make, model, throughput, and description of the mechanical breakdown, serial number of the identical replacement, and applicable fees.