VISION

AGUA CALIENTE

MASTER PLAN DRAFT
TRIBAL ENVIRONMENTAL IMPACT REPORT
JANUARY 9, 2017

TRIBAL ENVIRONMENTAL IMPACT REPORT

FOR THE

Vision Agua Caliente Master Plan

Agua Caliente Band of Cahuilla Indians

Prepared for:

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Table of Contents

A disc containing both the Draft TEIR and Appendices is attached on the inside cover.

List of Figures

List of Tables

List of Tables (continued)

1.0 INTRODUCTION

The proposed Vision Agua Caliente Master Plan ("Master Plan" or "Project") would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet and development and replacement of up to 350 hotel rooms within a maximum 510,000 square feet of hotel space.[1] The Master Plan also includes activities that provide incidental benefits to the Spa Resort Casino such as up to 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces on approximately 18 acres of Agua Caliente Indian Reservation ("Reservation") land in downtown Palm Springs. The 18-acre Master Plan area (the "Project Site") is bound by Tahquitz Canyon Way on the south, Indian Canyon Drive on the west, Amado Road on the north, and Calle El Segundo on the east (the "Project Site").

The Agua Caliente Band of Cahuilla Indians (the "Tribe") is the Lead Agency under the Tribal Environmental Policy Act (TEPA) (Agua Caliente Band of Cahuilla Indians Ordinance No. 28) and is preparing this Draft Tribal Environmental Impact Report (TEIR) for the Project. This Section provides information on the background of the Project, which is further described in **Section 3.0**, the environmental review process being conducted by the Tribe, and the organization and content of this Draft TEIR. See **Section 9.0, Terms, Definitions, and Acronyms,** for a definition of terms and acronyms used in the Draft TEIR.

A. BACKGROUND

In 2004, the City of Palm Springs (the "City") approved the Section 14 Specific Plan addressing approximately 640 acres located in Palm Springs. The Project Site is located in the northwest portion of Section 14. In 2013, the Tribe and the City jointly prepared a comprehensive update to the Specific Plan

1 For purposes of this Draft TEIR, the environmental impact analyses assumes that the "Project" includes activities whose principal purpose is not necessarily to serve Gaming Activities or Gaming Operations, and also includes activities that may provide only incidental benefit to the Gaming Activities or Gaming Operations, as those terms are defined in Sections 2.9 and 2.13 of the 2016 Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians (the "Compact"). This approach is consistent with the Tribal Environmental Policy Act (Agua Caliente Band of Cahuilla Indians Ordinance No. 28). It is important to note, however, that Section 2.25 of the Compact defines a "Project" more narrowly to only include an "activity occurring on the Tribe's reservation after the effective date of [the] Compact, the principal purpose of which is to serve the Gaming Activities or Gaming Operation, rather than provide the Gaming Activities or Gaming Operation with an incidental benefit." Since the Draft TEIR assumes a "Project" that is broader in scope than any project evaluated pursuant to the Compact, the proposed mitigation under this TEIR most likely meets or exceeds any mitigation under a more streamlined Compact-oriented environmental impact analysis.

to revise designated land uses and base development standards, incorporate complete streets design principles, and modify development incentives to help realize the vision for the Specific Plan and better implement physical development in Section 14. Environmental review was conducted for the Section 14 Specific Plan update and an Initial Study/Environmental Assessment with a Finding of No Significant Impacts was released for public review in December 2013. The updated Section 14 Specific Plan was adopted by the City in July 2014.

As determined by case law over the past half century, the status of the Tribe as a sovereign nation with independent authority over the lands of the Reservation is without question; neither the State of California nor its political subdivisions have the authority to regulate Indian trust lands.

To minimize conflicts and facilitate the development process on the Reservation, the Tribe and the City entered into a land use contract in 1977. The contract recognized the Tribe's authority to regulate all Indian trust lands (i.e., Tribal and allotted trust lands), and the Tribe and the City agreed to the following: (1) the Tribe will adopt the City's land use regulations for the Indian trust lands located within the City's boundaries and designate the City to act as the Tribe's agent to enforce such regulations; (2) the City will consult with the Tribe with regard to any action that may affect Indian trust lands; (3) any party aggrieved by a decision of the City Council affecting Indian trust lands may appeal to the Tribal Council; and (4) there is a mutual benefit of having a consistent planning/development process. It is important to note, however, that the Tribe and City subsequently entered into a cooperation agreement that governs the City's review of proposed development on Tribal trust lands and amended the land use contract to exclude a delegation of the Tribe's land use authority to the City in cases where development is located on Tribal trust lands, such as the lands that are the subject of this Draft TEIR. Under the land use contract and cooperation agreement, the policies and regulations of the Section 14 Specific Plan regulate development in Section 14.

B. PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

The Tribe, acting as the Lead Agency for the planning and environmental review of the Project, has prepared this Draft TEIR in compliance with Section 11.1 of the Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians ("Compact"). Among the goals of the Compact are to maintain the quality of the environment for the people of the State and to authorize and permit gaming activities on Indian lands. Compliance with TEPA and Section 11.1 of the Compact requires that the Tribe consider the potential environmental impacts of a project before approving it.

This Draft TEIR has been prepared by the Tribe to describe all potential on- and off-Reservation environmental impacts of the Project in accordance with the requirements contained in Section 11.1 of

the Compact and TEPA.[2] The Draft TEIR also identifies ways to reduce, minimize, or avoid these off-Reservation impacts. Analysis of a range of alternatives to the Project as proposed is also included in this Draft TEIR to provide additional information on ways to minimize the environmental impacts of the Project. The Compact provides that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by the Compact on its Indian lands.

C. ENVIRONMENTAL REVIEW PROCESS

1. Notice of Preparation

Prior to commencing preparation of the Draft TEIR, the Tribe issued a Notice of Preparation (NOP) to solicit views from the public and other governmental agencies in accordance with the provisions of TEPA and Section 11.2 of the Compact. The Tribe prepared and circulated the NOP for review on December 16, 2015. The NOP was sent to the State Office of Planning and Research State Clearinghouse, Riverside County and other public agencies, and the owners and residents of surrounding property. In addition, the NOP was published in the *Desert Sun.* The NOP (provided in **Appendix 1.1**) described the Project and proposed scope of environmental study.

Comment Letters

Nine total comment letters from public agencies and other interested parties were received by the Tribe in response to the NOP. Letters received from public agencies were as follows: The State Clearinghouse acknowledged receipt of the NOP and its distribution to State Agencies for review by the State Clearinghouse. The South Coast Air Quality Management District provided comments on air quality analysis with respect to regional and localized significance thresholds, and appropriate mitigation measures to minimize adverse air quality impacts. The Desert Water Agency commented on the potential impact of the Project on water resources. The City of Palm Springs Department of Planning Services requested a consultation meeting with the Tribe's Planning & Natural Resources Division to discuss potential impacts, and requested notification of all public meetings and/or hearings related to the TEIR. Tribal Staff met with City Staff on August 30, 2016, where both parties agreed that the City would review the traffic study scoping agreement, and City Staff identified potential improvements that may be needed to Alejo Road at Calle Encilia, impacts related to height and view corridors, impacts to the Post Office, and pedestrian connectivity in Downtown Palm Springs. Three additional comment letters received from the

2 While the TEPA requires the Tribe to evaluate whether a Major Tribal Action will have a significant impact on the quality of the natural environment, the Compact only requires an evaluation of the potentially significant "off-reservation" environmental impacts of the Project. Since the TEPA requires an evaluation of a broader environmental setting, this Draft TEIR evaluates all potential on- and off-Reservation environmental impacts of the Project.

public included comments on the proposed building heights, cultural resources, water and energy conservation efforts, and transit. Two additional letters provided comments supporting the Project.

The NOP responses are provided in **Appendix 1.2** of this Draft TEIR.

2. Draft Tribal Environmental Impact Report

The Tribe considered all comments received in response to the NOP to determine the scope of study in this Draft TEIR. The Draft TEIR includes research and analysis of potential on and off-Reservation environmental effects/impacts related to the following topics:

- Aesthetics
- Air Quality
- Cultural Resources
- Water Resources
- Land Use
- Noise
- Population and Housing
- Public Services
- Traffic and Transportation
- Utilities and Service Systems

Public Review and Preparation of Final TEIR

This Draft TEIR is being released for a 60-day public review period in accordance with the provisions of TEPA and Section 11.3 of the Compact. A Notice of Completion (NOC) of this Draft TEIR has been sent to interested agencies and local jurisdictions. The NOC was also sent to all parties that requested notice of completion of the Draft TEIR. In addition, the NOC and Draft TEIR are available on the Tribe's website at http://www.aguacaliente.org/.

Following the completion of this review period, the Tribe will review all comments received on the Draft TEIR and prepare written responses to each comment. These comments and responses will be presented along with the Draft TEIR to the Indian Planning Commission for review. After receipt of these comments and responses, and consideration of any additional comments provided at a public meeting, the Indian Planning Commission will provide its comments on the Draft TEIR, and the Final TEIR will be prepared.

The Final TEIR will be presented to the Tribal Council. As required by TEPA and the Compact, the Tribal Council will consider the information in the Final TEIR, the written comments of the Indian Planning Commission, and any additional public comments before issuing its decision on the Project.

Interested individuals, organizations, and public agencies can provide written comments on this Draft TEIR to:

Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264
Attention: Margaret Park, AICP, Director of Planning & Natural Resources

Comments may also be sent by facsimile to (760) 699-6822 or by e-mail to mpark@aguacaliente-nsn.gov; include "Vision Agua Caliente Master Plan Draft TEIR" in the subject line.

Please provide your name, address, and other contact information and/or a contact person at your agency who should receive future notices and correspondence related to this Project.

C. ORGANIZATION OF THE TEIR

A description of the organization of this Draft TEIR and the content of each section are provided below. The Draft TEIR is organized as follows:

Section 1.0, Introduction, provides information on the background of the Project, the environmental review process, and organization of the Draft TEIR.

Section 2.0, Summary, presents a summary of the environmental information, analysis, and conclusions in this Draft TEIR.

Section 3.0, Project Description, presents a description of the Project that addresses the location of the Project Site, the objectives of the Project, and the characteristics of the Project Site.

Section 4.0, Environmental Setting, describes the existing physical setting of the Project Site and the surrounding area.

Section 5.0 Environmental Impact Analysis, contains information and analysis of the potential for the Project to result in significant environmental effects for each of the topics evaluated in the Draft TEIR.

Section 6.0, Alternatives, identifies alternatives to the Project, and provides analysis comparing the impacts that would occur with these alternatives with the impacts of the proposed Project to provide additional information on ways to avoid or lessen the impacts of the proposed Project.

Section 7.0, Growth-Inducing Impacts, discusses the potential growth-inducing impacts of the Project.

Section 8.0, Other Environmental Impacts

- **Section 8.1, Effects Not Found to Be Significant**, discusses the potential impacts of the Project that were determined not to be significant and are therefore not discussed in detail in the Draft TEIR.
- **Section 8.2, Significant Irreversible Environmental Changes**, discusses the significant irreversible and irretrievable commitment of resources associated with the implementation of the Project.

Section 9.0, Terms, Definitions, and Acronyms, provides a list of specially defined terms and acronyms used throughout the Draft TEIR.

Section 10.0, Organizations and Persons Consulted, lists persons involved in the preparation of the Draft TEIR or who contributed information incorporated into the Draft TEIR.

Section 11.0, References, lists the principal documents, reports, maps, and other information sources referenced in the Draft TEIR.

Appendices to this Draft TEIR include technical information and other materials prepared for the TEIR and the Tribe's environmental review of the Project.

2.0 SUMMARY

The Vision Agua Caliente Master Plan (the "Master Plan" or "Project") would allow for the redevelopment of 18 acres on the Agua Caliente Indian Reservation. This Section provides information on the background of the Project, as described in **Section 3.0, Project Description**, assessed in this Draft Tribal Environmental Impact Report ("TEIR"), and a summary of the information in this Draft TEIR identifying the potential environmental impacts of the Project, the Project measures identified to mitigate these impacts, and the alternatives evaluated to provide additional information on ways to avoid or lessen these impacts.

A. PURPOSE OF THIS ENVIRONMENTAL IMPACT REVIEW

The environmental review process for this Project is being conducted by the Agua Caliente Band of Cahuilla Indians ("Tribe"). The Agua Caliente Tribal Environmental Policy Act (TEPA) (Agua Caliente Band of Cahuilla Indians Ordinance No. 28) was adopted to ensure the protection of natural resources and the environment within the Reservation by establishing standards for the review and consideration of environmental impacts associated with development of the Reservation.

The Tribe, acting as the Lead Agency for the planning and environmental review of the Project, has prepared this Draft TEIR in compliance with Section 11.1 of the Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians ("Compact"). Among the goals of the Compact are to maintain the quality of the environment for the people of the State and to authorize and permit Gaming Activities on Indian lands. Compliance with TEPA and Section 11.1 of the Compact requires that the Tribe consider the potential environmental impacts of a project before approving it.

This Draft TEIR has been prepared by the Tribe to describe all potential on- and off-Reservation environmental impacts of the Project in accordance with TEPA and the requirements contained in Section 11.1 of the Compact. The Draft TEIR also identifies ways to reduce, minimize, or avoid these potential impacts. Analysis of a range of alternatives to the Project as proposed is also included in this Draft TEIR to provide additional information on ways to minimize the environmental impacts of the Project.

B. OVERVIEW OF PROPOSED PROJECT

1. Regional and Community Setting

The Vision Agua Caliente Master Plan defines the development program for an 18-acre Project Site located within downtown Palm Springs in Riverside County. The Project Site is located approximately 5 miles south of Interstate 10 (I-10), as shown in **Figure 3.0-1, Regional Location Map**. Surrounding communities to the City of Palm Springs (City) include Desert Hot Springs located to the north, Banning to the northwest, and

Cathedral City to the east and southeast. The western portion of Palm Springs is bordered by the San Jacinto Mountains.

The Project Site is bounded by Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way to the south, and Calle El Segundo to the east, as illustrated in **Figure 3.0-2, Project Location Map**. The Project Site consists of Reservation land located within the City. The surrounding land to north, south, and east is also located within the Reservation, with off-Reservation City land to the west.

2. Project Characteristics

The Master Plan would allow the expansion of the Spa Resort Casino by up to 68,000 square feet and the development and replacement of up to 350 hotel rooms within 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces[1] that complement and provide incidental benefits to the Spa Resort Casino, as shown in **Figure 3.0-3, Land Use Plan**.

As shown in **Figure 3.0-3**, the United States Postal Service office (the "Post Office") located at the southwest corner of Amado Road and Calle Encilia would be removed, and the proposed casino expansion would extend to the east of the existing Spa Resort Casino west of Calle Encilia. Parking would be located north of the casino expansion along Amado Road and the hotel and meeting space would occupy the center portion of the Project Site with the main hotel entrance located off Indian Canyon Drive. The retail uses would be located along Indian Canyon Drive, with the spa uses located north of Tahquitz Canyon Way and east of Indian Canyon Drive.

Project building heights would be at or below 100 feet as permitted by the Section 14 Specific Plan, except for a portion of the Project Site located within the Building Height Overlay Zone, as shown in **Figure 3.0-3**. In this area, a maximum building height of 175 feet would be allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. The Project would provide approximately 37 percent of the Project Site as open space.

As part of the Project, streets within the Project Site would be removed. As shown in **Figure 3.0-4, Approved Street Vacations,** the right-of-way for Andreas Road between Indian Canyon Drive and Calle Encilia was vacated and abandoned by the City on December 18, 1996 (City Council Resolution No. 18944),

1 The Project Site will contain 650 parking spaces upon full buildout. However, there is an 850-stall parking structure under construction adjacent to the Project and surface parking lots located north of Amado Road that contain an additional 1,145 parking spaces, all of which will serve the Project.

and the full right-of-way for Calle Encilia between Amado Road and Andreas Road and the right-of-way for the west half Calle Encilia between Andreas Road and Tahquitz Canyon Way, as well as the right-of-way for the north half of Andreas Road between Calle Encilia and Calle El Segundo, were vacated and abandoned by the City on May 18, 2016 (City Council Resolution No. 24027).

Access to the proposed hotel would primarily be from Indian Canyon Drive, with secondary access from Andreas Road and Calle Encilia. Parking would be provided in conformance with the Section 14 Specific Plan and would primarily be located along Amado Road.

The first phase of physical development is anticipated to occur by 2019 and would include the proposed spa/fitness center. The remainder of the Master Plan buildout is anticipated to occur by 2026.

Section 14 Specific Plan Design Standards

The Section 14 Specific Plan Design Guidelines seek to encourage development and building rehabilitation of the Project Site in a manner that is visually bold and exciting, reflective of the region's indigenous setting, harmonious with its surroundings, attentive to detail, and related to human scale. They are meant to encourage individual expression in the development of land and buildings while maintaining continuity in the design of the urban environment.

All new development allowed by the Master Plan will generally be designed in accordance with the Section 14 Specific Plan Design Guidelines. Where the Design Guidelines differ, the Master Plan will govern.

Intended Uses of this TEIR

As required by Section 11.1 of the Compact, a statement briefly describing the intended uses of the Draft TEIR and approvals required to implement the Project has been included in this Section.

Tribal Council approval of the Master Plan is required, and it is the intent of this Draft TEIR to enable the Tribe, the City, other responsible agencies, and interested parties to evaluate the environmental impacts of the Project, thereby enabling them to make informed decisions with respect to required actions.

C. PROJECT OBJECTIVES

The Tribe is proposing to approve the Master Plan for the Project Site to promote its orderly development. More specifically, the objectives of the Project are to:

- Promote the highest and best use of Agua Caliente Indian Reservation lands to maximize the economic development opportunities for the Tribe and its members, including Tribal land immediately adjacent to the Spa Resort Casino.

- Create a new mixed-use project that complements and provides incidental benefit to the Tribe's existing Spa Resort Casino to create a regional destination development.

- Plan for an appropriate mix of hotel, meeting, spa/fitness, mixed-use, cultural, retail, and entertainment uses; meet the Section 14 Specific Plan area's growing demand; and build in the flexibility to respond to changes in the market over time.

- Ensure compatibility with existing, proposed, and planned development in the vicinity of the Project.

- Provide infrastructure that incorporates "readiness" for sustainable technologies, such as water conservation features, solar power generation, and plug-in electrical vehicle charging connections/stations.

D. SUMMARY OF ALTERNATIVES

According to Section 11.1.(a)(5) of the Compact, alternatives to the Project should be considered, provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by the Compact on its Indian lands. In addition, Section 11.1(b) of the Compact requires that a TEIR describe a range of reasonable alternatives to the Project or to the location of the Project, which would feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the significant effects on the environment, and evaluate the comparative merits of the alternatives.

Even though the Draft TEIR concludes that the Project will not have any significant effects of the environment, the Tribe identified the following two alternatives to the Project for analysis in accordance with TEPA requirements:

1. Alternative 1—No Action/No Development
2. Alternative 2—Section 14 Specific Plan Buildout

A brief description of each of these Alternatives is provided below with a summary of the evaluation of each.

1. Alternative 1—No Action/No Development

This Alternative examines the impacts that might occur if the Project Site is left in its existing condition, as well as what may reasonably be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. Under the No Action or No Development alternative, the hotel, meeting space, expansion of the casino, mixed use/cultural/retail, and spa/fitness uses would not be developed.

Under the No Action/No Development Alternative, the Project Site would remain in its current and existing condition. The casino, Post Office building, and parking lots would remain; however, the United States Postal Service office itself would still be closed in 2020 as the United States Postal Service's lease expires on August 31, 2020. The existing casino and parking lot uses would continue and the existing environmental conditions associated with those uses would be maintained. The Project Site would retain its visual characteristics and the existing visual resources for the surrounding land uses would not be impacted.

None of the potential impacts associated with construction and operational activities would occur if the No Project/No Development Alternative was selected.

Summary of Comparative Impacts

As described above, the No Action/No Development Alternative would not result in impacts associated with the Project during construction. However, impacts related to land use would be greater as a result of foregoing significant economic development opportunities would not occur on Reservation land and underutilization of the Project Site and deficient intersection level of service impacts at Calle El Segundo and Ramon Road would continue indefinitely. This Alternative would result in lesser impacts related to aesthetic, air quality, cultural resources, water resources, noise, population and housing, public services, and utilities and service systems.

2. Alternative 2—Section 14 Specific Plan Buildout

This Alternative examines the impacts that would result from development of the Project Site with the type and intensity of land uses allowed by the Section 14 Specific Plan Resort Attraction land use designations. As previously discussed, the buildout of the Project Site under the Section 14 Specific Plan could be considered a consolidated project as the site is greater than 5 acres, covers multiple parcels, and is designated RA. Therefore, this Alternative could provide a development floor to area (FAR) ratio of up to 3.0.

The maximum permitted hotel density is 86 rooms per acre. The maximum height permitted is 100 feet for high rise buildings. Typically, the first floor of a hotel is approximately 20 feet in height with subsequent floors approximately 11 feet in height. Therefore, under the Specific Plan the hotel could be up to 8 floors in height at approximately 97 feet. The number of hotel rooms proposed under the Project would be 350 rooms, with an assumed average of 25 rooms per floor, not including the first floor. Under this Alternative, assuming a similar hotel footprint given the limited size of the Project Site, this Alternative could have approximately 175 hotel rooms. Therefore, this Alternative would result in approximately 175 fewer hotel rooms (assuming a similar hotel development footprint) than proposed by the Project.

Similar to the Project, this Alternative would require approximately 40 percent of the site be open space, and would be subject to the same FAR, hotel density, frontage, ground floor façade treatment, pedestrian access, setbacks, minimum lot area, off-street parking, and service access requirements as the Project.

Summary of Comparative Impacts

Impacts related to the Section 14 Specific Plan Buildout Alternative would be similar to cultural resources, water resources, temporary construction related noise, fire services, law enforcement, and utilities and service systems (drainage) when compared to the Project. This Alternative does incrementally reduce identified aesthetics, air quality, land use and planning, long term vehicle related noise, population and housing, traffic, and utilities and service systems (water service, wastewater, solid waste, and energy).

3. Environmentally Superior Alternative

As discussed in **Section 5.0**, there would be no significant and unavoidable impacts as a result of the Project, and each impact identified would be reduced to a less than significant level after mitigation. For purposes of this Draft TEIR, the environmentally superior alternative is the alternative that meets the Tribe's objectives and would cause the least impact to the natural and physical environment.

The No Action/No Development Alternative would avoid environmental effects that may occur under the Project or the Section 14 Specific Plan Alternative, but would not achieve any of the Project objectives listed in **Section 3.0** of the Draft TEIR. The Section 14 Specific Plan Alternative reduces the height of the proposed hotel tower when compared to the Project, resulting in the development of the hotel facility with 50 percent fewer hotel rooms. The Section 14 Specific Plan Alternative would result in slightly reduced impacts as compared to the Project, but would not fully meet the Tribe's objectives to promote the highest and best use of Reservation lands to maximize the economic development opportunities for the Tribe and its members.

The Project meets all project objectives listed in **Section 3.0**. In addition, all potential environmental impacts of the Project are reduced to less than significant levels after mitigation, and no significant and unavoidable impacts have been identified. Therefore, the Project is the environmentally superior alternative.

E. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Some issues of concern were expressed through responses to the Notice of Preparation (NOP). Concerns regarding the potential view corridor impacts have been addressed in **Section 5.1, Aesthetics**. Concerns regarding potential air quality and greenhouse gas emission impacts have been addressed in **Section 5.2, Air Quality**. Compliance with the Tribal Building and Safety Code and voluntary compliance with local air

quality regulations have been identified to reduce air quality and greenhouse gas emission impacts. The Project was found consistent with local water resource issues and have been addressed in **Section 5.4, Water Resources** and **Section 5.10.1, Utilities and Service Systems—Water Service**. The Project was found to be consistent with the Section 14 Specific Plan, as addressed in **Section 5.5, Land Use and Planning**. Cultural resource impacts are addressed in **Section 5.3, Cultural Resources**. Transportation impacts are addressed in **Section 5.9, Traffic and Transportation**. Utilities and service system impacts, specifically water and energy impacts on existing facilities, have been addressed in **Section 5.10, Utilities and Service Systems**. All other related potential impacts resulting from the Project have been addressed throughout this Draft TEIR. Potential impacts were mitigated to less than significant.

F. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

A summary of the potential environmental impacts of the Project and the features of the Project and the measures identified to mitigate these impacts is provided below for each topic addressed in this Draft TEIR. **Table 2.0-1, Summary of Project Impacts**, summarizes the significance of the impacts of the Project based on the information and analysis in **Section 5.0** of this Draft TEIR.

Table 2.0-1
Summary of Project Impacts

Project Impacts	Impact without Mitigation	Mitigation Measures		Impact with Mitigation
Aesthetics				
Potentially sensitive viewers are those on public lands, facilities, or designated scenic highways. While there are no visually-sensitive public lands or facilities, or designated State scenic highways within the Project Site, Tahquitz Canyon Way and Indian Canyon Drive, which are immediately south and west of the Project Site, are designated Scenic Corridors in the Community Design Element of the City's General Plan. Palm Canyon Drive located to the west of the Project Site is also a City designated Scenic Corridor. Additionally, the San Jacinto Mountains to the west, the Santa Rosa Mountains to the southwest, and the San Gorgonio Mountains to the northwest are considered the visual backdrop, or the scenic vista of the Project Site. Project building heights would be at or below 100 feet as permitted by the Section 14 Specific Plan, except for a portion of the Project Site designated as the Building Height Overlay Zone. This Overlay Zone would permit a maximum building height of 175 feet as allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Development within this Zone would be taller in scale from the surrounding structures, and consequently, would be more visually prominent. The Project would adhere to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Project setbacks and open space are not only intended to reduce viewshed encroachment from the neighboring areas to the east, but also provide a visual transition to adjacent	Potentially Significant	**MM 5.1-1**	Prior to issuance of any building permit for the Project, each individual project proponent shall demonstrate consistency with the design guidelines in the Section 14 Specific Plan.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
uses and facilities along Tahquitz Canyon Way and Indian Canyon Drive. Shade and shadow impacts may result if direct sunlight to the proposed buildings were to affect adjacent properties. The longest shadows are cast during winter months and the shortest shadows are cast during the summer months. It should also be noted that in the later afternoon hours, after 4:00 PM, the residential area immediately east of the Spa Resort Casino would also be shaded, but for approximately one hour. It should be noted that the San Jacinto Mountains provides shade/shadow over the site depending on the time of year.			
No scenic resources such as trees, rock outcroppings or historic buildings exist on site. Further, review of the City's General Plan Community Design Element shows that there are no officially designated State Scenic Highways near the site. In summary, while views of the San Jacinto Mountains would be partially obstructed while in close proximity to the Project, views from a distance of the Project would not be greatly encroached upon.	Potentially Significant	Mitigation Measure **MM 5.1-1** shall be implemented.	Less than Significant
While the Project is in an urban setting, the Project would add new sources of light and glare to the surrounding area. The Project would adhere to Section 14 Specific Plan Design Guideline 7.2.6 which states lighting throughout Section 14 should provide for a safe and pleasing environment. Enough lighting should be provided to light rear parking lots safely, but light should be shielded from the sky and adjacent residential uses. Outdoor lighting for the Project would also be consistent with Section 93.21.00 of the Palm Springs Municipal Code regarding lighting design and construction. Further, given the Project is within the Special Lighting Area established	Potentially Significant	Mitigation Measure **MM 5.1-1** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
for Mount Palomar Observatory, the Project would be conditioned to adhere to the standard lighting requirements of the Section 14 Specific Plan.			
Cumulative development would result in substantial changes to the visual character of the Project Site and add to the creation of nighttime light and glare. However, this would not constitute a significant adverse impact as the Project Site and surrounding area would be developed in accordance with the anticipated development that would occur in these areas per the Section 14 Specific Plan and the City's General Plan. The aesthetic impacts of the Project associated with effects upon the existing visual character of the Project Site and its surrounding area have been evaluated and were found to be less than significant on a Project-specific basis. In consideration of the preceding factors, the Project's contribution to cumulative aesthetic impacts would be less than significant.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Air Quality			
The Project would result in less than significant impacts with regard to localized concentrations of volatile organic compounds (VOCs), nitrogen oxides (NOx), carbon monoxide (CO), respirable particulate matter (PM10), and fine particulate matter (PM2.5) during Project construction. The planned uses would also be consistent with the land use and zoning designation of the Project Site. The Project would accommodate a mix of commercial, retail, cultural, hotel, and casino uses within walking distance which would reduce the need for residents within the Project Site and surrounding area to travel long distances to other commercial and entertainment centers. This would be consistent with the Southern California Association of Governments (SCAG) and the City's General Plan projections and would not	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
exceed assumptions in the air quality management plan (AQMP) and would be consistent with the Coachella Valley PM10 State Implementation Plan.			
Construction activities associated with the development of the Project would not exceed regional VOC, NOx, CO, SOx, PM10, and PM2.5 concentration thresholds. The Project would result in short-term emissions of GHGs during construction—that is, the emissions would occur only during active construction and would cease after the Project is built. Construction activities associated with the Project would generate 3,159.3 metric tons of carbon dioxide equivalents (MTCO2e) GHG emissions. The South Coast Air Quality Management District (SCAQMD) recommends annualizing construction-related GHG emissions over a project's lifetime, defined as a 30-year period, to include these emissions as part of the annual total operational emissions.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Air quality impacts during operation of the Project would remain less than significant. There would be a decrease in operational emissions are a result of newer vehicle technology as the mobile emissions were the largest emission contribution. The Project would incorporate measures that reduce GHG emissions compared to a conventional project of similar size and scope. The Project would incorporate energy and water efficiency design features to enhance efficiency in all aspects of a building's life-cycle. These designs would increase the structures energy efficiency, water efficiency (as identified in the Tribal Building and Safety Code), and overall sustainability. The Project is also located in an urban area that would reduce vehicle trips and vehicles miles traveled due to the urban infill characteristics and proximity to public transit stops. These measures and features are consistent with existing	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
recommendations to reduce GHG emissions. Landscaping for the Project would involve the use of desert-appropriate and drought-tolerant plants. Therefore, the Project would be consistent with the 2020 reduction in GHG emissions from 1990 levels set forth in the City's 2013 Climate Action Plan.			
According to SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Implementation of the Project would not result in exceedance of any of the criteria pollutant listed.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Construction and operational emissions would not exceed Local Significance Thresholds in relation to sensitive receptors to the south and west. Compliance to SCAQMD Rule 403 fugitive dust emissions during construction will occur. The background CO concentration within 1-hour in the Coachella Valley was 2 ppm in 2010 and was not exceeded in 2011 and 2012. The background CO concentration within the monitored 8-hour period has been 0.5 ppm and 0.6 ppm for the past 3 years which is below the standard of 9.0 ppm. With the implementation of identified traffic mitigation, the Project would not cause any intersection to continue to operate at LOS E or F and would not increase delays at any intersection currently operating at LOS E or F. The increase in traffic volumes at the analyzed intersections would result in a de minimis increase in background CO concentrations which would not result in CO levels higher than the 20 ppm 1-hour standard or the 9.0 ppm 8-hour for CO.	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
The Project is not anticipated to use hazardous materials in appreciable quantities.			
During Project construction, activities associated with the operation of construction equipment, the application of asphalt, the application of architectural coatings, and other interior and exterior finishes, and roofing may produce discernible odors typical of most construction sites. Any unforeseen odors generated by the Project will be controlled in accordance with SCAQMD Rule 1113, which the Tribe would voluntarily follow. In addition, odors emitted from certain pieces of construction equipment would dissipate quickly and be short term duration. During Project operation, any unforeseen odors generated by the Project will be controlled in accordance with SCAQMD Rule 402 (Nuisance).	Less than Significant	No mitigation measures are necessary.	Less than Significant
Individual projects that exceed SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. Construction and operation of the Project would result in daily emissions that fall below thresholds of significance recommended by SCAQMD. Therefore, the contribution of these emissions to the air quality within the Salton Sea and South Coast Air Basins is not considered to be cumulatively considerable.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Cultural Resources			
The Project Site is located within an urbanized area that has been subject to grading and development in the past. Section 14 was the location of settlements and activity during both the prehistoric and historic periods. Due to the sensitive nature of Section 14, there is the potential to discover intact subsurface deposits of cultural	Potentially Significant	**MM 5.3-1** The presence of an approved Native American Cultural Resource Monitor(s) shall be present during any ground disturbing activities, archaeological testing, and surveys. Should buried cultural deposits be encountered, the Monitor may request that construction halt and the Monitor shall notify a	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
significance during Project construction. Therefore, there is a possibility that archaeological resources exist at subsurface levels and may be uncovered during the site preparation, grading, and excavation activities, thereby resulting in potentially significant impacts on undiscovered archeological resources.		qualified archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the Tribal Historic Preservation Office. If human remains are discovered, further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD).	
As the Project Site and immediate surrounding areas are highly disturbed, the Project Site is not likely to contain any known vertebrate paleontological resources. There is a possibility that paleontological resources exist at subsurface levels and may be uncovered during the site preparation and grading activities for the footings of the parking structure.	Potentially Significant	Mitigation Measure **MM 5.3-1** shall be implemented.	Less than Significant
The Project Site has been previously graded and is currently developed with surface parking lots, the Spa Resort Casino, a United States Postal Service office, and other commercial/retail development. Project construction would require ground-disturbing activities, including additional grading and excavation, that could result in the discovery of previously undiscovered human remains.	Potentially Significant	Mitigation Measure **MM 5.3-1** shall be implemented.	Less than Significant
Similar to the Project, ground-disturbing activities would have the potential to uncover previously unknown archeological resources, fossils of paleontological importance, and human remains. Determinations regarding the significance of impacts of the related projects on archaeological or paleontological resources would be made on a case-by-case basis and, if necessary,	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
the applicants of the related projects would be required to implement appropriate Mitigation Measures.			
Water Resources			
The development of the Project would involve construction activities on the Project Site over the duration of Project development (intermittently over approximately 8 to 10 years). Proposed grading and construction activities would involve earth movement and the use of heavy equipment. In 2011, the Tribe received an exemption from NPDES Permit coverage requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage; however, the Project will comply with USEPA's Construction General Permit CAR05000I requirements. In order to reduce the discharge of POCs into receiving waters during construction of the proposed development, individual project proponents will be required to prepare a site-specific stormwater pollution prevention plan (SWPPP) in accordance with USEPA's NPDES Construction General Permit CAR05000I.	Potentially Significant	**MM 5.4-1** Prior to issuance of any grading permit for the Project, a project-specific construction water quality management plan (WQMP) shall be submitted to the Tribal Engineer for review and approval.	Less than Significant
The development of the Project would result in similar amounts of impervious surfaces to existing conditions on the Project Site. Degradation of water quality from the Project would be managed in accordance with all applicable federal, Tribal, and local water quality rules and regulations to effectively minimize the Project's impact on water quality.	Potentially Significant	**MM 5.4-2** Prior to the issuance of any grading permit for the Project, a detailed drainage and hydrology study shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. This study shall determine the specific location and size of on-site and off-site drainage facilities compatible with pre-Project/existing conditions across the Project Site.	Less than Significant
Total net water demand of the Project is estimated to be 115 acre-feet per year. The Section 14 Specific Plan water demand was estimated to be approximately 4,515 acre-feet per year, and the Project would account for	Potentially Significant	Mitigation Measure **MM 5.10.1-1** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
approximately 2.5 percent of the overall Section 14 Specific Plan demand. When the Project is compared to regional water demands, the Project water demand would represent approximately 0.63 percent of groundwater demand and 0.3 percent of the 2015 UWMP total demand in 2020. The Project will be designed consistent with the Section 14 Specific Plan open space requirements. These areas are anticipated to represent approximately 37 percent of the Project Site and will provide for groundwater recharge. The historical depletion of groundwater in the Coachella Valley has led to a condition known as overdraft, in which the demand for groundwater exceeds the amount of recharge into the groundwater basin over a period of time. The Project would be required to include individual project features which are consistent with the goals of the 2015 UWMP by incorporating water conservation measures, such as high-efficiency irrigation systems and drought-tolerant landscaping consistent with the Tribe's Land Use Ordinance, and would use reclaimed water for irrigation wherever feasibly possible. The Project would not 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 as it would contribute to local recharge through use of the retention basins and/or the amount of dedicated open space within the Project Site.			
Grading of the Project Site will be conducted during construction to create commercial/hotel/retail pads, expand the existing Spa Resort Casino, and add new parking. Implementation of the Project will result in alteration of the Project Site's surface on the Project Site. This will result in an alteration of the existing drainage patterns on site.	Potentially Significant	Mitigation Measure **MM 5.4-1** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
As previously discussed, the USEPA administers the NPDES Construction General Permit for Indian lands, which applies to all projects disturbing areas of 1 acre or more during construction. As the Project is intermittently constructed over approximately 8 to 10 years, individual project proponents would be required to file a notice of intent under this permit.			
The operation phase of the Project would contain a number of features to reduce the amount of runoff that would occur within the Project Site, and to limit the amount and rate of surface water flow downstream of the Project Site. The Project would include open space and landscaped areas, pervious concrete and asphalt paving where feasible, and Project-related water quality design features. Landscaped areas would be designed in accordance with the Section 14 Specific Plan and the Tribal Land Use Ordinance which would also help reduce erosion and siltation impacts.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Construction of the Project, such as site preparation and grading activities, could potentially degrade surface water quality through erosion and subsequent sedimentation. Operation of the Project may result in the presence of pollutants, such as trash and debris, oil and grease, nutrients, and pesticides may be present in surface water runoff. However, the Tribe would implement BMPs in accordance with the site-specific SWPPP and would comply with Tribal regulations, including Tribal Ordinance No. 24, that would reduce the impacts of the Project on surrounding surface water quality.	Potentially Significant	Mitigation Measure **MM 5.4-1** shall be implemented.	Less than Significant
A condition of approval for the Project from the 2002 EIS/EIR completed for the Section 14 Specific Plan requires a drainage study to determine the specific location and size of on-site and off-site drainage facilities	Potentially Significant	Mitigation Measure **MM 5.4-1** and **MM 5.4-2** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
for individual developments within the Project Site. Accordingly, future development projects would not exceed the capacity of existing or planned stormwater drainage systems. Additionally, the site-specific SWPPP and appropriate BMPs pursuant to the Tribe's Ordinance Controlling Pollutant Discharges into the Waters of the Reservation would reduce the discharge of expected pollutants during construction of the Project.			
The nearest 100-year flood zone is located approximately 1 mile southeast and 3 miles north of the Project Site, and is designated as AO (100-year risk of flooding one to two feet deep). Therefore, the Project would not place structures within a 100-year flood hazard area.	Less than Significant	No mitigation measures are necessary.	Less than Significant
According to the FEMA FIRM map No. 06065C1558G, effective since August 28, 2008, the Project Site is not in a designated 100-year flood hazard area. According to the City of Palm Springs General Plan, the Project Site is located within a levee or dam inundation zone. The Project Site is located within the Tachevah Creek Detention Reservoir Dam Failure Inundation Pathway. However, the design of the Project would adhere to flood requirements identified in the Tribal Building and Safety Code. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Each related project would be required to comply with NPDES requirements and local regulations designed to prevent polluted runoff from entering local storm drain systems and receiving water bodies during construction and after buildout, the cumulative impact to water quality would be less than significant.	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Regulations require that proposed drainage facilities be designed to convey flows associated with a 100-year storm event. Similarly, the Project is designed to convey flows associated with a 100-year event. Compliance by related projects with applicable municipal code requirements, Tribal Building and Safety Code, CVWD regulations, and California Drainage Law would result in less than significant cumulative impacts. The groundwater management activities will ensure that groundwater supplies are not depleted or degraded. Therefore, the cumulative impacts would be less than significant.			
Land Use and Planning			
The Project Site is designated and zoned Resort Attraction (RA) by the Section 14 Specific Plan. The RA land use designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions with retail and entertainment facilities. Given the mixed use, consolidated nature of the project, it qualifies as a Consolidated Project under the Specific Plan, which provides incentives for such projects including allowing development of up to 3.0 FAR. With an estimated FAR of 1.4, the Project is below the 3.0 FAR permitted by the Specific Plan. The Project setbacks meet the development standards for yard setbacks. At 58 rooms per acre, the Project is consistent with the Section 14 Specific Plan hotel density development standard of 86 rooms per acre. The Project is in compliance with the High-Rise Building Setback Development Standard of the Section 14 Specific Plan. The setback standard requires high-rise buildings in Section 14 to have a minimum setback of one (1) foot of horizontal setback distance from any residential district	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
for each one (1) foot of vertical rise of the building. The Project, however, provides a setback from the neighboring residential uses of over 500 feet from the Building Height Overlay Zone. The proposed Master Plan would be consistent with the Section 14 Specific Plan development standards, except for maximum building height and minimum open space requirements. The uses proposed as part of the Project are also consistent with the RA use as designated under the Section 14 Specific Plan.			
The Project Site is located within the boundaries of the THCP. However, the Project Site is located in an urbanized area of the THCP-designated Valley Floor Planning Area (VFPA) and is completely developed. The Project would not conflict with any applicable environmental documents or policies.	Less than Significant	No mitigation measures are necessary.	Less than Significant
The planned uses within the Project Site will be consistent and compatible with existing and surrounding land uses. As with the Project, related projects and other future growth would be subject to compliance with the local and regional plans.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Noise			
Construction noise impacts have the potential to occur and contribute to the local ambient noise environment. The Palm Springs Noise Ordinance permits construction activities during the hours of 7:00 AM to 7:00 PM, Monday–Friday, and 8:00 AM–5:00 PM, Saturday. No construction activities are permitted on Sundays or holidays. Consistent with the City's Noise Ordinance, the Tribe would voluntarily limit construction activities to these timeframes and days. Furthermore, in an effort to minimize offsite construction noise levels, the Tribe would use Best Management Practices (BMPs) including	Potentially Significant	**MM 5.6-1** Prior to issuance of any demolition, grading or building permits by the Tribe, specifications shall be prepared that identify contract requirements regarding attenuation of noise from construction vehicles and activities. The specifications shall include but not be limited to the following: • Two weeks prior to construction activities, the applicant must notify all surrounding land uses within 200 feet of the site, of the construction schedule, including the various types of	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
notification of nearby businesses and/or residences and using the latest muffler technology on off-road construction equipment.		activities that will be occurring throughout the duration of the construction period. • Before any site activity, the contractor shall be required to submit a material haul route plan to the Tribal Public Works Engineer and to the City of Palm Springs for review and approval. The contractor must ensure that the approved haul routes are used for all materials hauling to minimize exposure of sensitive receivers to potential adverse noise levels from hauling operations. • Ensure that construction equipment is properly muffled according to industry standards and in good working condition. • Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. • Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far from noise sensitive uses as feasible during all phases of project construction. • Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and	

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
		portable equipment, must be turned off when not in use for more than 30 minutes. • Construction hours, allowable workdays, and the phone number of the job superintendent must be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Tribe, the City, or the job superintendent receives a complaint, the superintendent must investigate, take appropriate corrective action, and report the action taken to the reporting party. Contract specifications must be included in the project construction documents, which must be reviewed by the Tribe prior to issuance of grading permits.	
The Project would contribute a negligible increase in vehicle related noise along adjacent roadways. These levels would be consistent with existing vehicle related noise levels. Where vehicle noise levels exceed the City's identified exterior noise levels, the any increase above 3 A-weighted decibels [dB(A)] Community Noise Equivalent Level (CNEL) would require a noise study. As the Project-related vehicle traffic does not contribute more than 3 dB(A) CNEL, then the Project would be consistent with City interior and exterior noise standards. Furthermore, the Project would be consistent with the design guidelines identified in Section 14 Specific Plan and the policies identified in the City's Noise Element.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Vibration levels at the multifamily condominiums would be 71.5 vibration decibels (VdB) during building construction activities. Based on the proposed construction activities, the vibration levels would fall below the FTA thresholds (72 VdB for residential and 106	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
VdB for non-engineered timber and masonry buildings) for a significant vibration impact. Furthermore, construction activities are only permitted during certain hours.			
Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dB(A). The maximum noise level increase along existing roadways would be 0.7 dB(A) on Amado Road, east of Avenida Caballeros.	Less than Significant	No mitigation measures are necessary	Less than Significant
Noise levels from the parking lots/structure would be approximately 31 dB(A) to 56 dB(A) at sensitive receptors. Due to the existing level of traffic noise along area roadways and the distance from the parking lots/structure to the sensitive receptors, noise would not likely be audible due to the masking of noise by traffic. Furthermore, the Project parking would be designed consistent with the Section 14 Specific Plan and would incorporate landscape features and comply with roadway setbacks.	Less than Significant	No mitigation measures are necessary.	Less than Significant
External truck loading and unloading docks associated with the Project would introduce potential stationary noise sources. These sources would primarily be associated with the retail and hotel uses. The operations at loading docks typically result in noise levels of 64 to 66 dB(A) at 75 feet. The noise from loading docks would not cause an increase in long-term average noise of more than 5 dB(A) on the time-weighted CNEL scale, and would not be significant from that perspective.	Less than Significant	No mitigation measures are required.	Less than Significant
The Project would introduce various stationary noise sources, including HVAC systems, which would be located either on the roof, the side of a structure or on the ground. Typically, this type of equipment produces noise levels of approximately 56.0 dB(A) at 50 feet from the	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
source. This equipment would be screened and integrated in architectural design of the building, and would further attenuate sound emanating from the HVAC systems. As the sound distance doubles to 100 feet from the equipment, sound levels would be 50 dB(A). The use of such equipment would not generate noise levels that would substantially elevate the ambient noise environment and would not generate substantial noise and impacts to nearby noise-sensitive receptors.			
Nearby sensitive receptors may experience increases in noise due to an increase in human activity within the area either from utilizing the on-site amenities including common areas and the retail areas. Potential commercial types of noise include people talking, doors slamming, stereos, and other noise associated with human activity. These noise sources are not unique and generally contribute to ambient noise levels experiences in all land use areas. Overall, the noise generated by the Project's land uses would be consistent with the ambient noise levels in the Project Site.	Less than Significant	No mitigation measures are required.	Less than Significant
Noise by definition is a localized phenomenon, and drastically reduces as distance from the source increases. As a result, only project and growth in the general area of the Project Site would contribute to cumulative noise impacts. Cumulative construction noise impacts have the potential to occur when multiple construction projects in the local area generate noise within the same time frame and contribute to the local ambient noise environment. The nearest related project is located approximately 425 feet to the west of the site. Construction noise from the Project would contribute to the cumulative noise environment. It is expected that, as with the Project, the related projects would implement Best Management	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Practices (BMPs), which would minimize any noise-related nuisances during construction. Furthermore, the Palm Springs Noise Ordinance permits construction activities during certain hours. Related projects are not located close enough to the Project Site (greater than 125 feet) to result in vibration impacts from concurrent construction.			
Cumulative development from related projects would not result in a significant cumulative impact in terms of a substantial permanent increase in ambient noise levels. The year 2026 ambient conditions represent traffic growth or cumulative development within the Project Site. Based on the ambient growth, the greatest increase in noise would occur along Amado Road, East of Avenida Caballeros with an increase of 0.6 dB(A) CNEL. Consequently, noise impacts under the Future with Project scenario would be less than significant and the Project's contribution would not be considered considerable. With regard to stationary sources, cumulatively significant noise impacts may result from cumulative development. Since these projects would be required to adhere to the City of Palm Springs noise standards, all the stationary sources would be required to provide shielding or other noise abatement measures so as not to cause a substantial increase in ambient noise levels. Moreover, due to distance, it is unlikely that noise from multiple cumulative projects would interact to create a significant combined noise impact.	Less than Significant	No mitigation measures are required.	Less than Significant
Population and Housing			

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
The Project does not include the construction of housing of any kind and, for this reason, will not generate any direct increase in population. However, the commercial uses included in the Project would generate jobs which could indirectly generate population growth and demand for housing. It is estimated that the Project could generate approximately 935 jobs. This minimal increase in population would not be substantial and, for this reason, population impacts would be less than significant.	Less than Significant	No mitigation measures are necessary.	Less than Significant
The employment opportunities within the City are supposed to steadily increase at 2.6 percent per year through the year 2040. By 2026, when the Project will be complete, the City would have approximately 33,243 employees. The Project's addition of 935 employees would be consistent with the projections per the Southern California Associate of Governments (SCAG).	Less than Significant	No mitigation measures are necessary.	Less than Significant
For analysis purposes, if all 935 additional employees relocated to the City, there would need to be an increase of approximately 711 housing units. As of 2013, Section 14 included 67 acres of vacant, residentially zoned land with a capacity for approximately 2,178 housing units according to the Market and Fiscal Analysis included as Appendix B to the Section 14 Specific Plan. The conservative estimation of 711 housing units needed would be able to be accounted for within the 2,178 units projected for Section 14.	Less than Significant	No mitigation measures are necessary.	Less than Significant
The Project Site does not contain any existing residential development. Therefore, no housing located on the site or near the site would be displaced by implementation of the Project.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Implementation of the Project, in combination with other development projects in the in accordance with the	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
adopted Palm Springs General Plan, would contribute to future population, housing, and employment growth within the area. Though Project buildout would contribute to the growth within the City, significant population, housing, and employment growth in the City and specifically Section 14, is already anticipated. Additionally, the Project's cumulative employment and population increase would be consistent with the citywide projections.			
Public Services			
Fire Services			
The allowed uses may incrementally and indirectly, increase the population. Consistent with the Tribal Building and Safety Code, the Project will be required to provide approved final fire-flow plans to the Tribal Fire Marshal, which include fire-flow requirements within commercial projects to be based on square footage and on intensity of use. Individual project proponents will also provide final fire-flow plans to the Tribal Fire Marshal ensuring that all water mains and fire hydrants providing required fire flows would be constructed in accordance with the appropriate development schedule sections of the Tribal Building and Safety Code. Historically, the Tribe has also made substantial contributions to fire entities in the communities in which it operates commercial enterprises, including the City. The Tribe will continue to undertake appropriate consultation with the PSFD for the Project, and continue to contribute funds in accordance with Section 4.3 of the Compact and plans to continue making charitable donations to the Palm Springs Fire Department (PSFD). An approved use of such funds consists of "[g]rants … for	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
the support of State and local agencies impacted by tribal government gaming…." The Project would not interfere with PSFD's accessibility to the surrounding uses along these roadways, as the Project would be required to install fire hydrants, as well as the provision of adequate emergency access, including ingress and egress points, for emergency services in accordance with the Tribal Building and Safety Code standards. Any such closures would be temporary in nature and would be coordinated with the Tribe's Planning and Development Department, the City's Public Works and Engineering Department, and/or the PSFD. Project development would not impair implementation of or physically interfere with the City of Palm Springs Emergency Response Plan and Local Hazard Mitigation Plan. Furthermore, based on the relatively short distance from PSFD Station No. 1 to the Project Site approximately 200 feet to the west, fire protection response time would be within the City's 5-minute standard.			
Related projects within the Reservation, or within the City could contribute to a potentially significant adverse cumulative impact on PSFD's fire protection services and their ability to provide acceptable response times. These impacts would include increased numbers of emergency and public service calls due to the increased presence of structures, traffic volume, and people within the area. Development projects within the City would be reviewed by the City and PSFD, and payment of fees, as appropriate, would be required to minimize impacts to local fire services.	Less than Significant	No mitigation measures are necessary.	Less than Significant
Law Enforcement			

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
The allowed uses may incrementally and indirectly increase the local population, which may increase the demand for law enforcement services. It is assumed that the incremental increase from 935 employees in potential indirect population growth would be accounted for in SCAG's projections. Based on this information, the City's officer to resident ratio in 2026, without the addition of more sworn police officers, would be 1.74 officers per 1,000 residents, well above the threshold of 1.0 officers per 1,000 residents. Additionally, as described in Section 4.3 of the Tribal-State Gaming Compact, funds would be provided to pay for additional services. These funds are collected by the State from gaming device proceeds at tribal gaming operations. An approved use of such funds consists of "[g]rants…for the support of State and local agencies impacted by tribal government gaming…." Historically, the Tribe has also made substantial contributions to police agencies in the communities in which it operates commercial enterprises, including the City. The Tribe would continue to contribute funds in accordance with Section 4.3 of the Compact and plans to make charitable donations to the Palm Springs Police Department (PSPD).	Less than Significant	No mitigation measures are necessary.	Less than Significant
Related projects within the Reservation, or within the City could result in a cumulative impact on the PSPD's emergency and non-emergency services and their ability to provide acceptable response times. These impacts would include increased numbers of requests for law enforcement services due to the increased presence of structures, traffic volume, and people within the area. Development projects within the City would be reviewed by the City and the PSPD and payment of development fees, as appropriate, would be made to minimize impacts to local police services.	Less than Significant	No mitigation measures are necessary.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Traffic and Transportation			
Project construction is anticipated to intermittently occur over approximately 8 to 10 years. Temporary impacts would occur during the construction of the Project; however, these impacts would be short-term impacts related to noise, dust, and traffic flows as a result of temporary lane closures. To minimize potential temporary traffic flow impacts during construction, a detailed construction traffic management plan(s) shall be prepared and submitted to the Tribe and the City of Palm Springs for review and approval.	Potentially Significant	**MM 5.9-1** Prior to issuance of a grading permit, a detailed construction traffic management plan shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. The Tribe will implement appropriate consultation with the City of Palm Springs for each individual project. This plan will identify planned temporary street closure, detour plans, haul routes, and staging plans necessary for any off-site work that would encroach on public right-of-way. The construction traffic management plan shall include the following elements, as appropriate: • Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag person); • Construction-related vehicles shall not park on surrounding public streets; • Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers; • Schedule construction-related deliveries to reduce travel during peak travel periods; • Obtain the required permits for truck haul routes from the City of Palm Springs prior to the issuance of any permit for a project; • Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities; • Outline adequate measures to ensure emergency vehicle access during all aspects of the project's construction, including, but not limited to, the use of flagmen during partial closures to streets	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
		surrounding the Project Site to facilitate the traffic flow until construction is complete; and • Include the implementation of security measures during construction in areas that are accessible to the general public to help reduce any increased demand on law enforcement services, including fencing construction areas, providing security lighting, and providing security personnel to patrol construction sites.	
<u>Existing Conditions Plus Project</u> All but one of the 37 analyzed intersections, would operate at level of service (LOS) D or better. Intersection No. 21, Calle El Segundo and Ramon Road, would operate at LOS E during the evening peak hour. To minimize impacts at this intersection, a condition of approval for the Project and a proportional share of the cost to alleviate impacts at Calle El Segundo and Ramon Road, would be required. The Project would be required to contribute on a "fair share" basis to the cost of this future traffic signal and its coordination with other synchronized traffic signals along Ramon Road to reduce impacts during the midday and evening peak hours. In addition to mitigation described above, the Section 14 Specific Plan Traffic Study recommended that the City or the Tribe monitor two roadway segments every 5 years to determine if geometry changes are necessary to increase capacity, which was adopted as a condition of approval. There was only one change in the LOS between with and without Project conditions at Street Segment No. 5, from LOS A to LOS B, and all of the other 26 street segments had no change in LOS. All of the analyzed street segments would operate at LOS C or better.	Potentially Significant	**MM 5.9-2** The intersection of Calle El Segundo and Ramon Road shall be signalized as a four-legged intersection with Calle Abronia. The Tribe shall undertake measures to implement appropriate consultation with the City to fund the Project's "fair share" of the cost of improvements, including application of funding provided by the Tribe to cover the cost. The Tribe shall contribute, either directly or indirectly, a fair share cost (average up to 17.8 %) for improvements of this future traffic signal and its coordination with other synchronized traffic signals along Ramon Road. **MM 5.9-3** Every 5 years, the City or the Tribe shall monitor the following two roadway segments to determine if geometry changes are necessary to increase capacity. • Avenida Caballeros between Tahquitz Canyon Way and Alejo Road (Street Segment No. 9) and; • The western portion of Alejo Road (Street Segment No. 13, Alejo Road east of Indian Canyon Drive)	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Based on the proposed uses, the Project would need to supply 2,354 parking spaces per the requirements of the Section 14 Specific Plan; however, this total number of required spaces is a conservative estimate as no credit is being taken for shared parking between uses. Currently, there are 528 spaces within the Project Site, and upon completion the Project would provide an additional 122 spaces, totaling 650 spaces. In addition, there will be approximately 850 parking spaces available in the parking structure that is under construction adjacent to the northeast corner of the Project Site, and 1,145 parking spaces in surface parking lots north of Amado Drive, bringing the parking space total to 2,523. These off-site parking facilities serve the Project Site and are within walking distance.	Potentially Significant	**MM 5.9-4** Prior to issuance of any building permit, a detailed parking study shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. This parking study shall determine the location and number of required parking spaces, consistent with the Section 14 Specific Plan off-street parking requirements.	Less than Significant
The Congestion Management Plan (CMP) identifies LOS E as the minimum level of service standard for intersections and roadways segments within the CMP System of Highways and Roadways, including Ramon Road. The City of Palm Springs has identified LOS D as the minimum performance standard for the circulation network, based upon peak hour intersection operation. All but one of intersections studied along these roadways would operate at LOS D or worse) under Existing and Future (Year 2026) conditions. The Tribe will consult with City to determine the appropriate funding mechanism for the CVAG TUMF, or an in-lieu fee equal to TUMF, which is the major source of regional roadway improvement fees in the Coachella Valley.	Potentially Significant	Mitigation Measures **MM 5.9-2** shall be implemented.	Less than Significant
Calle Encilia will be closed between Amado Road and Andreas Road, and the western half of the roadway will be removed between Andreas Road and Tahquitz Canyon Way. Andreas Road will be removed between Calle Encilia and Indian Canyon Drive, as well as the northern	Potentially Significant	Mitigation Measures **MM 5.9-1** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
half of Andreas Road between Calle Encilia and Calle El Segundo. Access to the Project Site would be provided by various streets. The primary hotel access would be located on Indian Canyon Drive, as would the access for the commercial retail space. The spa/fitness center would be accessed from Tahquitz Canyon Way and through the hotel. Casino parking and access would be primarily from Amado Road. The Tribe will implement appropriate consultation with Palm Springs and the City's Fire and Police Departments prior to construction in order to minimize potential traffic hazard conflicts.			
<u>Future Conditions (2026) Without Project</u> For Future conditions without the Project, out of the 37 analyzed intersections, 36 intersections currently operate at LOS C or better during both analyzed peak hours. Intersection No. 21, Calle El Segundo and Ramon Road, operates at LOS E during the evening peak hour, as under existing conditions. All of the 27 analyzed street segments currently operate at LOS D or better during Future conditions without the Project.	Potentially Significant	Mitigation Measures **MM 5.9-2** shall be implemented.	Less than Significant
The results from the Future with Project conditions show that 36 out of the 37 intersections would operate at LOS C or better. Intersection No. 21, Calle El Segundo and Ramon Road, would operate at LOS E during the evening peak hour. However, this intersection currently operates at LOS E during the evening peak hour and therefore, is already deficient prior to the addition of Project traffic. There was only one change in the LOS between with and without Project conditions at Street Segment No. 23, from LOS A to LOS B, and all of the other 26 street segments had no change in LOS. All of the analyzed street segments would operate at LOS C or better.	Potentially Significant	Mitigation Measures **MM 5.9-2** shall be implemented.	Less than Significant
Utilities and Service Systems			

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Water Service			
Development of the Project is expected to increase demand for water service within Desert Water Agency (DWA) service boundaries. As a result, additional water supplies would be required to accommodate the demands of the Project. DWA is the public water system for the Project Site and would provide water service for the Project. All future water system improvements within Section 14 would follow DWA standards and specifications, American Waterworks Association, American National Standards Institute and the latest Standard Specifications for Public Works Construction (Green Book) for water facilities. The Project would be required to design water facilities consistent with the above standards. Further, the Project would be required to incorporate water conservation measures, such as high-efficiency irrigation systems and drought-tolerant landscaping consistent with the conditions of approval identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan and Tribal Land Use Ordinance requirements, and would use reclaimed water for irrigation wherever feasibly possible. Fire flow delivery is dependent upon the type and size of new structures and the requirements of the Palm Springs Fire Department. Therefore, the Project would be required to implement fire flow design consistent with the Palm Springs Fire Department.	Potentially Significant	**MM 5.10.1-1** Prior to issuance of any building permit for the Project, water conservation measures shall be incorporated into the project design and submitted to the Tribal Public Works Engineer for review and approval.	Less than Significant
The Project would result in a total net demand of 115.1 afy, which is approximately 0.5 percent of the DWA projected total groundwater demand for an average year, approximately 0.3 percent for a single dry year, and approximately 0.4 percent in a multiple dry water year in 2040.	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
In 2030, the Project would account for 0.6 percent of the total DWA's 2015 UWMP groundwater supply and approximately 0.3 percent of DWA's total demand when compared to the urban water demands. The DWA has an adequate supply of water from existing entitlements and resources and that the Project would demand less than 1 percent of groundwater supplies in 2030.			
Regional development of residential, commercial, and industrial sites will result in an increased demand on the potable water supply. The entire Coachella Valley utilizes an underground aquifer for its water supply needs. Therefore, cooperation between regional communities and DWA is required to prevent depletion of this water supply, as identified in the Integrated Regional Water Management Plan (IRWMP). The updated Coachella Valley Water Management Plan discusses the actions both DWA and CVWD must take to prevent the continuing decline in groundwater levels and water quality degradation. Actions such as groundwater replenishment, source substitution for irrigation, recycled water use, conservation programs, and land subsidence monitoring are outlined within the updated plan. Continued water importation, water recycling, water conservation, and long-range planning are necessary to meet current and future water demands without depleting the groundwater in storage. As identified in the 2015 DWA Urban Water Management Plan (UWMP), approximately 35,056 acre-feet of groundwater in 2020 and approximately 42,070 acre-feet of groundwater in 2040 are projected to be extracted from the Whitewater River Subbasin by DWA based on DWA's projected population projections and an estimated water use based on DWA's urban water use target of 344 gallons per capita per day (gpcd). As	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
discussed, DWA will have sufficient water supplies for related projects. Population projections utilized in the 2015 DWA UWMP are provided by regional SCAG and Coachella Valley Association of Governments (CVAG) projections.			
Wastewater			
Based on the estimated average day flow rates for existing and proposed development, the Project is expected to generate an additional 22,830 gallons per day (gpd), or 0.023 million gallons per day (mgd) of wastewater. The City's Wastewater Treatment Plant's current design flow is 10.9 mgd, and as of 2015, processed a daily average of 6 million gallons. The Project wastewater flow would increase the existing daily average by 0.023 mgd, or less than 1 percent of the plant's available capacity. The Wastewater Treatment Plant has sufficient available capacity to treat the Project's additional demand. The Project demand is approximately 4 percent of the overall wastewater expected to be generated from full buildout of Section 14, which is 0.62 mgd.	Less than Significant	No mitigation measures are required.	Less than Significant
Development of the Project is expected to increase demand for wastewater services; as a result, additional wastewater facilities and/or facility upgrades may be required in the vicinity of the Project to accommodate the demands of the Project. Consistent with the conditions of approval identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan, the capital costs of on-site and off-site facilities necessary to serve individual projects will be the responsibility of the applicant. Where such facilities must extend beyond the Project Site to link into existing facilities, a	Potentially Significant	**MM 5.10.2-1** Prior to issuance of any building permit for the Project, the Tribe shall pay applicable fees, or provide equivalent funding, to the City for any necessary sewer line improvements associated with the Project. Such facilities will be dedicated to the City, after construction, for maintenance and operation.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
reimbursement agreement can be formulated with the City to reimburse the applicant for costs. Sewer facilities will be designed and constructed in accordance with the Tribal Building and Safety Code, City standards and specifications, American Waterworks Association, American National Standards Institute, and the Standard Specifications for Public Works Construction, 2012 Edition.			
The wastewater treatment facility would still have plenty of capacity after development of the Project; however, a cumulative increase in wastewater flow could cause significant impacts to the existing offsite conveyance systems. These projected increases in wastewater flows would require expansion of water treatment facilities. As indicated in the Section 14 Specific Plan, additional wastewater expected to be generated from full buildout of Section 14 is projected to be 0.62 mgd. As noted above, sewer facilities would be designed and constructed in accordance with the Tribal Building and Safety Code, City of Palm Springs standards and specifications, American Waterworks Association, American National Standards Institute and the Standard Specifications for Public Works Construction. Additionally, costs of on-site and off-site facilities necessary to serve individual projects will be the responsibility of the applicant.	Less than Significant	No mitigation measures are required.	Less than Significant
		Drainage	
Since the Project Site is currently developed, the likelihood that storm water runoff would increase, is low. However, as part of the Project, portions of streets within the Project Site would be removed. As a result, existing storm drainage facilities may need to be altered to account for the loss of roadways and storm drains.	Potentially Significant	Mitigation Measures **MM 5.4-1** and **MM 5.4-2** shall be implemented.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
The Tribe received an exemption from NPDES Permit coverage requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage; however, as discussed in Water Resources summary above, the Project will comply with USEPA's Construction General Permit CAR05000I requirements. The development of the Project would result in similar amounts of impervious surfaces to existing conditions on the Project Site. The 2002 EIS/EIR completed for Section 14 Specific Plan identified mitigation for individual projects specific to water resources that was adopted as a condition of approval.			
Cumulative impacts related to storm water drainage facilities would occur when new development would require the use of the same existing facilities as the Project. As noted above, new storm drains required to serve future developments will need to be approved by both the City of Palm Spring and Riverside County Flood Control and Water Conservation District to assure compliance with the Master Drainage Plan for the Palm Springs area and their respective standards of design.	Less than Significant	No mitigation measures are required.	Less than Significant
Solid Waste			
A majority of the construction waste would be readily recyclable materials such as wood, concrete, metals, and soil. This material will be collected on site and recycled in accordance with the Tribal Land Use Ordinance. Any remaining non-recyclable waste would be sent to the Edom Hill Transfer Station.	Less than Significant	No mitigation measures are required.	Less than Significant
The Project is conservatively expected to generate approximately 1,803 tons of solid waste per year, an increase of 1,041 tons per year from the existing uses.	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Riverside County Waste Management District (RCWMD) has a total of seven landfills that it operates. All RCWMD sites have the potential for expansion. Currently, the Lamb Canyon Landfill is in the design and permitting stage for its next expansion (Phase 3), which is estimated to provide capacity for additional 30-plus years beyond the estimated closure date of 2021. The Project would contribute less than 0.05 percent of the combined remaining permitted daily intake capacities of the Lamb Canyon and El Sobrante landfills.			
The Project and related projects would contribute to the cumulative amount of solid waste that is disposed of within the Riverside County landfill system. However, as discussed above, the Project in conjunction with other projects within the area would generate a total amount of waste that could be accommodated by existing landfills and would not contribute to cumulatively significant impacts to landfill capacity such that all landfills exceed their capacity.	Less than Significant	No mitigation measures are required.	Less than Significant
Energy Use and Consumption			
Based on the conservative consumption rates and existing and proposed development, the Project is expected to consume an additional 9.59 million kilowatts per year of electricity and 35.75 million cubic feet per year of natural gas. Section 14 commercial and hotel uses would utilize 84.96 million kilowatts per hour of electricity, and the Project would utilize a total of 13.7 million kilowatts per hour of electricity, or 16.1 percent of the total estimated electric consumption. The Project accounts for a portion of the overall amount of electric consumption in Section 14, and it is therefore, within the electric usage as estimated for the Section. Additionally, because of the capacity of their facilities located within and around Section 14, Southern California Edison	Less than Significant	No mitigation measures are required.	Less than Significant

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
anticipates providing continued and increased service with no significant impact. Section 14 commercial and hotel uses would utilize 196.95 million cubic feet of natural gas, and the Project would utilize a total of 41.56 million cubic feet of natural gas, or 21.1 percent of the total estimated natural gas consumption. The Project would account for 19.1 percent of the commercial and hotel land uses within Section 14, and 21.1 percent of the natural gas consumption at full buildout. The Project accounts for a portion of the overall natural gas demand in Section 14, and is therefore, within the natural gas usage estimated for Section 14. The Southern California Gas Company anticipates providing continued and increased service with no significant impact.			
The Project's demand on energy resources would not by itself create the need for new facilities other than the potential distribution infrastructure within the Project Site. Adequate energy resources would be available to meet cumulative energy demand.	Less than Significant	No mitigation measures are required.	Less than Significant

3.0 PROJECT DESCRIPTION

This Section describes the location, objectives, and characteristics of the proposed Vision Agua Caliente Master Plan, and the intended uses of this Draft TEIR, as identified in Section 11.1 of the Compact. A general description of the Project's technical, economic, and environmental characteristics is provided in this Section. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

A. PROJECT LOCATION

The Vision Agua Caliente Master Plan ("Master Plan") defines the development program for an 18-acre Project Site located within downtown Palm Springs in Riverside County. The Project Site is located approximately five miles south of Interstate 10 (I-10), as shown in **Figure 3.0-1, Regional Location Map**. The Project Site is bounded by Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way to the south, and Calle El Segundo to the east, as illustrated in **Figure 3.0-2, Project Location Map**.

The Project Site is located within the Section 14 Specific Plan, which was adopted by the City in 2004 and updated in July 2014. The Section 14 Specific Plan addresses the 640-acre area bound by Alejo Road on the north, Sunrise Way on the east, Ramon Road on the south, and Indian Canyon Drive on the west. The Project Site is located on the northwest portion of Section 14, as illustrated in **Figure 3.0-2**.

B. PROJECT OBJECTIVES

The Tribe is proposing to approve the Master Plan for the Project Site to promote its orderly development. More specifically, the objectives of the Project are to:

- Promote the highest and best use of Agua Caliente Indian Reservation lands to maximize the economic development opportunities for the Tribe and its members, including Tribal land immediately adjacent to the Spa Resort Casino.
- Create a new mixed-use project that complements and provides incidental benefit to the Tribe's existing Spa Resort Casino to create a regional destination development.
- Plan for an appropriate mix of hotel, meeting, spa/fitness, mixed-use, cultural, retail, and entertainment uses; meet the Section 14 Specific Plan area's growing demand; and build in the flexibility to respond to changes in the market over time.
- Ensure compatibility with existing, proposed, and planned development in the vicinity of the Project.

- Provide infrastructure that incorporates "readiness" for sustainable technologies, such as water conservation features, solar power generation, and plug-in electrical vehicle charging connections/stations.

C. PROJECT CHARACTERISTICS

The Master Plan defines a program for the expansion of the Spa Resort Casino, the development and replacement of a complementary hotel, and the development of a spa and retail commercial uses on the Project Site.

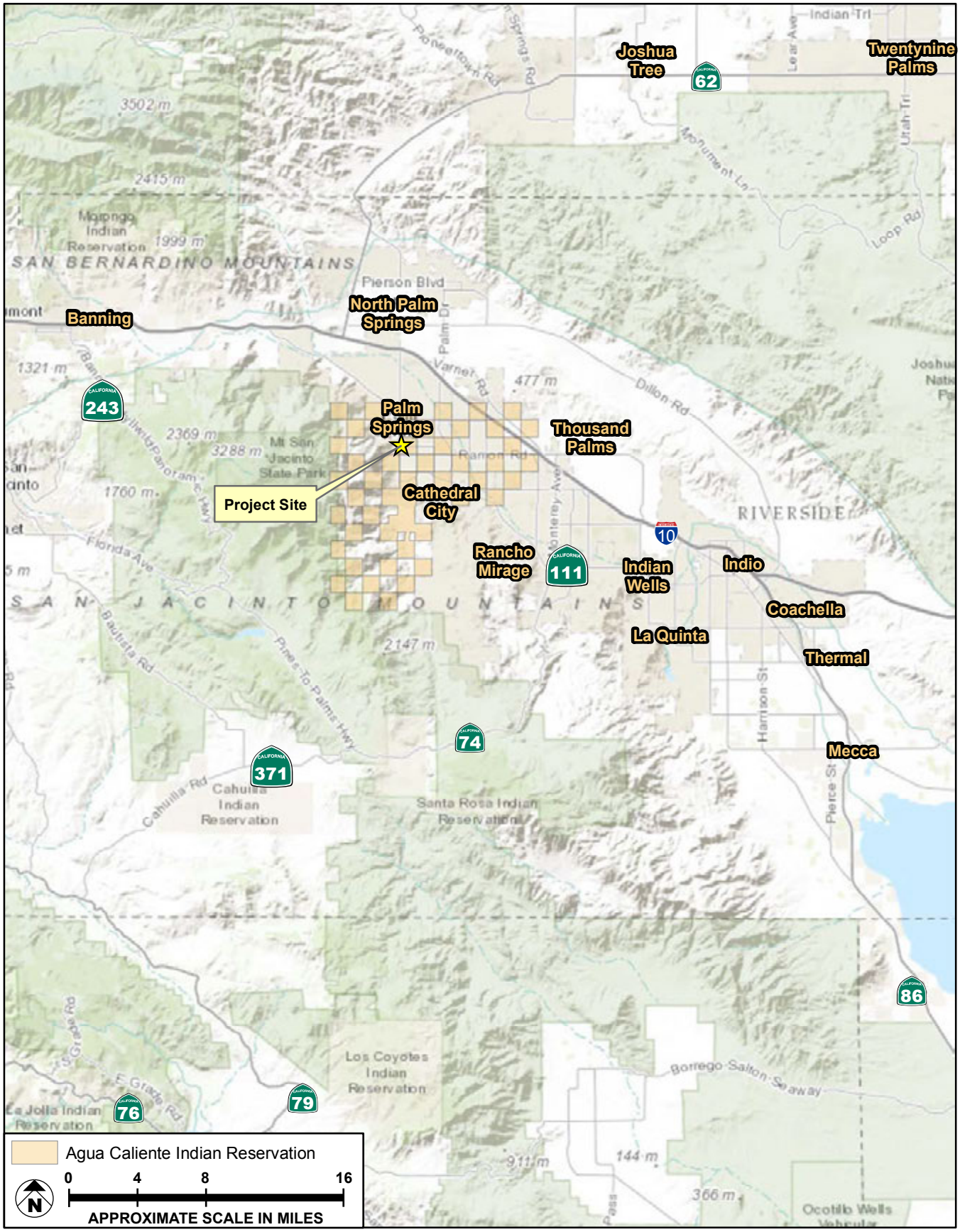
1. Land Use

The Master Plan would allow the expansion of the Spa Resort Casino by up to 68,000 square feet and the development and replacement of up to 350 new hotel rooms within 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space within the hotel, 50,000 square feet of mixed use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces[1] that complements and provides incidental benefit to the Spa Resort Casino, as shown in **Figure 3.0-3, Land Use Plan**. A summary of the land uses defined in the proposed Master Plan is presented in **Table 3.0-1, Proposed Land Use Plan Summary.**

Table 3.0-1
Proposed Land Use Plan Summary

Land Use	Square Feet (Gross)	Rooms	Spaces
Hotel	510,000	350	—
Hotel Meeting Space	60,000	—	—
Casino	200,000	—	—
Spa/Fitness Center	40,000	—	—
Mixed Use/Cultural/Retail	50,000	—	—
Parking	—	—	650
Total	**860,000**	**350**	**650**

1 The Project Site will contain 650 parking spaces upon full buildout. However, there is an 850-stall parking structure under construction adjacent to the Project and surface parking lots located north of Amado Road that contain an additional 1,145 parking spaces, all of which will serve the Project.

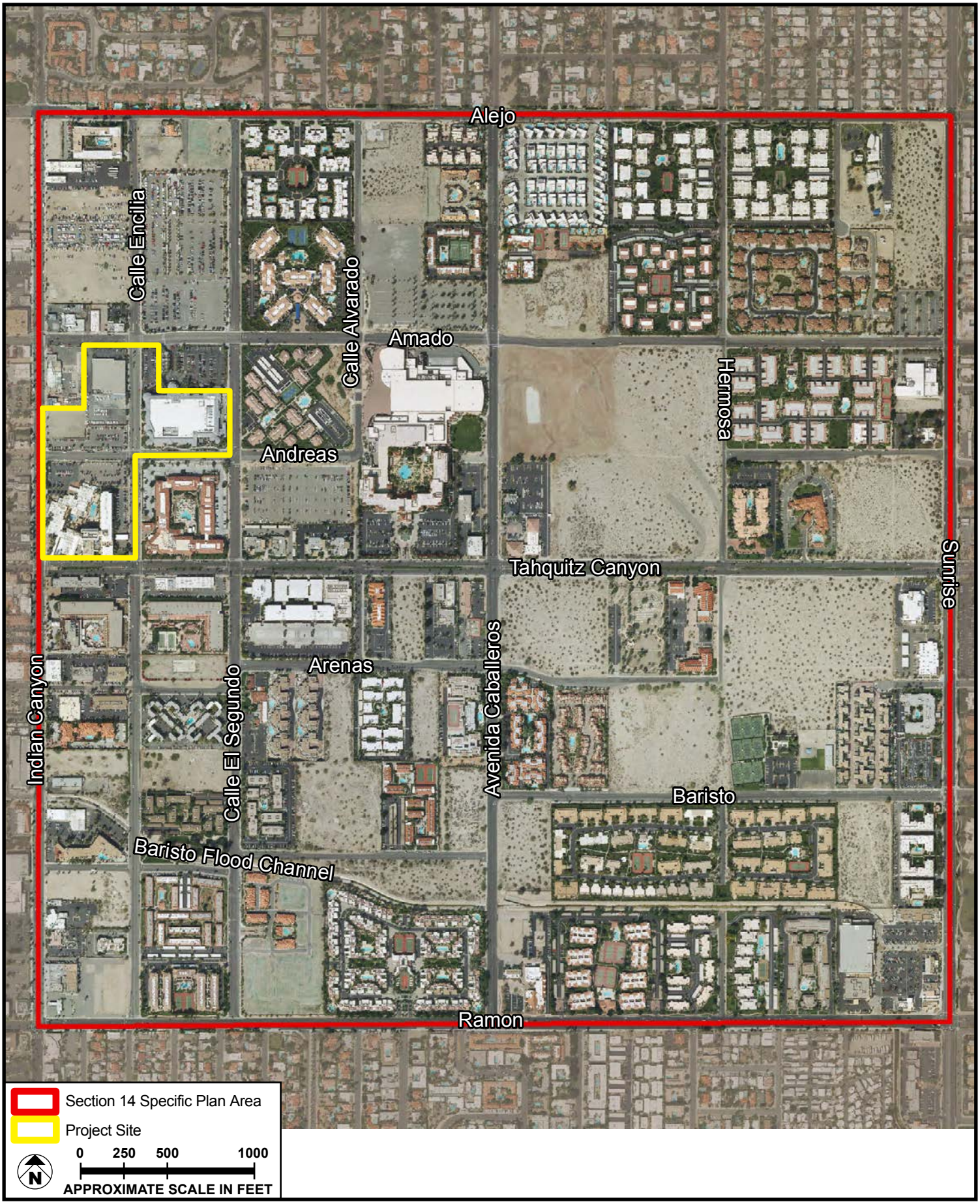


SOURCE: Agua Caliente Band of Cahuilla Indians – 2016

FIGURE **3.0-1**

Regional Location Map

097-002-16

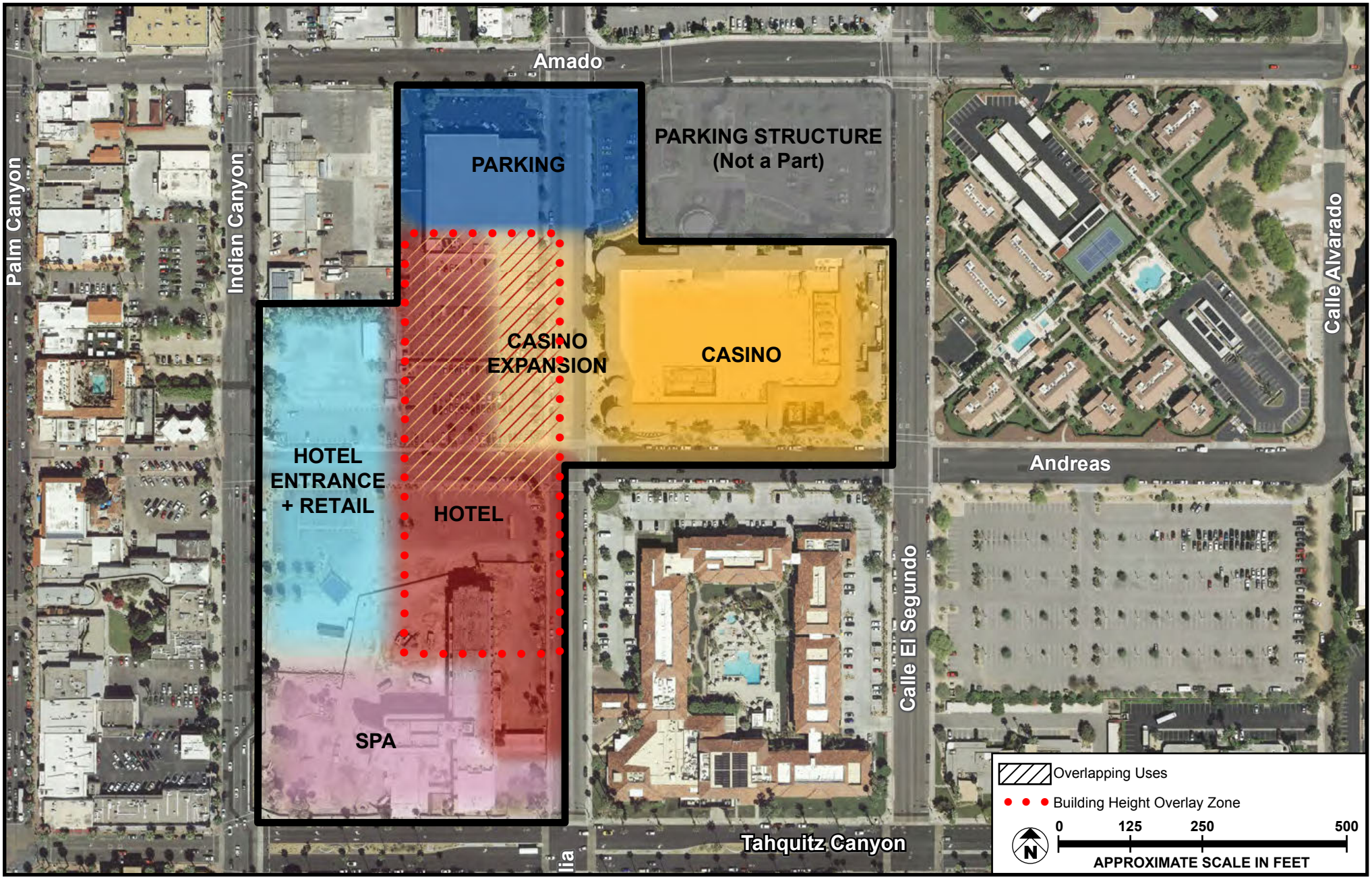


SOURCE: Agua Caliente Band of Cahuilla Indians – 2017

FIGURE **3.0-2**

Project Location Map

097-002-16



SOURCE: Agua Caliente Band of Cahuilla Indians

FIGURE **3.0-3**

Land Use Plan

097-002-16

As shown in **Figure 3.0-3**, the United States Postal Service office (the "Post Office") located at the southwest corner of Amado Road and Calle Encilia would be removed, and the proposed casino expansion would extend to the east of the existing Spa Resort Casino north of Andreas Road and west of Calle Encilia. Parking would be located north of the casino expansion along Amado Road and the hotel and meeting space would occupy the center portion of the Project Site with the main hotel entrance located off Indian Canyon Drive. The retail uses would be located along Indian Canyon Drive, with the spa uses located north of Tahquitz Canyon Way and east of Indian Canyon Drive.

In Section 14, most of the existing buildings are 1 to 2 stories in height, creating a low and consistent visual character; however, the hotels and some residential developments in the western half of Section 14 reach heights of between 3 and 5 stories, creating one of the most densely developed areas in the City.

Project building heights would be primarily under 100 feet, except for a portion of the hotel/casino expansion area, as shown in **Figure 3.0-3**. In this area, a maximum building height of 175 feet would be allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan.

Based on the potential development scenario, the Project would provide approximately 37 percent of the Project Site for open space.

2. Circulation Plan

The circulation system within Section 14, which serves automobiles, public transit, bicycles, and pedestrians, is a rectilinear grid of wide streets. Major thoroughfares, including Indian Canyon Drive, Ramon Road, and Sunrise Way, form the area's boundaries. Tahquitz Canyon Way, another major thoroughfare, provides east–west access through the middle of Section 14.

As part of the Project, streets within the Project Site would be removed. As shown in **Figure 3.0-4, Approved Street Vacations,** the right-of-way for Andreas Road between Indian Canyon Drive and Calle Encilia was vacated and abandoned by the City on December 18, 1996 (City Council Resolution No. 18944), and the full right-of-way for Calle Encilia between Amado Road and Andreas Road and the right-of-way for the west half Calle Encilia between Andreas Road and Tahquitz Canyon Way, as well as the right-of-way for the north half of Andreas Road between Calle Encilia and Calle El Segundo, were vacated and abandoned by the City on May 18, 2016 (City Council Resolution No. 24027).

Access to the proposed hotel would be from Indian Canyon Drive, with secondary access from Andreas Road and Calle Encilia. Parking would be provided in conformance with the Section 14 Specific Plan and would primarily be located along Amado Road.

3. Infrastructure and Utility Improvements

Infrastructure improvements would be constructed as needed to support the planned land uses as necessary, including water, sewer, drainage, and flood retention systems. Improvements will be determined at the time individual building projects are designed.

4. Project Phasing

The first phase of physical development is anticipated to occur by 2019 and would include the proposed spa/fitness center. The remainder of the Master Plan buildout is anticipated to occur by 2026.

5. Section 14 Specific Plan Design Guidelines

The Section 14 Specific Plan Design Guidelines seek to encourage development and building rehabilitation of the Project Site in a manner that is visually bold and exciting, reflective of the region's indigenous setting, harmonious with its surroundings, attentive to detail, and related to human scale. They are meant to encourage individual expression in the development of land and buildings while maintaining continuity in the design of the urban environment.

All new development allowed by the Master Plan will generally be designed in accordance with the Section 14 Specific Plan Design Guidelines and will address development and visual standards. Where the Design Guidelines differ, the Master Plan will govern.

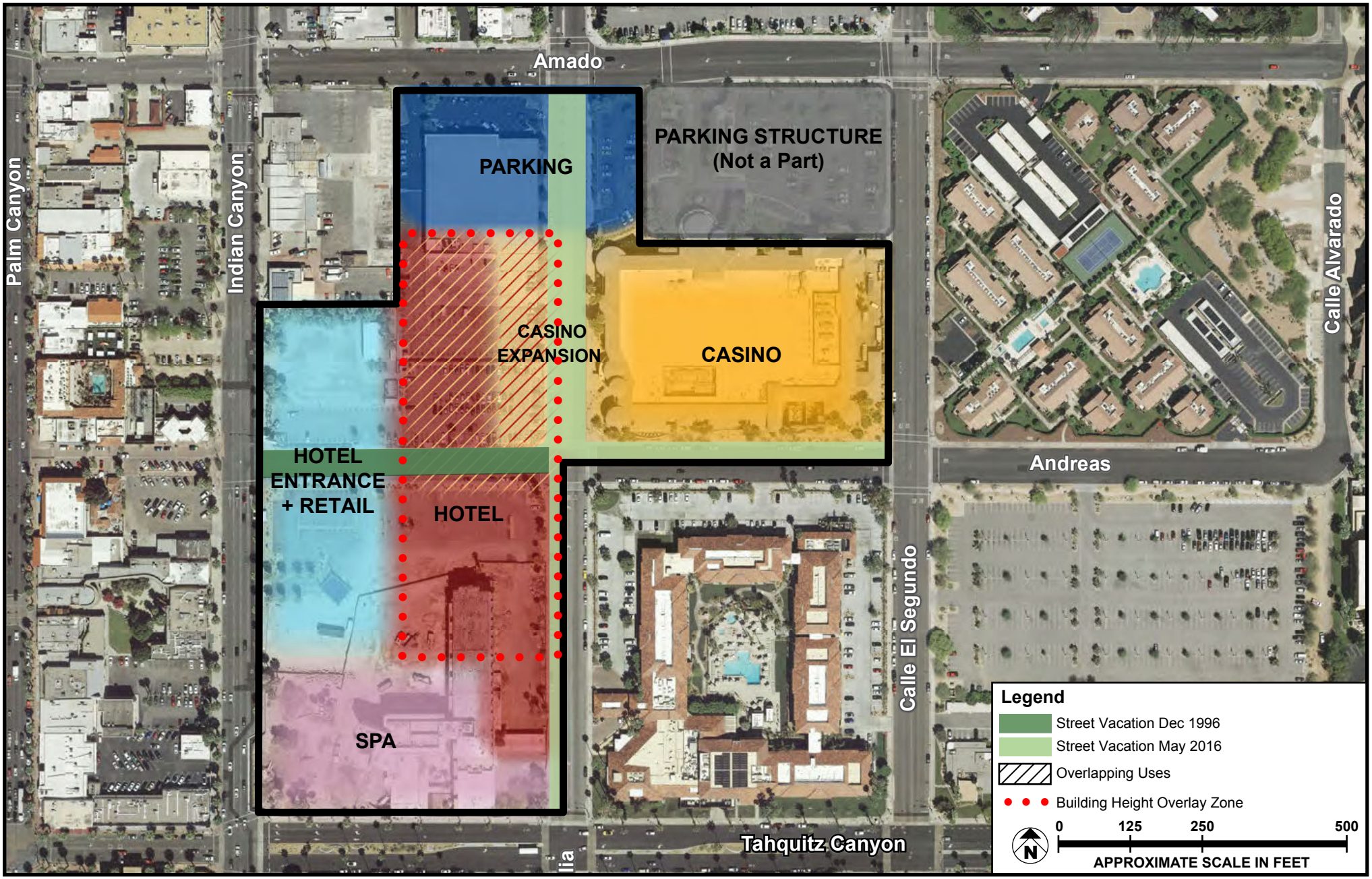
Architectural Character

To distinguish Section 14 and enhance its unique sense of place, buildings should have a timeless and permanent quality that addresses the heritage and climate of the region.

Materials and Colors

Use of materials that relate to the desert climate and heritage of Palm Springs is encouraged. These materials include the following:

- Stucco walls in off-white and/or muted tones;
- Wood highlights;
- Terra cotta or ceramic tile roofs;
- Built-up roofs with parapets and metal or canvas awnings;
- Decorative ceramic tiles;
- Stone, such as flagstone, marble, travertine, and granite;
- Decorative metal highlights, such as aluminum, copper, and wrought iron.
- The use of quality materials is encouraged.



SOURCE: Agua Caliente Band of Cahuilla Indians

FIGURE **3.0-4**

Approved Street Vacations

097-002-16

Massing/Building Bulk

Structures should be articulated in form and should not be designed as single massive blocks. To reduce bulk and create visual interest, buildings, particularly those more than 2 stories, should employ architectural devices such as stepped terraces, changes in vertical and horizontal planes, varied roof heights, and multiplaned roof forms.

Roofs

Roof forms should reflect the historic patterns found in Palm Springs. Use of full shed roofs, gabled and hipped roofs, flat roofs finished with a parapet, flat roofs that are finished with a cornice, flat roofs with an overhang, and curved roofs are acceptable. All roof-mounted equipment shall be screened from all vantage points.

Windows and Doors

Entry doors and windows fronting on or visible from public streets should be treated as special design features that are highlighted with treatments such as recessing or special trim.

Lighting Design

Dramatic lighting of the entertainment resort areas along Tahquitz Canyon Way and Indian Canyon Drive is encouraged. For example, special lighting of unique features such a palm grove, a dining tent, a water feature, or a paseo leading to a major anchor is recommended.

Wall and Fence Design

The use of fencing or walls should be consistent with the architectural character of buildings and not interfere with pedestrian connections. Solid, continuous walls and fences are discouraged in commercial areas, unless needed for screening, to create a sense of street edge, or for safety purposes. If fences are necessary for security, a simple wrought iron fence is preferred. Chain-link fencing is not permitted except during construction.

D. INTENDED USES OF THIS DRAFT TEIR

As required by Section 11.1 of the Compact, a statement briefly describing the intended uses of the Draft TEIR and approvals required to implement the Project has been included in this Section.

Tribal Council approval of the Master Plan is required, and it is the intent of this Draft TEIR to enable the Tribe, the City, other responsible agencies, and interested parties to evaluate the off-Reservation environmental impacts of the Project, thereby enabling them to make informed decisions with respect to required actions.

4.0 ENVIRONMENTAL SETTING

This Section provides a general overview of the existing environmental setting of the Project Site, as well as an overview of related projects considered as part of the future conditions in evaluating potential cumulative environmental impacts. The Tribal Environmental Policy Act was adopted by the Tribe to ensure the protection of natural resources and the environment within the Agua Caliente Indian Reservation by establishing standards for the review and consideration of environmental impacts associated with development of the Reservation. Section 11.1(a)(1) of the Compact requires the environmental impact analysis of a proposed project to include a description of the physical environmental conditions in the vicinity of the Project at the time the Notice of Preparation is published, and states that this environmental setting will normally constitute the baseline physical conditions used to determine if an impact is significant. The purpose of describing and defining the environmental setting is to define the baseline physical conditions to determine the significance of the environmental impacts resulting from the Project.

A. REGIONAL ENVIRONMENTAL SETTING

1. Regional Location

The Project Site is located in the western part of the Coachella Valley, a low valley sandwiched between the Santa Rosa Mountains to the south and the Little San Bernardino Mountains to the north, as shown in **Figure 3.0-1, Regional Location Map**. The Valley is part of the Colorado Desert Geomorphic Province, an area that includes both sides of the lower Colorado River and the Coachella and Imperial Valleys of California. The Project Site consists of Reservation land located within the City of Palm Springs. The surrounding land to the north, south, and east is also located on the Reservation, with off-Reservation City land to the west. Surrounding communities include Desert Hot Springs located to the north, Banning to the northwest, and Cathedral City to the east and southeast. The western portion of Palm Springs is bordered by the San Jacinto Mountains.

2. Regional Planning Considerations

Air Quality Management Plan

The Project Site lies within the Salton Sea Air Basin (SSAB), which spans the Coachella Valley portion of the County of Riverside and the entire County of Imperial. Air quality management of the Riverside County portion of the SSAB is overseen by the South Coast Air Quality Management District (SCAQMD). The Riverside County portion of the SSAB is bound by the San Jacinto Mountains to the west and spans eastward up to the Palo Verde Valley.

SCAQMD and the Southern California Association of Governments (SCAG) are responsible for formulating and implementing the Air Quality Management Plan (AQMP) for the SSAB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources.

The US Environmental Protection Agency (USEPA) is responsible for the implementation of the Clean Air Act on Tribal lands; State and local agencies, such as SCAQMD, do not have jurisdiction. Although not required to do so, the Tribe is voluntarily complying with SCAQMD air quality regulations for this Project. This voluntary compliance does not include submission of the Tribe to SCAQMD authority or the payment of any fees to SCAQMD.

Coachella Valley PM10 State Implementation Plan

The SSAB is designated as a serious nonattainment area for particulate matter less than 10 microns and larger than 2.5 microns (PM10). The attainment date for serious nonattainment areas to achieve the PM10 National Ambient Air Quality Standards (NAAQS) was 2001. After years of demonstrating attainment of the PM10 standards prior to 1999, PM10 levels during the next 3 years (1999–2001) did not demonstrate attainment of the annual average PM10 NAAQS. Under the federal Clean Air Act, an area can request an extension of up to 5 years to attain the PM10 NAAQS if certain requirements are met, including creation of a State Implementation Plan (SIP) that demonstrates expeditious attainment of the standards. Thus, SCAQMD established additional strategies for the control of PM10 in the Coachella Valley through the adoption of the PM10 State Implementation Plan (CVSIP), which was most recently updated in 2003. The 2003 CVSIP updated the emission inventories, emission budgets, and attainment modeling for the SSAB.

2012 Air Quality Management Plan

The most recent adopted comprehensive plan is the 2012 AQMP, which was adopted in February 2013 and incorporates significant new scientific data, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes, and new air quality modeling tools. The 2012 AQMP proposed attainment of the federal 2006 24-hour PM2.5 standard by 2014 in the South Coast Air Basin through adoption of all feasible measures. While the 2012 AQMP focused on attainment of the 2006 24-hour PM2.5 standard, it has since been determined, primarily due to unexpected drought conditions, that it was impracticable to meet the standard by the original attainment year.[1] Since that time, the USEPA has approved a reclassification to “serious” nonattainment for the 24-hour PM2.5 standard, which requires a new attainment demonstration with a new attainment deadline. The AQMP also includes an

1 South Coast Air Quality Management District, *Revised Draft 2016 Air Quality Management Plan,* October 2016.

update on the 2012 air quality status of the SSAB. The Draft 2016 AQMP was recently released for public review,[2] with a revised Draft 2016 AQMP document released in October.[3] The Final 2016 AQMP was released for review in December 2016 and is anticipated to be submitted for approval at the February 3, 2017, Governing Board Meeting.[4] Additionally, the AQMP provides local guidance for the SIP, which provides the framework for air quality basins to achieve attainment of the State and federal ambient air quality standards. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas, as addressed in **Section 5.2, Air Quality**.

Southern California Association of Governments

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region, which encompasses more than 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region's MPO, SCAG cooperates with SCAQMD, the California Department of Transportation ("Caltrans"), and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives.

Regional Transportation Plan

SCAG is the authorized regional agency for intergovernmental review of programs proposed for federal financial assistance and direct development activities. SCAG is also responsible for the designated Regional Transportation Plan (RTP), including its Sustainable Communities Strategy (SCS) component pursuant to Senate Bill (SB) 375. The Sustainable Communities Strategy has been formulated to reduce greenhouse gas (GHG) emissions from passenger vehicles by 8 percent per capita by 2020, by 18 percent per capita by 2035, and by 21 percent per capita by 2040, compared to 2005 targets set by the California Air Resources Board (CARB).

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2 South Coast Air Quality Management District (SCAQMD), *Draft 2016 Air Quality Management Plan [AQMP],* June 2016.

3 SCAQMD, *Revised Draft 2016 AQMP,* October 2016.

4 SCAQMD, *Draft Final 2016 AQMP,* December 2016.

The 2016–2040 RTP/SCS[5] links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socioeconomic, geographic, and commercial limitations. The Project's consistency with the applicable RTP/SCS policies is analyzed further in **Section 5.5, Land Use.**

Coachella Valley Association of Governments

The Coachella Valley Association of Governments (CVAG) is a subregional organization within SCAG**.** CVAG, which operates as the lead agency and as part of larger jurisdictional or regional teams within the Coachella Valley, is made up of nine cities, Riverside County, and three Native American Indian tribes. CVAG represents member local governments and agencies throughout the Coachella Valley seeking cooperative regional and subregional planning, coordination, and technical assistance on issues of mutual concern. CVAG comprises several departments, including an Energy and Environmental Resources Department that monitors and implements both regional and local plans related to energy and air quality issues, waste management, water quality, habitat conservation planning, and trails issues.

Habitat Conservation Plans

Two Habitat Conservation Plans (HCPs) have been prepared that include land within the Coachella Valley. The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) addresses approximately 1.1 million acres in the Coachella Valley and the surrounding mountains (excluding Indian-reservation lands).

The CVMSHCP, which became effective in October of 2008, is a regional conservation plan that identifies and coordinates the permanent protection of habitats, biological linkages and corridors, and ecological processes for the benefit of plants and wildlife. CVMSHCP participants include Riverside County; the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage; and the Coachella Valley Water and Imperial Irrigation Districts.

The Agua Caliente Tribal Habitat Conservation Plan (THCP) complements the CVMSHCP by addressing conservation planning in a similar manner for approximately 31,500 acres of land within the Reservation, including the Project Site. The THCP, completed in 2010, includes Reservation land within the geographical boundaries of three cities (Palm Springs, Cathedral City, and Rancho Mirage) and the County of Riverside. The THCP is also a multispecies HCP that identifies and coordinates the permanent protection of habitat

5 Southern California Association of Governments, *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy,* adopted April 7, 2016.

areas, biological linkages and corridors, and ecological processes for the benefit of plants and wildlife. The US Fish and Wildlife Service has not yet approved the THCP or issued a 10(a) Incidental Take Permit; however, the Tribe has independent authority to implement the THCP to mitigate impacts to sensitive resources on Reservation lands.

B. LOCAL ENVIRONMENTAL SETTING

1. Location and Existing On-Site Uses

The Project Site includes 18 acres of previously graded and developed land located within downtown Palm Springs in Riverside County. The Project Site is bounded by Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way to the south, and Calle El Segundo to the east, as illustrated in **Figure 3.0-2, Project Location Map**.

Figure 4.0-1, Photo Location Key, identifies the locations of views across the Project Site. The existing characteristics of the Project Site are illustrated in **Figure 4.0-2a, View Location 1,** which shows photos from view location 1 facing west and north. **Figure 4.0-2b, View Locations 2 and 4,** shows photos from view location 2 facing west and view location 4 facing north. **Figure 4.0-2c, View Location 3,** shows photos from view location 3 facing south and east. **Figure 4.0-2d, View Locations 5 and 6**, shows photos from view location 5 facing south and view location 6 facing southwest. **Figure 4.0-2e, View Locations 7 and 8**, shows photos from view location 7 facing west, and view location 8 facing northwest.

The Project Site is currently developed with a United States Postal Service office and the Spa Resort Casino located on the north and eastern portions of the Project Site, with asphalted parking lots and vacant land to the south and west. The natural vegetation of the Project Site has been removed through prior development and has been replaced with drought-tolerant, desert climate landscaping throughout.

2. Surrounding Land Uses

The Project Site is surrounded by various residential and resort uses, including the Hilton Palm Springs Hotel to the southeast. The view of the Project Site is predominantly defined by built-up hotel, commercial, and residential areas and the natural and visual resource of the surrounding mountains.

More specifically, development in the City to the south and southeast of the Project Site consists of hotels, parking lots, and commercial buildings. Uses north and northwest of the Project Site include parking lots, a used car sales lot, retail, and commercial buildings. Uses to the east and northeast of the Project Site include the Plaza Villas and Palm Springs Deauville residential condominium complexes, with the Palm Springs Convention Center located approximately 0.20 miles further to the east.

Most commercial development in Section 14 focuses along Tahquitz Canyon Way, south of the Project site, and Indian Canyon Drive to the west, with some scattered businesses located along Sunrise Way. The majority of hotels in Section 14 are located on Tahquitz Canyon Way, as are smaller-scale retail businesses, restaurants, general and professional office buildings, and a small cineplex. Indian Canyon Drive is characterized by a mix of restaurants, convenience services, and retail stores. Interspersed with the retail businesses are many of the remaining hotels of Section 14.

3. Existing and Surrounding Land Use Designations

The City approved the Section 14 Specific Plan in 2004, which addresses the 640-acre area bound by Alejo Road on the north, Sunrise Road on the east, Ramon Road on the south, and Indian Canyon Road on the west. The Project Site is located in the northwest portion of Section 14.

The entire Project Site is designated as Tribal Enterprise, as shown in **Figure 4.0-3, Tribal Land Use Ordinance Zoning Districts**. The land surrounding the Project to the northwest, north, southeast, and south is designated as Land Use Contract Palm Springs, apart from a portion directly northeast of the site, which is also designated as Tribal Enterprise. The Section 14 Specific Plan land use designation for the Project Site is Resort Attraction (RA). The Specific Plan also designates the areas north and south of the Project Site as RA, land uses to the northwest are designated as Retail/Entertainment/Office (REO), and land uses to the east and northeast are designated as Residential High (HR), up to 30 dwelling units per acre, as shown in **Figure 4.0-4, Specific Plan Land Use Plan**.

The Downtown Palm Springs Specific Plan, adopted in April 2016, addresses the approximately 20 acres directly west of the Project Site. This area includes commercial, retail, high density residential, open space/public space and resort development.

C. ENVIRONMENTAL RESOURCES AND INFRASTRUCTURE

1. Aesthetics

The portion of the Coachella Valley containing the Project Site is visually defined by the San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, the San Jacinto Mountains to the west, and the Little San Bernardino Mountains to the east. The topography of the Project Site and the surrounding area is generally flat, with elevations ranging from approximately 465 to 455 feet above mean sea level. The Project Site is surrounded by various residential and resort uses, including the Hilton Palm Springs Spa to the southeast of the Project Site boundary. The view of the Project Site is predominantly defined by built-up commercial and residential areas, and by the natural and visual resource of the surrounding mountains.

SOURCE: Google Earth – 2016

FIGURE **4.0-1**

Photo Location Key

097-002-16

View Looking West

View Looking North

SOURCE: Meridian Consultants, LLC – 2016

FIGURE **4.0-2a**

View Location 1

097-002-16

View Location 2 Looking West

View Location 4 Looking North

SOURCE: Meridian Consultants, LLC – 2016

FIGURE **4.0-2b**

View Locations 2 and 4

View Looking South

View Looking East

SOURCE: Meridian Consultants, LLC – 2016

FIGURE **4.0-2c**

View Location 3

097-002-16

View 5 Looking South

View 6 Looking Southwest

SOURCE: Meridian Consultants, LLC – 2016

FIGURE **4.0-2d**

View Locations 5 and 6

View 7 Looking West

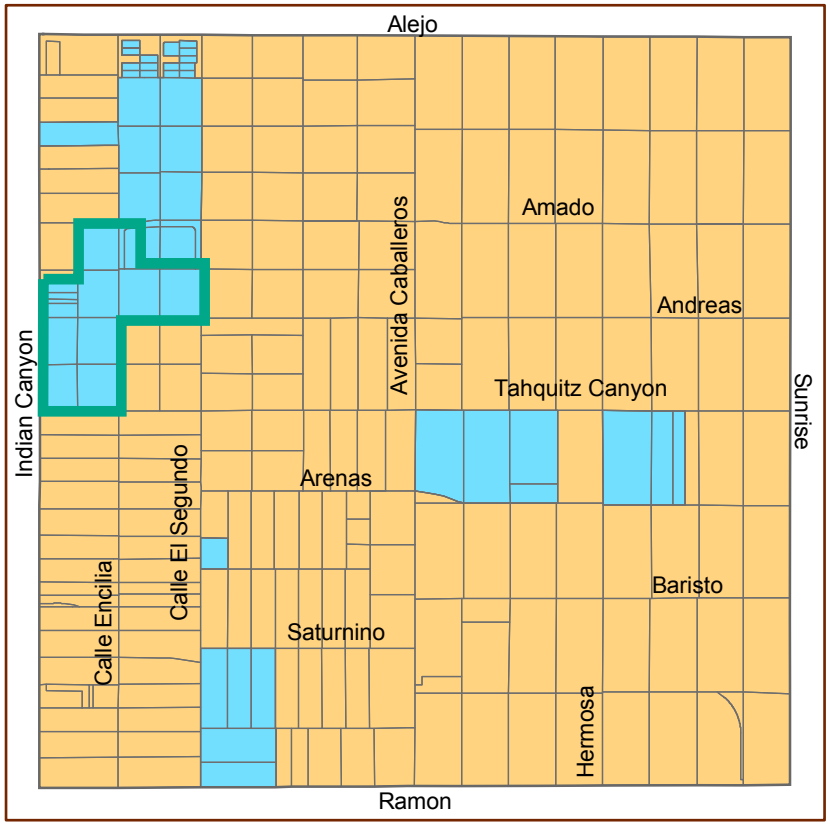
View 8 Looking Northwest

SOURCE: Meridian Consultants, LLC – 2016

FIGURE **4.0-2e**

View Locations 7 and 8

097-002-16



Legend:

- Tribal Enterprise
- Land Use Contract, Palm Springs
- Project Site

0 0.125 0.25 0.5

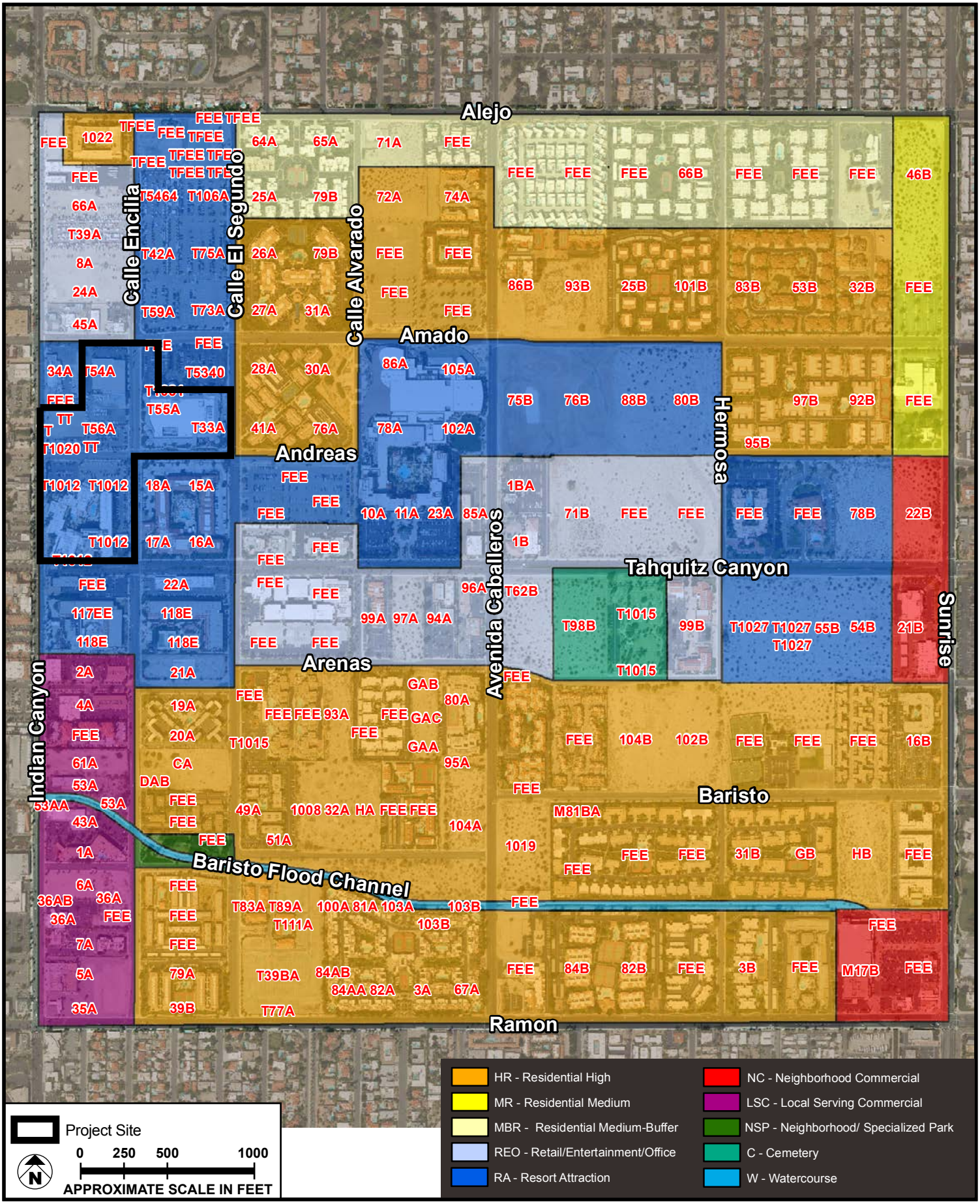
APPROXIMATE SCALE IN MILES

SOURCE: Agua Caliente Band of Cahuilla Indians – 2016

FIGURE **4.0-3**

Tribal Land Use Ordinace Zoning Districts

097-002-16



SOURCE: Agua Caliente Band of Cahuilla Indians – 2017

FIGURE **4.0-4**

Specific Plan Land Use Plan

097-002-16

Please refer to **Section 5.1, Aesthetics,** for further discussion on the Project's impacts to the visual resources of the area.

2. Air Quality and Greenhouse Gas Emissions

The Project Site lies within the SSAB, which spans the Coachella Valley portion of the County of Riverside and the entire County of Imperial. As noted previously, air quality management of the Riverside County portion of the SSAB is overseen by the SCAQMD.

The SSAB has a desert climate characterized by low precipitation, hot summers, mild winters, low humidity, and strong temperature inversions. The annual average temperature varies little throughout the SSAB, ranging from the low 40s to the high 100s, measured in degrees Fahrenheit (°F). The Western Regional Climate Center (WRCC) maintains historical climate information for the western United States, including the City of Palm Springs. The closest meteorological monitoring station to the Project Site, WRCC Station ID No. 046635, is in the City of Palm Springs. According to this monitoring station, the average maximum temperature in the local vicinity is 108.2°F in July. The average minimum temperature is reported at 42.3°F in December and January.

The portion of the Coachella Valley that the Project Site is located in has good air quality. In the past few decades, however, this air quality has deteriorated due to the transport of pollutants—primarily ozone—from coastal air basins to the west, as well as locally generated PM10 as a result of increased development and population growth, traffic, construction activity, and various site disturbances. The Project's potential air quality and greenhouse gas impacts are discussed in **Section 5.2, Air Quality.**

3. Cultural Resources

The Project Site is in a portion of the Coachella Valley identified as having low to moderate prehistoric/ethnohistoric cultural resource sensitivity. The Coachella Valley consists of alternating lacustrine and fluvial sediments, termed the Lake Cahuilla beds, which have previously yielded fossil remains representing diverse freshwater diatoms, land plants, sponges, ostracods, mollusks, fish, and small terrestrial vertebrates. The Project Site consists of property that historically has been graded and developed with significant human activity. The Project's impacts on cultural resources are analyzed in **Section 5.3, Cultural Resources.**

4. Water Resources

The Project Site is within the boundaries of the Coachella Valley planning area of the Colorado River Basin (Region 7), which is under the jurisdiction of the Colorado River Basin Regional Water Quality Control Board (CRWQCB). Region 7 covers approximately 13,000,000 acres (20,000 square miles) in the

southeastern portion of California, and includes all of Imperial County and portions of San Bernardino, Riverside, and San Diego Counties. The Coachella Valley planning area consists of the Whitewater River Watershed and East Salton Sea Watershed, with the Project Site being within the Whitewater River Watershed.

Based on surface topography, drainage across the Project Site is generally from the northwest to the southeast via sheet flow following natural drainage courses. Storm drains exist within the Project Site; however, no natural water bodies or mapped drainage courses are present. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 06065C1558G, effective August 28, 2008, the Project Site is not located within a designated 100-year flood hazard area. However, approximately 3 acres of the southern boundary of the Project Site are located within the 0.2 percent annual chance flood hazard area.

Development throughout the Coachella Valley has been dependent on groundwater as a source of supply. The Project Site is located within the Whitewater River Subbasin of the Coachella Valley Basin. The Whitewater River Subbasin is recharged naturally with runoff from the San Jacinto, Santa Rosa, and San Bernardino Mountains. Since the 1950s (if not earlier), groundwater extractions in the Whitewater River Subbasin have exceeded the long-term natural recharge, a condition termed overdraft, resulting in declining groundwater levels. The Project's potential impacts on water resources are analyzed in **Section 5.4, Water Resources.**

5. Land Use

In 2004, the City approved the Section 14 Specific Plan addressing 640 acres of Reservation land located in Palm Springs. The 18-acre Project Site lies within the area covered by the Section 14 Specific Plan, which was comprehensively updated in 2014. Environmental review was conducted for the Section 14 Specific Plan update and an Initial Study/Environmental Assessment with a Finding of No Significant Impacts was released for public review in December 2013. The Section 14 Specific Plan update was then adopted by the City in July 2014. The Project's consistency with the Section 14 Specific Plan is analyzed in **Section 5.5, Land Use.**

6. Noise

Noise in an urban setting is primarily generated by vehicular traffic but can also be generated by stationary sources of noise, such as mechanical equipment. The noise rating scale used in California for land use compatibility assessment is the Community Noise Equivalent Level (CNEL). The CNEL scale represents a time-weighted, 24-hour average noise level based on the A-weighted decibel.

As shown in **Figure 4.0-5, Noise Monitoring Locations,** noise measured at four locations near the Project Site ranged from a low of 60.7 dB(A) to a high of 70.0 dB(A) at 50 feet from the roadway centerline. Refer to **Section 5.6, Noise**, for further information concerning existing noise conditions in the Project Site and an analysis of the Project's impacts on the local noise environment.

7. Population and Housing

According to the US Census Bureau, the City population grew from approximately 44,552 in 2010 to 47,371 in 2015, an increase of approximately 6 percent. The most recent data from 2014 indicates that the number of housing units existing within the City was 36,281, of which approximately 63.1 percent, or 22,906 units, were occupied. According to the California Department of Finance, as of January 2016, the City of Palm Springs had a population of approximately 46,654. The Project's impacts on population and housing are discussed in **Section 5.7, Population and Housing.**

8. Public Services

Fire Protection and Emergency Medical Services

Fire protective services are provided by the City of Palm Springs. The closest fire station is Station 1 along Indian Canyon Drive. Please refer to **Section 5.8.1, Fire Services,** for further discussion on the Project's potential impacts to fire services.

Police Protection

Police services are provided by the Palm Springs Police Department, which is located to the east of the Project Site. Please refer to **Section 5.8.2, Police Services,** for further discussion on the Project's potential impacts to police services.

9. Traffic and Transportation

Regional facilities include Interstate 10, located approximately five miles northeast of the Project Site. State Route 111, located to the north of the Project Site, is a major arterial roadway linking Palm Springs with other cities throughout the Coachella and Imperial Valleys. State Route 111 splits from Palm Canyon Drive and continues to run to the east along Vista Chino Road approximately 1.25 miles north of the Project Site, while Palm Canyon Drive continues south running parallel past the Project Site approximately 400 feet to the west. Access to the Project Site is provided in all directions via Indian Canyon Drive, Alejo Road, Tahquitz Canyon Way, Calle El Segundo, and Calle Encilla.

SunLine Transit Authority ("SunLine") provides public transit service within the Coachella Valley. This portion of Section 14 is served by Route 14 of the SunLine fleet, which travels between Desert Hot Springs and Palm Springs via Tahquitz Canyon Way, and by Route 111 of the SunLine fleet, which travels between

Palm Desert, Rancho Mirage, Cathedral City, and Palm Springs via Indian Canyon Drive. This area is also served by Morongo Basin Transit Authority (MBTA) Route 12 (weekdays) and Route 15 (weekends), which travel from Yucca Valley to Palm Springs via Indian Canyon Drive. Both SunLine and MBTA buses are equipped with wheelchair lifts and bike racks, facilitating mass-transit travel for a wide variety of riders. A full discussion of the Project's existing traffic conditions and potential impacts is found in **Section 5.9, Traffic and Transportation.**

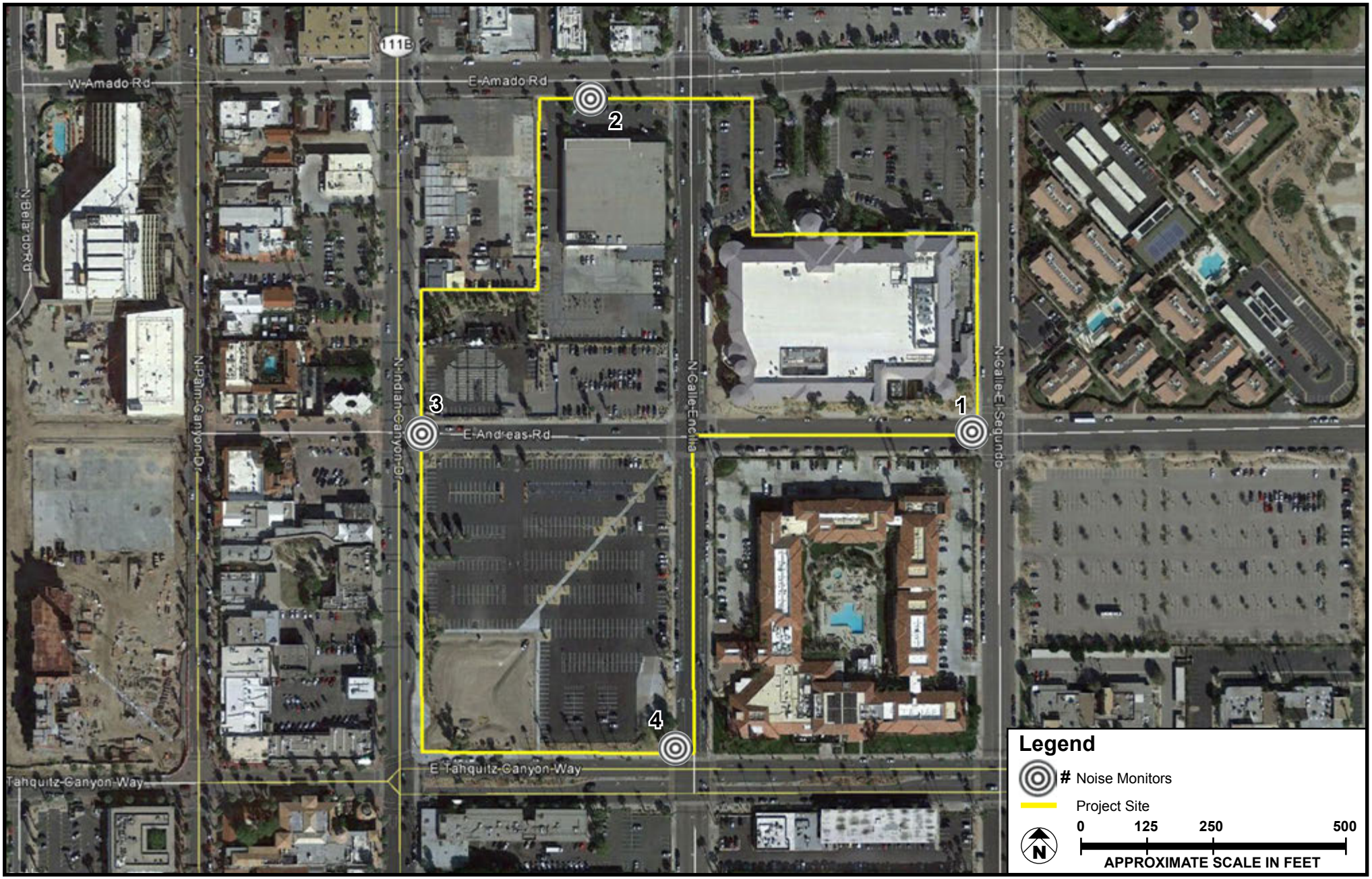
10. Utilities and Service Systems

Desert Water Agency (DWA) currently provides water service to the Project Site, which currently uses approximately 23.6 acre-feet of water per year.[6] Under contract with the City of Palm Springs, Veolia Water North America provides sanitary sewer service to the Project Site.

Palm Springs Disposal Services (PSDS) provides solid waste collection services to the area. Service includes waste removal and recycling programs. PSDS offers all sizes of containers, including compactors. Solid waste is taken first to the Edom Hill Transfer Station; from there, the waste is transported to one of the regional landfills.

Southern California Edison provides electric service in the area, with existing transmission lines surrounding the Project Site. Natural gas service in the area is provided by the Southern California Gas Company. Please refer to **Section 5.11, Utilities and Service Systems,** for further discussion on the Project's potential impacts to existing infrastructure.

6 As estimated in Table 5.10.1-15 in Section 5.10.1, Utilities and Service Systems—Water Supply. Estimated demands: Post Office is approximately 3.8 acre-feet per year; Resort Spa Casino is approximately 14.2 acre-feet per year; and landscaping is approximately 5.6 acre-feet per year.



SOURCE: Google Earth – 2016

FIGURE **4.0-5**

Noise Monitoring Locations

097-002-16

D. RELATED PROJECTS

Section 11.1(b) of the Compact requires that cumulative impacts are to be discussed where they are considered significant. Previously approved land use documents, including but not limited to general plans, specific plans, and local coastal plans, may be used in the cumulative impact analysis.

The cumulative impact analyses contained in the various topical sections of **Section 5.0, Environmental Impact Analysis**, consider related projects in the City of Palm Springs. In addition, the projections in the City's General Plan are used in the assessment of potential cumulative impacts where appropriate.

Table 4.0-1, Related Projects List identifies the eight related projects considered for analysis.

Table 4.0-1
Related Projects List

Project	Land Use	Location
1. Promenade	175-room hotel, spa and facility center	123 N. Palm Canyon Drive
2. Cameron	106 townhomes	NE corner of Palm Canyon Drive & Mesquite Avenue
3. Skye	40 single-family residences	South of Ramon Road; west of Belardo Road
4. Blade	57 single-family residences and 25 condominium units	West of Palm Canyon Drive; north of Mesquite Avenue
5. Jul	74 single-family residences and 114 condominium units	NE corner of Farrell Drive & Baristo Road
6. Andaz Hotel	150-room hotel	400 N. Palm Canyon Drive
7. Dakota	40 single-family residences	West of Belardo Road; south of Morongo Road
8. Vivante	132-unit assisted-living facility	1112–1122 E. Tahquitz Canyon Way

Source: Gibson Transportation

5.0 ENVIRONMENTAL IMPACT ANALYSIS

This Section provides a detailed discussion of the environmental setting for each topic addressed in this Draft TEIR, an analysis of the potential impacts of the Project, potential cumulative impacts, and the measures identified to mitigate these impacts as required by the TEPA.

The Project or Master Plan would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet and development and replacement of up to 350 hotel rooms within a maximum 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces on approximately 18 acres of Reservation land in downtown Palm Springs. The 18-acre Project Site is bound by Tahquitz Canyon Way on the south, Indian Canyon Drive on the west, Amado Road on the north, and Calle El Segundo on the east. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in the Draft TEIR.

5.1 AESTHETICS

A. ENVIRONMENTAL SETTING

This Section of the Draft TEIR describes the existing landform and aesthetic character of the Project Site and surrounding area. The potential aesthetic and visual impacts resulting from implementation of the Project are addressed. The information presented in this Section is based on field reconnaissance, review of the Master Plan and other planning documents. Information from the Section 14 Specific Plan and the 2002 EIS/EIR prepared for it are incorporated into this Section as applicable. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

1. Existing Conditions

Visual Setting

Regional

The Project Site is located in the Western Coachella Valley, an area that is predominantly a desert and mountainous region with a variety of contrasting and dramatic geographic features. The Coachella Valley contains a series of low-lying desert flatlands, sloping dunes, and rolling foothills that are ringed by the rugged San Jacinto, Santa Rosa, and Little San Bernardino Mountains.

Palm Springs is sheltered by the San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, by the San Jacinto Mountains to the west and by the Little San Bernardino Mountains to the east. The rugged and dramatic topography of the San Jacinto Mountain range is the predominant natural and visual resource in the Project vicinity. Mount San Jacinto is the closest mountain, with elevations reaching more than 10,800 feet.

Project Site

The elevation of the Project Site ranges from approximately 465 feet above mean sea level (asml) to 455 feet asml. The Project Site is relatively flat with a gentle slope from the northwestern corner of the Project Site to the southeastern corner. Several existing view locations were selected to identify the existing views across the Project Site and the surrounding area, as shown in **Figure 4.0-1, Photo Location Key**. The existing characteristics of the Project Site are illustrated in **Figure 4.0-2a, View Location 1,** which shows photos from view location 1 facing west and north. **Figure 4.0-2b, View Locations 2 and 4,** shows photos from view location 2 facing west and view location 4 facing north. **Figure 4.0-2c, View Location 3,** shows photos from view location 3 facing south and east. **Figure 4.0-2d, View Locations 5 and 6**, shows photos from view location 5 facing south across the Project Site and view location 6 facing southwest across the

Project Site. **Figure 4.0-2e, View Locations 7 and 8**, shows photos from view location 7 looking west and view location 8 looking northwest across the Project Site.

The Project Site is currently developed with a United States Postal Service office and the Spa Resort Casino located on the north and eastern portions of the Project Site, with asphalted parking lots and vacant land to the south and west. The natural vegetation of the Project Site has been removed through prior development and has been replaced with drought-tolerant, desert climate landscaping throughout.

Surrounding Land Uses

The Project Site is surrounded by various residential and resort uses, including the Hilton Palm Springs Hotel to the southeast. The view of the Project Site is predominantly defined by built up hotel, commercial, and residential areas and the natural and visual resource of the surrounding mountains.

More specifically, development in the City to the south and southeast of the Project Site consists of hotels, parking lots, and commercial buildings. Uses north and northwest of the Project Site include parking lots, a used car sales lot, retail, and commercial buildings. Uses to the east and northeast of the Project Site include the Plaza Villas and Palm Springs Deauville residential condominium complexes, with the Palm Springs Convention Center located approximately 0.20 miles further to the east.

Most commercial development in Section 14 focuses along Tahquitz Canyon Way, south of the Project Site, and Indian Canyon Drive to the west, with some scattered businesses located along Sunrise Way. The majority of hotels in Section 14 are located on Tahquitz Canyon Way, as are smaller-scale retail businesses, restaurants, general and professional office buildings, and a small cineplex. Indian Canyon Drive is characterized by a mix of restaurants, convenience services, and retail stores. Interspersed with the retail businesses are many of the remaining hotels of Section 14.

Specific plans have been adopted by the City to guide future development in the surrounding area. In 2004, the City approved the Section 14 Specific Plan addressing approximately 640 acres located in Palm Springs. The Section 14 Specific Plan was subsequently updated in 2014. The Section 14 Specific Plan addresses the area bound by Alejo Road on the north, Sunrise Way on the east, Ramon Road on the south, and Indian Canyon Road on the west. The Project Site is bounded by Amado Road, Indian Canyon Drive, Tahquitz Canyon Way, Calle Encilia and Calle El Segundo, located in the northwest portion of Section 14. The Section 14 Specific Plan permits development of resort attraction type land uses on the Project Site.

The Downtown Palm Springs Specific Plan adopted in April 2016 addresses the approximately 20 acres directly west of the Project Site. This area includes commercial, retail, high density residential, open space/public space and resort development.

View Corridors

The Project Site is in proximity to the San Jacinto Mountains, and views of this mountain range are available through the Project Site. As stated in the Section 14 Specific Plan, the view of the San Jacinto Mountains constitutes one of the most defining and striking features of Section 14. The mountains are visible throughout Section 14 when looking west and southwest, creating a monumental backdrop for the area. With its wide roadway and stately, palm tree-lined median, Tahquitz Canyon Way offers the most visual and prominent view corridor of the mountains. Other east-west streets also offer similar, although less embellished views. Retaining these views of the mountains will help to enhance the quality of the environment and experience in Section 14.

Light and Glare

Existing sources of light from the Project Site are from the Spa Resort Casino, Post Office, security lighting and vehicles parked within the parking lots, and surrounding street lights. Additional sources of light and glare from surrounding uses include the Hilton Palm Springs Hotel, commercial buildings, and residential areas. Reflective surfaces in the Project vicinity include automobiles traveling along roadways and parked on streets, exterior building windows, and surfaces of brightly painted buildings

2. Regulatory Setting

Regional and Local

Agua Caliente Band of Cahuilla Indians

Tribal Land Use Ordinance (Ordinance No. 45)

The purpose of the Agua Caliente Band of Cahuilla Indians Land Use Ordinance ("Tribal Land Use Ordinance") is to provide standards and regulations to control land uses on the Reservation; to maintain and protect the Reservation's unique natural and cultural resources; and to preserve the natural environment.

Tribal Building and Safety Code (Ordinance No. 26)

As adopted from the 2016 California Building Code (CBC), the purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety standards of all buildings and structures on Indian Reservation Lands. These standards are intended to protect the health, safety, and welfare of the general public related to any potential building hazards. All building permit approvals from the Tribe are based upon this Code.

Tribal Property Maintenance Standards Ordinance (Ordinance No. 17)

The Property Maintenance Standards Ordinance prohibits any condition on Reservation land that is detrimental to the public health, safety, or general welfare. Such conditions shall be determined to be a public nuisance, subject to the corrective measures established by this Ordinance.

City of Palm Springs

Section 14 Specific Plan

In 2004, the City approved the Section 14 Specific Plan addressing approximately 640 acres located in Palm Springs. The Project Site is located in the northwest portion of Section 14. In 2013, the Tribe and the City jointly prepared a comprehensive update to the Specific Plan to revise designated land uses and base development standards, incorporate complete streets design principles, and modify development incentives to help realize the vision for the Specific Plan and better implement physical development in Section 14. The updated Section 14 Specific Plan was adopted by the City in July 2014.

Palm Springs General Plan

The Palm Springs General Plan contains provisions that relate to aesthetic and visual issues and requirements of project design. The following elements contain discussion and policies for aesthetics and visual resources that would apply to the Project.

Land Use Element

The Land Use Element of the Palm Springs General Plan provides for the designation of scenic roadways as either Eligible or Designated State or County Scenic Highways. The intent of these policies is to conserve significant scenic resources along designated scenic highways for future generations and to manage development along scenic highways and corridors so as not to detract from the area's scenic quality.

Circulation Element

Policies that seek to protect and maintain resources along scenic highways are incorporated into the Circulation Element.

Recreation, Open Space and Conservation Element

Policies are set forth in the Recreation, Open Space and Conservation Element to provide guidance for the City's natural resources, including the preservation of open space lands.

Palm Springs Municipal Code

The City Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed development projects. The following provisions from the City's Municipal Code that help minimize light and glare impacts associated with new development projects are relevant to the Project:

- Zoning Code, Chapter 93 (General Conditions), Section 93.21.00 (Outdoor lighting standards)

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have a significant impact to aesthetics, if it would:

Threshold 5.1-1 **Have a substantial adverse effect on a scenic vista?**

Threshold 5.1-2 **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Threshold 5.1-3 **Create a new source of substantial light or glare, which would adversely affect day or nighttime views of historic buildings or views in the area?**

2. Methodology

The analysis identifies and examines factors that contribute to the perception of the aesthetic and visual character of the Project Site and the surrounding area. Potential aesthetic impacts are evaluated by considering proposed grading, landform alteration, building setbacks, scale, massing, typical construction materials, and landscaping features associated with the design of the Project. Edge conditions and view alterations are considered in the context of the above factors.

For the Draft TEIR, computer simulation modeling was conducted from four viewpoints to provide a sense of the visual impacts that might be anticipated with development of the Project. The selected view corridors represent a sample of the public view corridors towards the surrounding mountains from Section 14. It should be noted that the simulations show the maximum envelope within which a 175-foot structure(s) could be built, and are not intended to represent the actual size or specific architectural design of any structure(s) which may be proposed for development in the Project Site.

The Project Site is located within Section 14 of the Reservation, which is regulated by the Section 14 Specific Plan. The Section 14 Specific Plan design guidelines seek to encourage development and building rehabilitation of the Project Site in a manner that is visually bold and exciting, reflective of the region's indigenous setting, harmonious with its surroundings, attentive to detail, and related to human scale. The

aesthetic compatibility of the Project with the surrounding area and potential impacts to visual resources and viewers in the Project Site are examined consistent with the design guidelines identified in the Section 14 Specific Plan.

Materials and Colors

Use of materials that relate to the desert climate and heritage of Palm Springs is encouraged. These materials include the following:

- Stucco walls in off-white and/or muted tones;
- Built-up roofs with parapets and metal or canvas awnings;
- Stone, such as flagstone, marble, travertine, granite;
- Wood, steel or aluminum, and clear glass on storefronts, windows, or doors.

Massing/Building Bulk

Structures should be articulated in form and should not be designed as single massive blocks. To reduce bulk and create visual interest, buildings, particularly those more than two stories, could employ architectural devices such as stepped terraces, changes in vertical and horizontal planes, varied roof heights; and multiplaned roof forms.

Lighting Design

Dramatic lighting of the entertainment resort areas along Tahquitz Canyon Way and Indian Canyon Drive is encouraged.

Wall and Fence Design

The use of fencing or walls should be consistent with the architectural character of buildings and not interfere with pedestrian connections. Solid, continuous walls and fences are discouraged in commercial areas, unless needed for screening, to create a sense of street edge, or for safety purposes. If fences are necessary for security, a simple wrought iron fence is preferred. Chain-link fencing is not permitted except during construction.

3. Project Impacts

Threshold 5.1-1 Have a substantial adverse effect on a scenic vista?

The Project would result in less than significant visual impacts through compliance with the Section 14 Specific Plan and implementation of **Mitigation Measure 5.1-1**. A significant impact would occur if the Project were to have a substantial adverse effect on a scenic vista. A scenic vista refers to views of focal points or panoramic views of broader geographic areas that have visual interest. A focal point view would

consist of a view of a notable object, building, or setting. Diminishment of a scenic vista would occur if the bulk or design of a building or development were to contrast enough with a visually interesting view such that the quality of the view is permanently affected.

Size, number, and type of visual obstacles, both natural and man-made, and distance and viewing angle affect available views into and through a site. These views can be from stationary sources, such as homes or businesses, or from mobile sources, such as motor vehicles. The visibility of an object largely depends on the distance from the observer. The farther the structure is from the viewer, the less distinct the structure becomes, and there is a greater possibility of intervening objects blocking some or all of the view of that structure. With distance, more objects enter into the viewing panorama, and the area becomes more visually "lost".

Potentially sensitive viewers are those on public lands, facilities, or designated scenic highways. While there are no visually-sensitive public lands or facilities, or designated State scenic highways within the Project Site, Tahquitz Canyon Way and Indian Canyon Drive, which are immediately south and west of the Project site, are designated Scenic Corridors in the Community Design Element of the City's General Plan.[1] Palm Canyon Drive located to the west of the Project Sire is also a City designated Scenic Corridor. Additionally, the San Jacinto Mountains to the west, the Santa Rosa Mountains to the southwest, and the San Gorgonio Mountains to the northwest are considered the visual backdrop, or the scenic vista of the Project Site.

Views of the three mountain ranges within proximity to the Project Site can be seen from the residential uses to the east across Calle El Segundo. Views of these mountains from this area are slightly obstructed by landscaping and walls bordering the properties to the west and from the Spa Resort Casino. The most notable views impaired by the Project would be those from immediately east of the site, and those northeast and southeast looking specifically towards San Jacinto Mountain.

The Project Site is in a developed and urbanized area characterized by a mix of commercial, hotel, and residential uses and surface parking lots, ranging from 1- to 4-stories in height, which creates a low and consistent visual character. However, some hotels and residential developments in this western half of Section 14 reach heights of between 3 and 5 stories, creating one of the most densely developed areas in the City.

Project building heights would be at or below 100 feet as permitted by the Section 14 Specific Plan, except for a portion of the Project Site designated as the Building Height Overlay Zone, as shown on **Figure 3.0-3, Land Use Plan.** This Overlay Zone would permit a maximum building height of 175 feet as allowed by the

1 City of Palm Springs, General Plan Community Design Element, Figure 9-4, Citywide Scenic Corridors and Enhanced Landscape Streets.

Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Development within this Zone would be taller in scale from the surrounding structures, and consequently, would be more visually prominent. **Figure 5.1-1, Simulation of Project Site Looking Northwest along Tahquitz Canyon Way at El Segundo**, depicts a visual simulation of the modeled Building Height Overlay Zone envelope when looking northwest across the Project Site. As previously stated, the simulations show the maximum envelope within which a 175-foot structure(s) could be built, and are not intended to represent the actual size or specific architectural design of any structure(s). **Figure 5.1-2, Simulation of Project Site Looking Southwest along Amado Road at N Calle Alvarado**, depicts the proposed development under the Master Plan when looking southwest across the Project Site. **Figure 5.1-3, Simulation of Project Site Looking Southeast along Palm Canyon Drive at Alejo Road**, depicts the proposed development under the Master Plan when looking southeast across the Project Site. **Figure 5.1-4, Simulation of Project Site Looking Northeast along Indian Canyon Drive at Arenas Road**, depicts the proposed development under the Master Plan when viewing northeast across the Project Site.

Figure 5.1-1 illustrates the view facing northeast from Tahquitz Canyon Way and Calle El Segundo. This visual simulation is from an elevation above public roadways or buildings, and it is evident that from this distance the modeled Building Height Overlay Zone envelope is visually prominent compared to the rest of the existing and proposed structures. Views from these roadways would be partially obstructed by existing buildings and vegetation.

While the modeled Building Height Overlay Zone envelope would partially obstruct views of the mountains from this location, it would be limited due to the long-distance nature of the view, and that the Project would affect only a minor proportion of the overall viewshed from this area.

Figure 5.1-2 illustrates the view facing southwest from Calle Alvarado and Amado Road. While this visual simulation is from an elevation above public roadways or buildings, it is evident that from this distance the modeled Building Height Overlay Zone envelope is visually prominent compared to the rest of the existing and proposed structures. While the modeled Building Height Overlay Zone envelope would partially obstruct views of the mountains from this location, it would be limited due to the long-distance nature of the view, and that the Project would affect only a minor proportion of the overall viewshed from this area.

Figure 5.1-3 demonstrates the view facing southeast from Alejo Road and Palm Canyon Drive, and from an elevation above the roadway. As is evident from this viewpoint, the upper elevations of the modeled Building Height Overlay Zone envelope would be visible from this vantage point, with the foothills in the background. It should be noted, from true roadway elevations, these foothills would be obstructed due to topographical features, buildings, and vegetation, and are minimally visible.

SOURCE: Google Earth – 2017

FIGURE **5.1-1**

Simulation of Project Site Looking Northwest along Tahquitz Canyon Way at El Segundo

097-002-16

SOURCE: Google Earth – 2017

FIGURE **5.1-2**

Simulation of Project Site Looking Southwest along Amado Road at N Calle Alvarado

097-002-16

SOURCE: Google Earth – 2017

FIGURE **5.1-3**

Simulation of Project Site Looking Southeast along Palm Canyon Drive at Alejo Road

097-002-16

SOURCE: Google Earth – 2017

FIGURE **5.1-4**

Simulation of Project Site Looking Northeast along Indian Canyon Drive at Arenas Road

097-002-16

Figure 5.1-4 demonstrates the view facing northeast from Palm Canyon Drive and Arenas Road. Given the similar intervening buildings, trees, and distance to the Project, little of the upper elevations of the hotel tower would be visible from the street level.

The Project would adhere to the High-Rise Building Setback requirements of the Section 14 Specific Plan. The minimum Project roadway setbacks are as follows: 20 feet on Andreas Road, Calle Encilia, Amado Road and East Tahquitz Canyon Way, and 10 feet on Indian Canyon Drive. Further, it should be noted, setbacks of 20 feet would also be realized on rear and side yards, and at least 35 percent of the Project Site would likely be designated as open space. These setbacks and open space are not only intended to reduce viewshed encroachment from the neighboring areas to the east, but also provide a visual transition to adjacent uses and facilities along Tahquitz Canyon Way and Indian Canyon Drive.

Development of the Project Site would incorporate designs similar to current surrounding land uses, and that of the Spa Resort Casino, the Hilton Palm Springs Hotel, and neighboring commercial uses. One of the Project's main objectives is to ensure compatibility with existing, proposed, and planned development near the Project Site. As such, the Master Plan incorporates standards in building design, form, colors, lighting design, and landscape from the Section 14 Specific Plan. Additionally, Project structures would be articulated in form and would not be designed as single massive blocks.

Intensifying development in focused clusters would proceed to generate a concentration of activity as well as visual landmarks, while potentially permitting lower development intensities elsewhere in Section 14.[2] The City's General Plan Community Design Element recognizes that towers serve to orient people and can be a unique feature in the landscape. The Master Plan would maintain the views of the San Jacinto Mountains from the public right-of-way and would not substantially limit views of the surrounding mountains from the surrounding public streets.

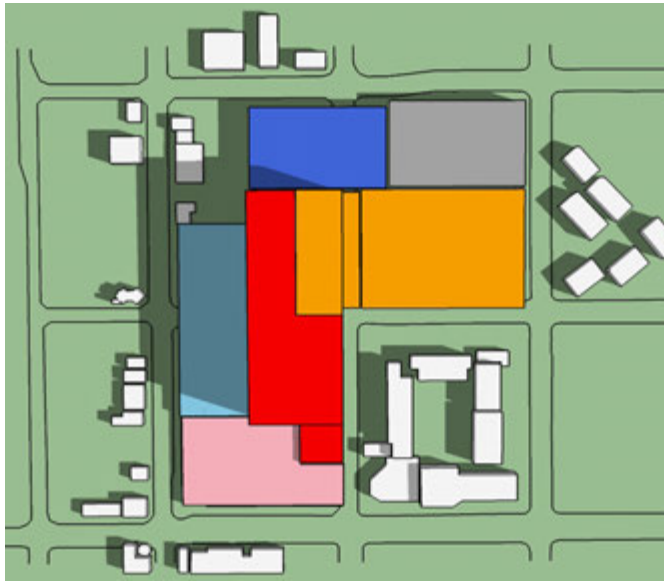
Since the Project Site is located within the Section 14 Specific Plan, implementation of **Mitigation Measure MM 5.1-1**, which incorporates a similar condition of approval as one identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan, also requires each individual project proponent to implement the design guidelines in the Section 14 Specific Plan. **Mitigation Measure MM 5.1-1** would reduce potential impacts to aesthetic and visual resources to less than significant. Through compliance with the Section 14 Specific Plan and implementation of **Mitigation Measure 5.1-1**, potential visual impacts would be less than significant.

2 Section 14 Specific Plan, Section 2.2.9, Intensity of Development.

Shade and Shadow

Shade and shadow impacts may result if direct sunlight to the proposed buildings were to affect adjacent properties. Shading is an important environmental issue because the users or occupants of certain land uses have some reasonable expectations for direct sunlight and warmth from the sun. Facilities and operations sensitive to the effects of shading include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; nurseries; and existing solar collectors. These land uses are termed "shadow-sensitive" because sunlight is important to function, physical comfort of commerce.

A shadow is dependent on the height, size, and shape of the building from which shadow is cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth and the earth's elliptical orbit. The longest shadows are cast during winter months and the shortest shadows are cast during the summer months. It should be noted that the San Jacinto Mountains partially shade the Project Site in the late afternoon during the Spring/Fall Equinox and the Winter Solstice. As shown in **Figure 5.1-5, Modeled Shadows during Spring/Fall Equinox**, a portion of the Hilton Palm Springs Hotel would be shaded in the late afternoon, after 4:00 PM during the spring/fall equinox. As shown in **Figure 5.1-6, Modeled Shadows during Summer Solstice**, shadows would be cast on to the Hilton Palm Springs Hotel and Calle El Segundo in late afternoon. The shadows would occur for approximately two hours. As shown in **Figure 5.1-7, Modeled Shadows during Winter Solstice**, shadows from the Master Plan would be cast on Amado Road and Indian Canyon Drive and the commercial uses located at the southeast corner of these roadways in the morning hours, and on the Hilton Hotel and Calle El Segundo to the east in the afternoon hours. It should also be noted that in the later afternoon hours, after 4:00 PM, the residential area immediately east of the Spa Resort Casino would also be shaded, but for approximately one hour. These uses are generally considered shade-sensitive uses, and they would be affected by shade cast by the Project, but for a short duration of time in the late afternoon during days surrounding annual solstice and equinox events. Given the limited duration of exposure to shade, impacts in this regard are less than significant.



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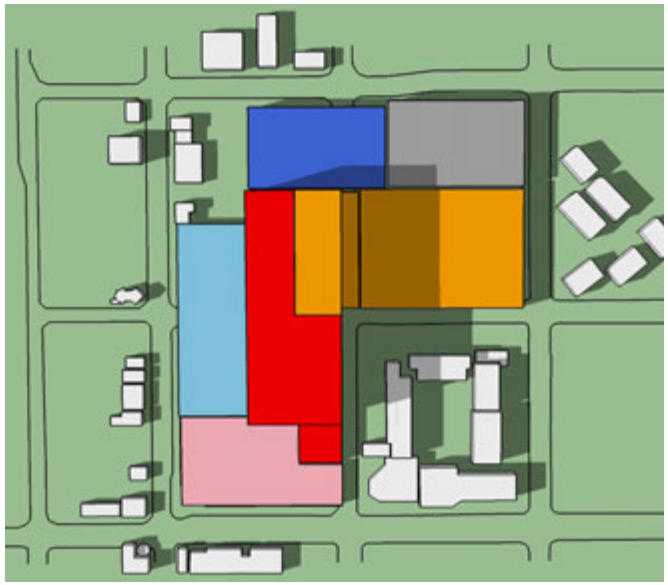

04:00 PM

Note: A portion of the Project Site is shaded in the late afternoon hours by the San Jacinto Mountains

SOURCE: Agua Caliente Band of Cahuilla Indians – 2016

FIGURE **5.1-5**

Modeled Shadows during Spring/Fall Equinox

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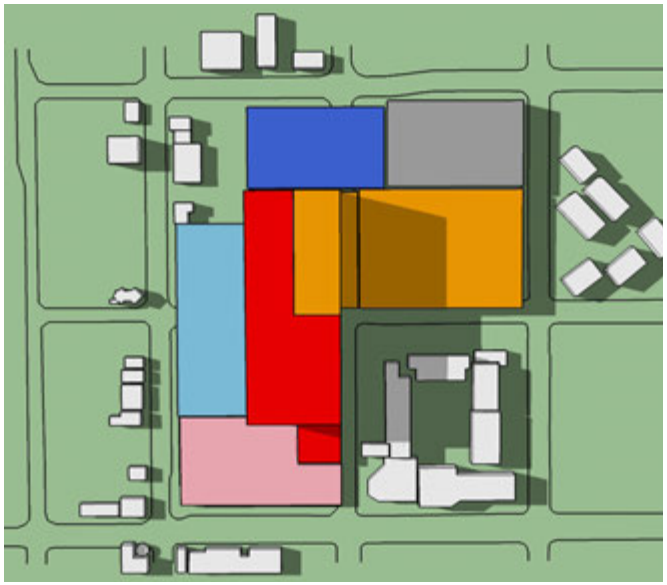

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SOURCE: Agua Caliente Band of Cahuilla Indians – 2016

FIGURE **5.1-6**

Modeled Shadows during Summer Solstice

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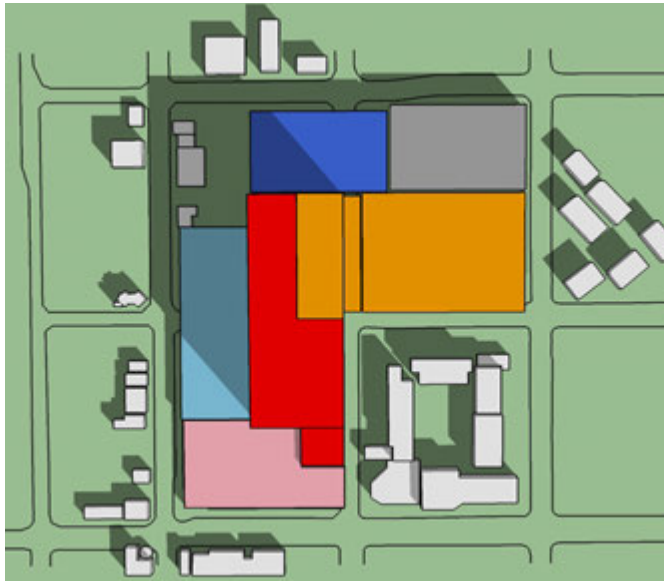

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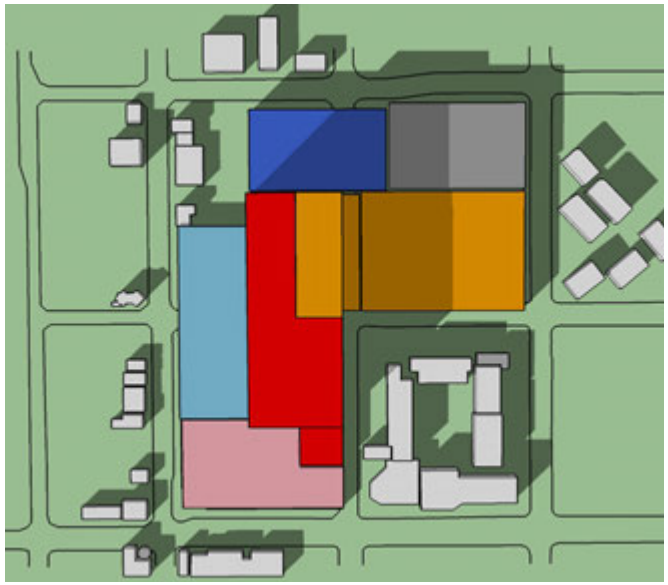

03:00 PM

Note: A portion of the Project Site is shaded in the late afternoon hours by the San Jacinto Mountains

SOURCE: Agua Caliente Band of Cahuilla Indians – 2016

FIGURE **5.1-7**

Modeled Shadows during Winter Solstice

097-002-16

Threshold 5.1-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Project would result in less than significant scenic resource impacts through compliance with the Section 14 Specific Plan and implementation of **Mitigation Measure 5.1-1**. The Project Site is currently developed with surface parking lots, the Spa Resort Casino, and a United States Postal Service office located within the historic shopping core of the City.[3] As previously discussed, these existing buildings and facilities are not identified by the Tribe as being historically significant resources, nor are they designated historical resources by the National Register of Historic Places, or directly associated with any important historical events. No scenic resources such as trees, rock outcroppings or historic buildings exist on-site.

Further, review of the City's General Plan Community Design Element shows that there are no officially designated State Scenic Highways near the site. The nearest eligible State Scenic Highway is SR-111, which extends southeasterly from I-10 to SR-74. State Route 111 splits from Palm Canyon Drive and continues to run to the east along Vista Chino Road approximately 1.25 miles north of the Project Site, while Palm Canyon Drive continues south running parallel past the Project Site approximately 400 feet to the west. As shown on **Figure 5.1-3**, the closest views of the mountain ranges to the southeast of the Project Site are partially obstructed by the Project and the views northwest/southwest across the Project Site would affect only a minor proportion of the overall viewshed from this area. Views further from the Project Site would be less affected due to the long-distance nature of the views, including from State Route 111.

In summary, while views of the San Jacinto Mountains would be partially obstructed from close to the Project, views from a distance of the Project would not be greatly encroached upon. With implementation of existing regulations and standards identified above, Project setbacks, and **Mitigation Measure MM 5.1-1**, any impacts associated with visual resources would remain less than significant.

Threshold 5.1-3 Create a new source of substantial light or glare, which would adversely affect day or nighttime views of historic buildings or views in the area?

The Project would result in less than significant light and glare impacts through compliance with the Section 14 Specific Plan and implementation of **Mitigation Measure 5.1-1**. While the Project is in an urban setting, the Project would add new sources of light and glare to the surrounding area. Light pollution could adversely affect neighboring uses and public areas. One such public area is the Mount Palomar Observatory, located in northern San Diego County to the southwest of the City. The City's General Plan identifies the Mount Palomar Observatory Special Lighting Area, which is an area in which lights could

3 City of Palm Springs, *Section 14 Specific Plan* (July 2014).

impact the use of the observatory. The boundary of the Special Lighting Area is to the north of I-10 and extends south encompassing the majority of the City.

The Project would adhere to Section 14 Specific Plan Design Guideline 7.2.6 which states lighting throughout Section 14 should provide for a safe and pleasing environment. Enough lighting should be provided to light rear parking lots safely, but light should be shielded from the sky and adjacent residential uses. Outdoor lighting for the Project would also be consistent with Section 93.21.00 of the Palm Springs Municipal Code regarding lighting design and construction. Further, given the Project is within the Special Lighting Area established for Mount Palomar Observatory, the Project would be conditioned to adhere to the standard lighting requirements of the Section 14 Specific Plan, as identified in **Mitigation Measure 5.1-1**.

With the implementation of **Mitigation Measure MM 5.1-1**, and conformance with the Tribal Building and Safety Code, potential lighting and glare impacts would be reduced to less than significant.

3. Cumulative Impacts

Cumulative visual and light/glare impacts would be less than significant through compliance with the Section 14 Specific Plan, City's General Plan, and implementation of **Mitigation Measure 5.1-1**. The evaluation of aesthetic and visual impacts is by nature a subjective exercise due to widely varying personal perceptions. However, implementation of the Project would alter views of surrounding visual resources and would also alter the visual character of the Project Site and surrounding areas. More specifically, the Project Site would be developed consistent with the Section 14 Specific Plan, which would allow for a mixed-use master plan that would include retail, cultural, office, hotel and casino uses, as identified in **Table 3.0-1, Proposed Land Use Plan Summary** and as shown on **Figure 3.0-3, Land Use Plan**.

Upon development of the Project Site, cumulative development would result in substantial changes to the visual character of the Project Site and add to the creation of nighttime light and glare. However, this would not constitute a significant adverse impact as the Project Site and surrounding area would be developed in accordance with the anticipated development that would occur in these areas per the Section 14 Specific Plan and the City's General Plan. Additionally, the design standards and guidelines outlined in the Section 14 Specific Plan would ensure that high quality architecture and landscaping would be provided along the Project frontages in a manner that would preserve and enhance the character of the Project Site and surrounding land uses. Furthermore, development projects proposed on the surrounding lands would be required to adhere to the strict architectural, design, and lighting standards outlined in the Section 14 Specific Plan and/or the City's General Plan.

As previously discussed, the aesthetic impacts of the Project associated with effects upon the existing visual character of the Project Site and its surrounding area have been evaluated above and were found to be less than significant on a Project-specific basis. Potential Project-related impacts from the generation of nighttime light and glare have been found to be less than significant, with compliance with the existing regulations, standard conditions, **Mitigation Measure MM 5.1-1,** and the provisions outlined in the Section 14 Specific Plan. In consideration of the preceding factors, the Project's contribution to cumulative aesthetic impacts would be less significant.

C. Mitigation Measures

The following mitigation measures would be implemented to reduce potential significant visual resource impacts to less than significant.

MM 5.1-1 Prior to issuance of any building permit for the Project, each individual project proponent shall demonstrate consistency with the design guidelines in the Section 14 Specific Plan.

D. LEVEL OF SIGNIFICANCE

With implementation of existing regulations and standards, such as the Tribal Building and Safety Code, and **Mitigation Measure MM 5.1-1,** any potential impacts associated with visual quality would be less than significant. Therefore, no significant unavoidable adverse impacts relating to visual quality or aesthetics have been identified.

5.2 AIR QUALITY

This Section of the Draft TEIR evaluates the potential for the Project to impact air quality on a local and regional context. More specifically, this Section evaluates impacts associated with the Project that may potentially affect the regional and local air quality. Various federal, regional, and local programs and regulations related to anticipated air quality impacts are also discussed in this Section. Emission calculations and air quality modeling completed for the Project are contained in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Model Output** of this Draft TEIR.

Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in the Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Air Pollutants of Concern

Criteria Air Pollutants

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law. These are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), volatile organic compounds (VOCs), nitrogen oxides (NOx), sulfur dioxide (SO2), coarse inhalable particulate matter (PM10), fine inhalable particulate matter (PM2.5), and lead (Pb) are primary air pollutants. VOCs and NOx are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. Ozone (O3) and nitrogen dioxide (NO2) are the principal secondary pollutants.

A brief description of the criteria pollutants follows.

- **Ozone (O3).** O3 is a gas that is formed when VOCs and NOx, both byproducts of internal combustion engine exhaust and other sources, undergo slow photochemical reactions in the presence of sunlight. O3 concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.
- **Volatile organic compounds (VOCs).** VOCs are compounds comprised primarily of atoms of hydrogen and carbon. Internal combustion associated with motor vehicle usage is the major source of hydrocarbons. Adverse effects on human health are not caused directly by VOCs, but rather by reactions of VOCs to form secondary air pollutants, including O3. VOCs are also referred to as reactive organic compounds (ROCs) or reactive organic gases (ROGs). VOCs themselves are not “criteria” pollutants; however, they contribute to formation of O3.

- **Nitrogen dioxide (NO2).** NO2 is a reddish-brown, highly reactive gas that is formed in the ambient air through the oxidation of nitrogen monoxide (NO). NO2 is also a byproduct of fuel combustion. The principle form of NO2 produced by combustion is NO, but NO reacts quickly to form NO2, creating the mixture of NO and NO2 referred to as NOx. NO2 acts as an acute irritant and, in equal concentrations, is more injurious than NO. At atmospheric concentrations, however, NOx is only potentially irritating. NO2 absorbs blue light, the result of which is a brownish-red cast to the atmosphere and reduced visibility.
- **Carbon monoxide (CO).** CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, and motor vehicles operating at slow speeds are the primary source of CO in the basin, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections.
- **Sulfur dioxide (SO2).** SO2 is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high-sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO2 oxidizes in the atmosphere, it forms sulfates (SO4).
- **Respirable particulate matter (PM10).** PM10 consists of extremely small, suspended particles or droplets 10 microns or smaller in diameter. Some sources of PM10, like pollen and windstorms, are naturally occurring. However, in populated areas, most PM10 is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities.
- **Fine particulate matter (PM2.5).** PM2.5 refers to particulate matter that is 2.5 microns or smaller in size. The sources of PM2.5 include fuel combustion from automobiles, power plants, wood burning, industrial processes, and diesel-powered vehicles such as buses and trucks. These fine particles are also formed in the atmosphere when gases such as sulfur dioxide, NOx, and VOCs are transformed in the air by chemical reactions.
- **Lead (Pb).** Pb occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead in the basin. The use of leaded gasoline is no longer permitted for on-road motor vehicles, so most such combustion emissions are associated with off-road vehicles such as racecars that use leaded gasoline. Other sources of Pb include the manufacturing and recycling of batteries, paint, ink, ceramics, ammunition, and secondary lead smelters.

At the federal level, the United States Environmental Protection Agency (USEPA) is responsible for the implementation of portions of the Clean Air Act (CAA) dealing with certain mobile sources of air emissions and other requirements. Charged with handling global, international, national, and interstate air pollution issues and policies, the USEPA sets national vehicle and stationary source emission standards, oversees

approval of all State Implementation Plans,[1] provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS). The NAAQS for six common air pollutants (ozone, particulate matter PM10 and PM2.5, nitrogen dioxide, CO, lead, and sulfur dioxide) were identified from the provisions of the CAA of 1970.

The California Clean Air Act, signed into law in 1988, requires all areas of the State to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The California Air Resources Board (CARB), a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and State air pollution control programs within California. In this capacity, the CARB conducts research, sets State ambient air quality standards, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. The CARB establishes emissions standards for motor vehicles sold in California, consumer products, and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

The NAAQS and CAAQS for each of the monitored pollutants and their effects on health are summarized in **Table 5.2-1, Ambient Air Quality Standards.**

Table 5.2-1
Ambient Air Quality Standards

Air Pollutant	Concentration/Averaging Time		Most Relevant Health Effects
	State Standard (CAAQS)	Federal Primary Standard (NAAQS)	
Ozone	0.09 ppm, 1-hour 0.070 ppm, 8-hour	0.070 ppm, 8-hour	(a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e) Vegetation damage; and (f) Property damage
Nitrogen dioxide	0.18 ppm, 1-hour 0.030 ppm, annual	100 ppb, 1-hour 0.053 ppm, annual	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration

1 A State Implementation Plan is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain National Ambient Air Quality Standards.

Air Pollutant	Concentration/Averaging Time State Standard (CAAQS)	Federal Primary Standard (NAAQS)	Most Relevant Health Effects
Carbon monoxide	20 ppm, 1-hour 9.0 ppm, 8-hour	35 ppm, 1-hour 9 ppm, 8-hour	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and (d) Possible increased risk to fetuses
Sulfur dioxide	0.25 ppm, 1-hour 0.04 ppm, 24-hour	75 ppb, 1-hour 0.14 ppm, 24-hour	Bronchoconstriction accompanied by symptoms, which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma
Respirable particulate matter	50 µg/m^3, 24-hour 20 µg/m^3, annual	150 µg/m^3, 24-hour	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature birth
Fine particulate matter	12 µg/m^3, annual	35 µg/m^3, 24-hour 12 µg/m^3, annual	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature birth
Lead	1.5 µg/m^3, 30-day	1.5 µg/m^3, Calendar Quarter 0.15 µg/m^3, 3-month rolling	(a) Learning disabilities; and (b) Impairment of blood formation and nerve conduction
Visibility-reducing particles	In sufficient amount such that the extinction coefficient is greater than 0.23 inverse kilometers at relative humidity less than 70 percent, 8-hour average (10 AM–6 PM)	N/A	Visibility impairment on days when relative humidity is less than 70 percent
Sulfates	25 µg/m^3, 24-hour	N/A	(a) Decrease in lung function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardiopulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; and (f) Property damage
Hydrogen sulfide	0.03 ppm, 1-hour	None	Odor annoyance
Vinyl chloride	0.01 ppm, 24-hour	None	Known carcinogen

Source: California Air Resources Board, Ambient Air Quality Standards (AAQS), http://www.arb.ca.gov/research/aaqs/aaqs2.pdf.
Note: µg/m^3 = microgram per cubic meter; NAAQS = National Ambient Air Quality Standards; ppm = parts per million by volume.

Toxic Air Contaminants

In addition to criteria pollutants, the South Coast Air Quality Management District (SCAQMD) periodically assesses levels of toxic air contaminants (TACs) in the South Coast Air Basin (Air Basin). *California Health and Safety Code,* Section 39655 provides:

> *"Toxic air contaminant" means an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412(b)) is a toxic air contaminant.*

SCAQMD conducted the Multiple Air Toxics Exposure Study IV (MATES IV), which is a follow-up to previous MATES I, II, and III air toxics studies conducted in the Air Basin. SCAQMD issued the MATES IV Final Report in May 2015.

The MATES IV study, based on actual monitored data throughout the Air Basin, consisted of several elements. These included a monitoring program, an updated emissions inventory of TACs, and a modeling effort to characterize carcinogenic risk across the Air Basin from exposure to TACs. The MATES IV study applied a 2-kilometer (1.24-mile) grid over the Air Basin and reported carcinogenic risk within each grid space (covering an area of 4 square kilometers or 1.54 square miles). The study concluded the average of the modeled air toxics concentrations measured at each of the monitoring stations in the Air Basin equates to an estimated population weighted risk of 367 per million. The population weighted risk was approximately 57 percent lower compared to the MATS III period (2005). The ambient air toxics data from the 10 fixed monitoring locations also demonstrated a similar reduction in air toxic levels and risks.[2] The reductions were attributed to air quality control regulations and improved emission control technologies.

Greenhouse Gas Emissions

Climate change is a change in the average climatic conditions on earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes that have occurred in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

2 South Coast Air Quality Management District (SCAQMD), Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES IV) – Final Report (May 2015). Executive Summary.

Gases that trap heat in the atmosphere are GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide (CO2), methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. Without the natural heat-trapping effect of GHG, the earth's surface would be about 34°C cooler.[3] However, it is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The global warming potential (GWP) is the potential of a gas or aerosol to trap heat in the atmosphere. The GWP compares the amount of heat trapped by a certain mass of the gas in question to the amount of heat trapped by a similar mass of carbon dioxide. A GWP is calculated over a specific time interval, commonly 20, 100, or 500 years. GWP is expressed as a factor of carbon dioxide (whose GWP is standardized to 1). For example, the 100-year GWP of methane is 21, which means that if the same mass of methane and carbon dioxide were introduced into the atmosphere, that methane will trap 21 times more heat than the carbon dioxide over the next 100 years.[4] The GHGs of most concern are identified below in **Table 5.2-2, Greenhouse Gas Descriptors.** Of these two primary sources of GHG, CO2 would be generated by sources associated with the Project, while methane would not be generated in any substantial amount.

Table 5.2-2
Greenhouse Gas Descriptors

Greenhouse Gas	Description and Physical Properties	Sources
Carbon dioxide (CO2)	Carbon dioxide is an odorless, colorless, natural GHG. GWP = 1.	Carbon dioxide is emitted from natural and anthropogenic sources. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The concentration in 2005 was 379 ppm, which is an increase of about 1.4 ppm per year since 1960.

3 California Environmental Protection Agency, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger and the California Legislature*, www.climatechange.ca.gov/climate_action_team /reports/index.html, (March 2006), accessed June 10, 2013.

4 Working Group, *Fourth Assessment Report of the Intergovernmental Panel on Climate Change,* 2007.

Greenhouse Gas	Description and Physical Properties	Sources
Haloalkanes	Haloalkanes (also known as halogenoalkanes or alkyl halides) are colorless, relatively odorless, and hydrophobic.	Haloalkanes are mostly human-produced such as flame retardants, fire extinguishants, refrigerants, propellants, solvents, and pharmaceuticals. Non-artificial-source haloalkanes do occur, mostly through enzyme-mediated synthesis by bacteria, fungi, and especially sea microalgae (seaweeds).
Methane (CH4)	Methane is a flammable gas and is the main component of natural gas. GWP = 21.	A natural source of methane is from the anaerobic decay of organic matter. Methane is extracted from geological deposits (natural gas fields). Other sources are from landfills, fermentation of manure, and cattle.
Nitrous oxide (N2O)	Nitrous oxide is also known as laughing gas and is a colorless GHG. GWP = 310.	Microbial processes in soil and water, fuel combustion, and industrial processes.
Perfluorocarbons (PFCs)	Perfluorocarbons liquids are colorless with high density, up to over twice that of water. It is also an odorless, non-flammable, unreactive gas.	Man-made compounds containing just fluorine and carbon. Usage is mainly in the electronics sector in semiconductor manufacture, with significant usage as refrigerants.
Sulfur hexafluoride (SF6)	Sulfur hexafluoride is an inorganic, colorless, odorless, non-flammable, extremely potent GHG which is an excellent electrical insulator. GWP = 23,900	Sulfur hexafluoride emissions are virtually all of anthropogenic origin including electricity sector, magnesium industry, electronics industry, and adiabatic property.

Source: Intergovernmental Panel on Climate Change, Summary for Policymakers, Climate Change 2007: The Physical Science Basis, Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Avery, M. Tignor, and H.L. Miller [eds.]). (Cambridge University Press: Cambridge, United Kingdom and New York, NY, USA) 2007.
Notes: ppm = parts per million; ppt = parts per trillion (measure of concentration in the atmosphere); GWP = global warming potential

Individual GHG compounds have varying GWP and atmospheric lifetimes. The calculation of the carbon dioxide equivalent (CO2e) is a consistent methodology for comparing GHG emissions, since it normalizes various GHG emissions to a consistent metric. Methane's warming potential of 21 indicates that methane has a 21 times greater warming effect than carbon dioxide on a molecule per molecule basis. A carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its GWP.

Regional

The Project Site lies within the Salton Sea Air Basin, which spans the Coachella Valley portion of the County of Riverside. Air quality management of the Riverside County portion of the Salton Sea Air Basin is overseen by SCAQMD. The Riverside County portion of the Salton Sea Air Basin is bound by the San Jacinto Mountains to the west and spans eastward up to the Palo Verde Valley. The Salton Sea Air Basin and the

adjacent Mojave Desert Air Basin were previously included in a single large air basin known as the Southeast Desert Air Basin. However, the California Air Resources Board (CARB) has subdivided this larger basin into the two separate air basins that are in place today.

The Salton Sea Air Basin is classified as having a desert climate characterized by low precipitation, hot summers, mild winters, low humidity, and strong temperature inversions. The annual average temperature varies little throughout the Salton Sea Air Basin, ranging from the low 40s to the high 100s, measured in degrees Fahrenheit (°F). The Western Regional Climate Center (WRCC) maintains historical climate information for the western U.S., including the City of Palm Springs, which is the closest meteorological monitoring station to the Project Site (Station ID No. 046635). According to this Station, the average maximum temperature in the local vicinity is 108.2°F in July. The average minimum temperature is reported at 42.3°F in December and January.

Air pollutant emissions within the region are primarily generated by stationary and mobile sources. Stationary sources can be divided into two major subcategories: point and area sources. Point sources occur at a specific location and are often identified by an exhaust vent or stack at a facility. Portable diesel generators and other similar equipment also are considered to be stationary sources of air emissions. Area sources are widely distributed and can include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, parking lots, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and are classified as either on-road or off-road. On-road sources may be legally operated on roadways and highways. Off-road sources include aircraft, ships, trains, and self-propelled construction equipment.

Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles. The main source of pollutants near the Project Site includes mobile emissions generated from both on-road and off-road vehicles and high wind suspended fine particulate matter, referred to as blowsand.

The USEPA and CARB designate air basins where ambient air quality standards are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” Federal nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The current attainment designations for the Salton Sea Air Basin are shown in **Table 5.2-3, Salton Sea Air Basin Attainment Status.** The Salton Sea Air Basin is currently designated as being in nonattainment for the federal ozone and PM10, and nonattainment for the State ozone and PM10 standards. Areas where

air pollution levels persistently exceed the national or State ambient air quality standards may be designated "nonattainment."

Table 5.2-3
Salton Sea Air Basin Attainment Status

Pollutant	National Status	State Status
Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
PM10	Nonattainment	Nonattainment
PM2.5	Unclassified/Attainment	Attainment

Source: State Status from CARB, Ambient Air Quality Standards, http://www.arb.ca.gov/desig/desig.htm, page last reviewed May 5, 2016.

Local Air Quality

For evaluation purposes, SCAQMD has divided its territory into 36 Source Receptor Areas (SRAs) with operating monitoring stations in most of the SRAs. These SRAs are designated to provide a general representation of the local meteorological, terrain, and air quality conditions within the particular geographical area.

The Project site is located within SRA 30 (Coachella Valley) in the Salton Sea Air Basin. SCAQMD operates two monitoring stations, one at the Palm Springs Fire Station located at 590 E. Racquet Club Avenue, Palm Springs and one located at 46990 Jackson Street, Indio. With greater attention being dedicated to particulate matter, monitoring for PM10 has been expanded both through temporary research and field data collecting systems, as well as the sitting of permanent wind speed and pollutant measuring devices.

Table 5.2-4, Air Quality Monitoring Summary, summarizes published monitoring data from 2013 through 2015 the most recent 3-year period available. The data shows that during the past few years, SRA 30 has exceeded the ozone and PM10 standards.

Table 5.2-4
Air Quality Monitoring Summary

Pollutant	Standards	Year 2013	2014	2015
Ozone (O3)				
Maximum 1-hour concentration monitored (ppm)		0.113	0.108	0.102
Maximum 8-hour concentration monitored (ppm)		0.104	0.093	0.092
Number of days exceeding State 1-hour standard	0.09 ppm	10	9	3
Number of days exceeding State 8-hour standard	0.070 ppm	82	61	51
Number of days exceeding federal 8-hour standard	0.070 ppm	46	55	47
Nitrogen Dioxide (NO2)				
Maximum 1-hour concentration monitored (ppb)		52.3	46.3	41.5
Annual average concentration monitored (ppb)		7.5	7.1	6.2
Number of days exceeding State 1-hour standard	0.18 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 1-hour concentration monitored (ppm)		1.5	2.0	2.0
Maximum 8-hour concentration monitored (ppm)		*	0.9	0.7
Number of days exceeding 1-hour standard	20 ppm	*	*	*
Number of days exceeding 8-hour standard	9.0 ppm	*	*	*
Sulfur Dioxide (SO2)				
Maximum 1-hour concentration monitored (ppm)		*	*	*
Maximum 24-hour concentration monitored (ppm)		*	*	*
Number of days exceeding State 1-hour standard	0.25 ppm	*	*	*
Number of days exceeding State 24-hour standard	0.04 ppm	*	*	*
Respirable Particulate Matter (PM10)[a]				
Maximum 24-hour concentration monitored ($\mu g/m^3$)		129	113	115
Annual average concentration monitored ($\mu g/m^3$)		22.6	22.6	18.8
Number of samples exceeding State standard	50 $\mu g/m^3$	3	10	5
Number of samples exceeding federal standard	150 $\mu g/m^3$	0	0	0
Fine Particulate Matter (PM2.5)[a]				
Maximum 24-hour concentration monitored ($\mu g/m^3$)		18.5	15.5	22.7
Annual average concentration monitored ($\mu g/m^3$)		6.52	6.42	5.76
Number of samples exceeding federal standard	35 $\mu g/m^3$	0	0	0

Source: South Coast Air Quality Management District, "Historical Data by Year," (2013-2015) http://www.aqmd.gov/home/library/air-quality-data-studies/historical-data-by-year.
a. High Federal Reference Method and Federal Equivalent Method PM10 data samples recorded at locations in Coachella Valley are excluded due to high winds in accordance with the USEPA Exceptional Event Rule
Note: $\mu g/m^3$ = micrograms per cubic meter of air; aam = annual arithmetic mean; NA = not available; ppm = parts per million by volume of air.
** Insufficient data available.*

Individuals who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. For purposes of environmental analysis, the City considers a sensitive receptor to be residences, schools, playgrounds, and childcare centers, hospitals, rehabilitation centers, convalescent centers and long-term health care facilities, and retirement homes. Commercial and industrial facilities are not included in the definition because employees do not typically remain onsite for 24 hours. However, when assessing the impact of pollutants with 1-hour or 8-hour standards (such as nitrogen dioxide and carbon monoxide), commercial and/or industrial facilities would be considered sensitive receptors for those purposes.

The closest sensitive receptors to the Project site include the residential communities along Calle El Segundo located approximately 125 feet east of the Project site, specifically the existing Spa Resort Casino. The nearest commercial use is a hotel located approximately 100 feet southeast of the Project Site.

Local Greenhouse Gas Emissions

Agua Caliente Band of Cahuilla Indians

The Tribe completed a Greenhouse Gas (GHG) emission inventory for all Reservation-wide GHG emissions.[5] The Reservation-wide GHG emissions in 2010, which used guidelines approved by the CARB, totaled 253,823 metric tons of carbon dioxide equivalents (MTCO2e) per year. The per capita emissions for the Reservation are 10.2 MTCO2e and the per capita regional transportation emissions are 2.8 MTCO2e per year, for a total of 13.0 MTCO2e per capita.

City of Palm Springs

The City completed a GHG emission inventory, as well as a Climate Action Plan and Energy Action Plan, to document GHG emissions. The City's GHG emissions in 2010 totaled 431,594 MTCO2e.[6] The 2010 total emissions represent a footprint of 9.7 MTCO2e per capita.

Existing Operational Emissions

Air Quality

The estimated operational emissions are based on the existing development within the Project Site and are presented in **Table 5.2-5, Existing Operational Air Quality Emissions**. The most current CARB-approved, SCAQMD recommended air quality modeling software, California Emissions Estimator Model (CalEEMod), was used to estimate existing air quality operation generation.

5 Agua Caliente Band of Cahuilla Indians, Greenhouse Gas Inventory, May 2013.

6 City of Palm Springs, Climate Action Plan, May 2013, Table 1.

Table 5.2-5
Existing Operational Air Quality Emissions

	Pollutant (pounds/day)					
Source	**VOC**	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
Maximum	7.8	7.5	26.4	0.04	2.5	0.8

*Source: Refer to the data sheets in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling-Summer/Winter.***

Greenhouse Gas

GHG emissions from the operation of the existing uses are estimated in **Table 5.2-6, Existing Operational GHG Emissions**. As noted previously, the most current SCAQMD air quality model software, CalEEMod, was used to estimate existing GHG generation. As shown, current GHG emission at the Project site are approximately 1,629.8 MTCO2e per year.

Table 5.2-6
Existing Operational GHG Emissions

Emission Source	MTCO2e/Year
Operational (mobile) sources*	388.6
Area sources	0.01
Energy	842.4
Waste	18.2
Water	380.6
Total	**1,629.8**

Notes:
**N2O emissions account for 0.02 MTCO2e.existing emissions do not include construction.*
*Refer to **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling, (Annual)** Section 2.2 Overall Operational.*

2. Regulatory Setting

Federal

Air Quality

The National Ambient Air Quality Standards were set to protect public health, including that of sensitive individuals, and for this reason, the standards continue to change as more medical research becomes available regarding the health effects of the criteria pollutants. The primary NAAQS define the air quality

level considered necessary, with an adequate margin of safety, to protect the public health.[7] Other portions of the CAA, such as the portions dealing with stationary source requirements, are implemented by State and local agencies.

The 1990 amendments to the CAA identify specific emission reduction goals for areas not meeting the NAAQS. These amendments require both a demonstration of reasonable further progress toward attainment and incorporation of additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA that are most applicable to the Project include Title I, Nonattainment Provisions, and Title II, Mobile Source Provisions.

The NAAQS were amended in July 1997 to include an 8-hour standard for O3 and to adopt a NAAQS for PM2.5, and again in September 2006 to include an established methodology for calculating PM2.5, as well as revoking the annual PM10 threshold. The CAA includes the following deadlines for meeting the NAAQS within the Air Basin: (1) PM2.5 by the year 2014 and (2) 8-hour O3 by the year 2023. Although the deadline for federal 1-hour O3 standard has passed, the Air Basin has yet to attain those standards; however, SCAQMD it is continuing to implement the Air Basin's Air Quality Management Plan (AQMP) to attain these standards as soon as possible.

Greenhouse Gas Emissions

On April 17, 2009, the USEPA released a proposed finding that determined climate change poses a risk to public health. The USEPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. On December 7, 2009, the USEPA Administrator (Administrator) signed two distinct findings regarding GHGs under section 202(a) of the CAA:

- **Endangerment Finding**: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs—carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6)—in the atmosphere threaten the public health and welfare of current and future generations.

7 USEPA, *A Comprehensive Analysis of Biodiesel Impacts on Exhaust Emissions, EPA420-P-02-001* (October 2002). USEPA, Office of Air and Radiation, *Nitrogen Oxides: Impact on Public Health and the Environment* (1997), www.epa.gov/ttn/oarpg/t1/reports/noxrept.pdf. USEPA, *Ozone and Your Health*, *EPA-452/F-99-003* (1999), www.epa.gov/air/ozonepollution/pdfs/health.pdf. USEPA, *Particle Pollution and your Health, EPA-452/F-03-001* (September 2003), http://epa.gov/pm/pdfs/pm-color.pdf. USEPA, *Health and Environmental Impacts of CO,* http://www.epa.gov/airquality/carbonmonoxide/ health.html. USEPA, *Fact Sheet: Proposed Revisions to the National Ambient Air Quality Standards for Nitrogen Dioxide* (July 22, 2009), www.epa.gov/air/nitrogenoxides/pdfs/20090722fs.pdf.

- **Cause or Contribute Finding**: The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the proposed USEPA GHG standards for light-duty vehicles. These were jointly proposed by the USEPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) on September 15, 2009. The two findings were published in Federal Register Docket ID No. EPA-HQ-OAR-2009-0171. The final rule was effective January 14, 2010.

The USEPA has issued the Final Mandatory Reporting of Greenhouse Gases Rule that requires reporting of GHG emissions from large sources and suppliers in the United States. Under the rule (effective December 29, 2009), suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the USEPA. The gases covered by the proposed rule are CO2, CH4, N2O, HFC, PFC, SF6, and other fluorinated gases, including nitrogen trifluoride (NF3) and hydrofluorinated ethers (HFE).

On September 15, 2009, the USEPA and the NHTSA proposed a new national program to reduce greenhouse gas emissions and improve fuel economy for all new cars and trucks sold in the United States. The USEPA proposed the first-ever national GHG emissions standards under the Clean Air Act (CAA), and NHTSA proposed Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act. This proposed national program would allow automobile manufacturers to build a single light-duty national fleet that satisfies all requirements under both federal programs and the standards of California and other states.

Regional and Local

South Coast Air Quality Management District

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

SCAQMD shares responsibility with CARB for ensuring that all State and federal ambient air quality standards are achieved and maintained over an area of approximately 10,743 square miles. This area includes the South Coast and Salton Sea Air Basins, all of Orange County, and the non-desert portions of

Los Angeles, Riverside, and San Bernardino counties. It does not include the Antelope Valley or the non-desert portion of western San Bernardino County.

SCAQMD is responsible for controlling emissions, primarily from stationary sources. SCAQMD maintains air quality monitoring stations throughout the Air Basins. SCAQMD, in coordination with the SCAG, is also responsible for developing, updating, and implementing the AQMP for the Air Basins. SCAQMD also prepares the State Implementation Plan (SIP) for its jurisdiction, and promulgates rules and regulations. The SIP includes strategies and tactics to be used to attain the federal ozone standards in the South Coast and Salton Sea Air Basins and the federal PM10 standard in the Riverside County portion of the Salton Sea Air Basin. The SIP elements are taken from the most recent AQMP. An AQMP is a plan prepared and implemented by an air pollution district for a county or region designated as "nonattainment" of the national and/or California ambient air quality standards. The term "nonattainment area" is used to refer to an air basin in which one or more ambient air quality standards are exceeded.

SCAQMD approved the 2012 AQMP on December 7, 2012. The 2012 AQMP incorporates the latest scientific and technological information and planning assumptions, including the 2012 Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories. The 2012 AQMP proposed attainment of the federal 2006 24-hour PM2.5 standard by 2014 in the South Coast Air Basin through adoption of all feasible measures. While the 2012 AQMP focused on attainment of the 2006 24-hour PM2.5 standard, it has since been determined, primarily due to unexpected drought conditions, that it was impracticable to meet the standard by the original attainment year.[8] Since that time, the USEPA has approved a reclassification to "serious" nonattainment for the 24-hour PM2.5 standard, which requires a new attainment demonstration with a new attainment deadline. The Draft 2016 AQMP was recently released for public review,[9] with a revised Draft 2016 AQMP document released in October.[10] The Final 2016 AQMP was released for review in December 2016 and is anticipated to be submitted for approval at the February 3, 2017, Governing Board Meeting.[11] The 2012 AQMP is also an update to the 8-hour ozone control plan with new emission reduction commitments from a set of new control measures, which implement the 2007 AQMP's Section 182 (e)(5) commitments.

SCAQMD is responsible for limiting the amount of emissions that can be generated throughout the Air Basins by various stationary, area, and mobile sources. Specific rules and regulations have been adopted

8 South Coast Air Quality Management District, *Revised Draft 2016 Air Quality Management Plan,* October 2016.
9 South Coast Air Quality Management District, *Draft 2016 Air Quality Management Plan,* June 2016.
10 South Coast Air Quality Management District, *Revised Draft 2016 Air Quality Management Plan,* October 2016.
11 SCAQMD, Draft Final 2016 AQMP, December 2016.

by the SCAQMD Governing Board, which limit the emissions that can be generated by various uses/activities and that identify specific pollution reduction measures, which must be implemented in association with various uses and activities. These rules not only regulate the emissions of the federal and State criteria pollutants but also TACs and acutely hazardous materials. The rules are also subject to ongoing refinement by SCAQMD.

Among the SCAQMD rules applicable to the Project are Rule 403 (Fugitive Dust), Rule 403.1 (Supplemental Fugitive Dust Control Requirements For Coachella Valley Sources), and Rule 1113 (Architectural Coatings). Rule 403 requires the use of stringent best available control measures to minimize PM10 emissions during grading and construction activities. Rule 403.1 requires active operations within a Blowsand Zone stabilize new man-made deposits of bulk material and requires a fugitive dust control plan for construction projects. Rule 1113 will require reductions in the VOC content of coatings, with a substantial reduction in the VOC content limit for flat coatings to 50 grams per liter (g/L) in July 2008.[12] Additional details regarding these rules and other potentially applicable rules are presented as follows.

Rule 403 (Fugitive Dust). This rule requires fugitive dust sources to implement Best Available Control Measures for all sources and prohibits all forms of visible particulate matter from crossing any property line. This may include application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour (mph), sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites. SCAQMD Rule 403 is intended to reduce PM10 emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust (see also Rule 1186).

Rule 403.1 (Supplemental Fugitive Dust Control Requirements For Coachella Valley Sources). This rule requires the reduction or prevention of the amount of PM10 emitted in the ambient air from man-made fugitive dust sources. The provisions of this rule are supplemental to Rule 403 and apply only to fugitive dust sources in the Coachella Valley. In addition, this rule requires a fugitive dust control plan for construction projects with a disturbed surface area of more than 5,000 square feet.

Rule 1113 (Architectural Coatings). This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

12 SCAQMD, Rule 1113 Architectural Coating (amended September 6, 2013).

Rule 1146.2 (Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters). This rule requires manufacturers, distributors, retailers, refurbishers, installers, and operators of new and existing units to reduce NOx emissions from natural gas-fired water heaters, boilers, and process heaters as defined in this rule.

Rule 1186 (PM10 Emissions from Paved and Unpaved Roads, and Livestock Operations). This rule applies to owners and operators of paved and unpaved roads and livestock operations. The rule is intended to reduce PM10 emissions by requiring the cleanup of material deposited onto paved roads, use of certified street sweeping equipment, and treatment of high-use unpaved roads (see also Rule 403).

Stationary emissions sources subject to these rules are regulated through SCAQMD's permitting process. Through this permitting process, SCAQMD also monitors the amount of stationary emissions being generated and uses this information in developing AQMPs.

Greenhouse Gas

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD staff convened a GHG CEQA Significance Threshold Working Group. The GHG significance threshold approach proposed by SCAQMD staff was presented to this Working Group in September 2010. The proposed approach includes a tiered series of thresholds to be applied based on the amount of GHG emissions generated by a proposed project and the type of project, as described below:

Tier 1: Does the project qualify for any applicable statutory or categorical exemption under CEQA? If yes, no further action is required and climate change impacts would be less than significant.

Tier 2: Is the project consistent with a GHG reduction plan? (The plan must be consistent with *CEQA Guidelines* Sections 15064(h)(3), 15125(d), or 15152(s).) If yes, there is a presumption of less than significant impacts with respect to climate change.

Tier 3: Is the project's incremental increase in GHG emissions below or mitigated to less than the significance screening level (10,000 MTCO2e per year for industrial projects; 3,000 MTCO2e for residential projects/commercial projects; 3,500 MTCO2e for mixed use projects)? If yes, there is a presumption of less than significant impacts with respect to climate change.

Tier 4: Does the project meet one of the following performance standards? If yes, there is a presumption of less than significant impacts with respect to climate change.

Option #1: Achieve some percentage reduction in GHG emissions from a base case scenario, including land use sector reductions from AB 32 (e.g., 16 percent reduction as recommended by the CARB 2014 Updated Scoping Plan).

Option #2: For individual projects, achieve a project-level efficiency target of 4.8 MTCO2e per service population by 2020 or a target of 3.0 MTCO2e per service population by 2035. For plans, achieve a plan-level efficiency target of 6.6 MTCO2e per service population by 2020 or a target of 4.1 MTCO2e per service population by 2035.

Option #3: Early compliance with AB 32 through early implementation of CARB's 2008 Scoping Plan Measures. The intent of this option is to accelerate GHG emission reduction from the various sectors subject to CARB's 2008 Scoping Plan to eliminate GHG emission.

Tier 5: Projects should obtain GHG emission offsets to reduce significant impacts. Offsets in combination with any mitigation measures should achieve the target thresholds for any of the above Tiers. Otherwise, project impacts would remain significant.

As described above, for projects that are not exempt from review under CEQA, the Tier 2 threshold of significance is applied if the project is subject to an adopted GHG reduction plan. If no GHG reduction plan applies to a proposed project, the Tier 3 threshold of significance includes quantified screening thresholds. The screening threshold for residential/commercial projects is 3,000 MTCO2e per year and 3,500 MTCO2e per year for mixed-use projects. If the amount of GHG emissions generated by a proposed project would be below these screening thresholds, the impact would not be considered significant. If the amount of GHG emissions generated by a proposed project would be above these screening thresholds, then additional analysis would need to be completed under Tier 4 to determine the level of significance. The Tier 4 threshold considers whether a proposed project would meet an applicable performance standard.

SCAQMD has not announced when a final version of these draft thresholds will be presented to the SCAQMD Governing Board for consideration for adoption.

SCAQMD has also adopted Rules 2700, 2701, and 2702 that establishes a GHG reduction program within SCAQMD's jurisdiction; however, GHG emission reduction protocols pursuant to these rules have only been established for boilers and process heaters, forestry, and manure management reduction projects.

Coachella Valley PM10 State Implementation Plan

The Salton Sea Air Basin is designated as a serious nonattainment area for PM10. The attainment date for serious nonattainment areas to achieve the PM10 NAAQS was 2001. After years of demonstrating attainment of the PM10 standards prior to 1999, PM10 levels during the next 3 years (1999–2001) did not demonstrate attainment of the annual average PM10 NAAQS. Under the federal Clean Air Act, an area can request an extension of up to five years to attain the PM10 NAAQS if certain requirements are met, including creation of a SIP that demonstrates expeditious attainment of the standards. Thus, SCAQMD established additional strategies for the control of PM10 in the Coachella Valley PM10 State

Implementation Plan (CVSIP), which was most recently updated in 2003. The 2003 CVSIP updates the emission inventories, emission budgets, and attainment modeling for the Air Basin.

SCAQMD Air Quality Analysis Guidance Handbook

In 1993, SCAQMD prepared its *CEQA Air Quality Handbook* to assist local government agencies and consultants in preparing environmental documents for projects subject to CEQA.[13] However, SCAQMD is in the process of developing its *Guidance Handbook* to replace the *CEQA Handbook*. The *CEQA Handbook* and the *Guidance Handbook* describe the criteria that SCAQMD uses when reviewing and commenting on the adequacy of environmental documents. The *Guidance Handbook* provides the most up-to-date recommended thresholds of significance in order to determine if a project will have a significant adverse environmental impact. Other important subjects covered in the *CEQA Handbook* and the *Guidance Handbook* include methodologies for estimating project emissions and mitigation measures that can be implemented to avoid or reduce air quality impacts. Although the Governing Board of SCAQMD has adopted the *CEQA Handbook* and is in the process of developing the *Guidance Handbook*, SCAQMD does not, nor does it intend to, supersede a local jurisdiction's CEQA procedures.[14]

While the *Guidance Handbook* is being developed, supplemental information has been adopted by SCAQMD. These include revisions to the air quality significance thresholds and a procedure referred to as "localized significance thresholds," which has been added as a significance threshold under the Local Significance Threshold (LST) Methodology.[15] The applicable portions of the *CEQA Handbook*, the *Guidance Handbook*, and other revised methodologies were used in preparing the air quality analysis in this Section, as discussed and referenced later in this Section.

Southern California Association of Governments

SCAG is the authorized regional agency for intergovernmental review of programs proposed for federal financial assistance and direct development activities. SCAG consists of local governments from Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial counties. SCAG is also responsible for the designated Regional Transportation Plan, including its Sustainable Communities Strategy component pursuant to SB 375. The Sustainable Communities Strategy has been formulated to reduce greenhouse gas (GHG) emissions from passenger vehicles by 8 percent per capita by 2020 and 13 percent per capita by 2035, and 21 percent per capita by 2040 when compared to 2005, exceeding the reductions that CARB currently requires.

13 SCAQMD, Air Quality Analysis Guidance Handbook (2010), http://www.aqmd.gov/CEQA/hdbk.html.
14 SCAQMD, Frequently Asked CEQA Questions (2010), http://www.aqmd.gov/ceqa/faq/html.
15 SCAQMD, Final Localized Significance Threshold Methodology (2008).

The 2016–2040 Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS) links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socioeconomic, geographic and commercial limitations.

Coachella Valley Association of Governments

Valley-wide Voluntary Green Building Program

The Voluntary Green Building Program was designed to help builders, developers, and homeowners to go above and beyond California's Energy Code in terms of energy efficiency. As part of this Program, the Tribe and some cities have committed to making it easier for those voluntarily participating in the Program to process their plans through the planning and building departments. The Voluntary Program includes an extensive checklist of specific actions, and how they are counted toward a more energy efficient building.

Agua Caliente Band of Cahuilla Indians

In May 2013, the Tribe completed a GHG Inventory for the Reservation that provides a decision-making framework grounded on achieving the large and most cost-effective greenhouse gas reductions. The GHG Inventory presents two data sets. The first data set covers the entire Reservation, including Tribal Enterprise and government activities, and the second is composed solely of Tribal Enterprise and government activities. The purpose of these two data sets is to provide the Tribe tools and opportunities to look directly at the areas it can most readily implement GHG reductions. The GHG Inventory established a 2010 baseline of emissions, and identifies detailed information about the types of GHG emitting sources and sectors; in order to facilitate the creation of effective GHG emission reduction strategies. In October 2014, the Tribal Council adopted Tribal Sustainability Policies, which are designed to explain how the Tribe is addressing climate change.

City of Palm Springs Climate Action Plan

In May 2013, the City completed a CAP that provides a decision-making framework grounded on achieving the large and most cost-effective greenhouse gas reductions. The plan includes greenhouse gas inventory results along with policies, programs, and initiatives that can be implemented to meet reduction goals in the City. The CAP works towards the 2009 Sustainability Master Plan goal of being "carbon neutral" by establishing emission reduction goals and specific actions to achieve these goals. The actions outlined in the City's CAP are consistent with those outlined in the Sustainability Master Plan. California's AB 32 mandated target is to reduce emissions to 1990 levels by 2020.

City of Palm Springs General Plan

The City of Palm Springs has prepared a series of objectives, policies, and implementation programs related to air quality as part of the Palm Springs 2007 General Plan.[16] The objectives rely on cooperation with the SCAQMD regarding stationary sources.

For mobile sources, the objectives and policies encourage a balance between jobs and housing, as well as increased use of mass transit, carpooling and clean-burning energy sources for motorized vehicles. The implementation program addresses coordinating local transit improvements and carpooling and van pooling programs, adopting and implementing a Transportation System Management/Transportation Demand Management Ordinance, and establishing regular meetings with CVAG and the SCAQMD to implement regional actions to reduce local air pollutant emissions.

The General Plan policies require the development of bikeways and pedestrian paths and encourage balanced development that reduces vehicle miles travelled by providing jobs in the "housing rich" area. The General Plan policies require that State Energy Efficiency Standards (Title 24) be implemented and enforced and encourage the use of passive design concepts to increase energy efficiency.

Air quality policies contained in the Air Quality Element of the General Plan address construction and grading activities. These policies specify City requirements for site watering and the use of soil stabilizers, the washing of construction truck tires, the covering of trucks hauling loose material from construction sites, the need to establish ground cover as soon as possible after grading, increased street sweeping activities during construction periods, and prohibitions on earthmoving operations during periods of high winds.

City of Palm Springs Municipal Code

Chapter 8.50 of the Palm Springs Municipal Code (Fugitive Dust Control) establishes minimum requirements for construction and demolition activities and other specified sources in order to reduce man-made fugitive dust and corresponding PM10 emissions. The control requirements specific work practices associated with all fugitive dust sources that include the following:

- Persons conducting any potential dust-generating activity on a site are required to utilize one or more Coachella Valley Best Available Control Measures for each dust source to meet the applicable performance standards.

16 City of Palm Springs General Plan, *Air Quality Element,* 2007.

  - Performance standards includes no person shall cause or allow visible dust emissions to exceed twenty present opacity or extend more than 100 feet (horizontally or vertically) from the source, or cross any property line.

- Persons conducted any potential dust-generated activity on a site with a disturbed surface greater than one acre and water is the selected control measure, a water application system shall be operated as identified in the Coachella Valley Fugitive Dust Handbook.

Section 8.50.022 requires any person applying for a grading or building permit for an activity with a disturbed surface area of more than 5,000 square feet (0.11 acre) to submit and receive approval of a Fugitive Dust Control Plan prior to initiation any earthmoving operations. The Fugitive Dust Control Plan is to be prepared pursuant to the provisions of the most recently approved Coachella Valley Fugitive Dust Control Handbook. The requirements include numerous short-term and long-term measures designed to minimize fugitive dust emissions during grading and construction activities as well as emissions from disturbed surface areas where construction is not scheduled to occur for at least 30 days.

Section 8.04 addresses construction site regulations relating to erosion control associated with grading projects and outline measures required to assure that no debris is washed, blown by wind, or otherwise deposited onto streets or adjacent property. Special measures that may be required in addition to an on-site watering system are outlined therein.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have a significant impact to air quality, if it would:

Threshold 5.2-1 **Conflict with or obstruct implementation of the applicable air quality plan?**

Threshold 5.2-2 **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Threshold 5.2-3 **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Threshold 5.2-4 **Expose sensitive receptors to substantial pollutant concentrations?**

Threshold 5.2-5 **Create objectionable odors affecting substantial number of people?**

As previously discussed, the USEPA is responsible for implementation of the CAA on tribal lands. State and local agencies, such as the CARB, SCAQMD, and CVAG, do not have jurisdiction. Although not required to do so, the Tribe, in a good faith effort to implement TEPA and the Compact's requirements, will voluntarily comply with SCAQMD and City air quality regulations for the Project. This voluntary compliance does not include submission of the Tribe to SCAQMD authority or the payment of any fees to SCAQMD. SCAQMD has identified thresholds to determine the significance of both local air quality impacts and impacts to regional air quality for construction activities and project operation, as shown in **Table 5.2-7, Mass Daily Emissions Thresholds.**

Table 5.2-7
Mass Daily Emissions Thresholds

Pollutant	Construction (pounds/day)	Operational (pounds/day)
Volatile Organic Compounds (VOCs)	75	75
Nitrogen dioxide (NOx)	100	100
Carbon monoxide (CO)	550	550
Sulfur dioxide (SOx)	150	150
Respirable particulate matter (PM10)	150	150
Fine particulate matter (PM2.5)	55	55

Source: SCAQMD, SCAQMD Air Quality Significance Thresholds (March 2015).
It should be noted that the operational thresholds are the same as the construction thresholds for projects located within the Coachella Valley.

SCAQMD has identified thresholds to determine the significance of both local air quality impacts and impacts to regional air quality. The localized significance thresholds used in this analysis address whether there are potential impacts to residents in the City and future residents on the Reservation near the Project Site. The LST Methodology uses lookup tables based on site acreage to determine significance of emissions. In CalEEMod, the number of pieces of equipment and length of activity determine the maximum amount of acreage disturbed each day. As discussed in Methodology below, the number of assumed pieces of equipment operating each day would total a maximum of 5 acres disturbed in one day. The initial review of potential local impacts involves a determination of whether emissions from the Project would exceed the LST identified by SCAQMD. **Table 5.2-8, Coachella Valley LST for 5-Acre Site**, shows the LST for a 5-acre site in the Coachella Valley for a sensitive receptor at 25 meters (75 feet). If the emissions exceed the LST then additional analysis is performed to determine if emissions from the Project would result in concentrations that exceed the standards in **Table 5.2-8**.

Table 5.2-8
Coachella Valley LST for 5-Acre Site

Pollutant	LST Threshold (pounds/day)
Construction	
Nitrogen dioxide (NO2)	304
Carbon monoxide (CO)	2,292
Respirable particulate matter (PM10)	14
Fine particulate matter (PM2.5)	8
Operational	
Nitrogen dioxide (NO2)	304
Carbon monoxide (CO)	2,292
Respirable particulate matter (PM10)	4
Respirable particulate matter (PM2.5)	2

Source: SCAQMD, Mass Rate LST Look-up Tables (2009).

In addition to the regional impact of construction and vehicle emissions, the potential for local CO "hot spots" at locations where traffic is congested is considered. The significance of localized project impacts depends on whether ambient CO levels in the vicinity of the proposed project are above or below State and federal CO standards. If the project causes an exceedance of either the State 1-hour or 8-hour CO concentrations, the project would be considered to have a significant local impact. If ambient levels already exceed a State or federal standard, then project emissions are considered significant if they increase 1-hour CO concentrations by 1.0 parts per million (ppm) or more, or 8-hour CO concentrations by 0.45 ppm or more pursuant to SCAQMD Rule 1303(b). The Salton Sea Air Basin is designated as a CO attainment area; therefore, only projects that are likely to worsen air quality necessitate further analysis. Projects that worsen traffic conditions at signalized intersections to level of service (LOS) E or F, or worsen conditions at intersections that currently operate at LOS E or F, should be further examined.

SCAQMD's *CEQA Air Quality Handbook* identifies several methods to determine the cumulative significance of land use projects (i.e., whether the contribution of a project is cumulatively considerable). However, SCAQMD no longer recommends the use of these methodologies. Instead, SCAQMD recommends that any construction-related emissions and operational emissions from individual development projects that exceed the project-specific mass daily emissions thresholds identified previously also can be considered cumulatively considerable.[17] SCAQMD neither recommends quantified

17 White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions, SCAQMD Board Meeting, September 5, 2003, Agenda No. 29, Appendix D, D-3.

analyses of the emissions generated by a set of cumulative development projects, nor provides thresholds of significance to be used to assess the impacts associated with these emissions.

2. Methodology

Air Quality

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Grading activities produce fugitive dust emissions (PM10 and PM2.5) from soil-disturbing activities. Exhaust emissions from construction activities on site would vary daily as construction activity levels change. Short-term emissions of criteria air pollutants (e.g., CO, SOx, PM10 and PM2.5) generated by Project construction and ozone precursors (e.g., VOCs and NOx) were assessed in accordance with SCAQMD-recommended methods. These emissions were modeled using the CARB-approved CalEEMod computer program as recommended by SCAQMD. CalEEMod is designed to model construction emissions for land use development projects and allows for the input of project-specific information. The program contains default settings specific to the air district, county, air basin, or State level using approved vehicle emissions factors (EMFAC 2014), established methodologies, and the latest survey data.

Compliance with Rule 403 and Rule 403.1 is mandatory for all construction projects in SCAQMD jurisdiction in the Coachella Valley. Based on the CalEEMod model, the emission calculations take into account compliance with Rule 403 and Rule 403.1 by incorporating the watering of exposed surfaces and unpaved roads three times daily, reducing speed on unpaved roads to less than 15 mph, and sweeping loose dirt from pave site access roadways. These measures are estimated to reduce fugitive dust emissions (both PM10 and PM2.5) by a maximum of 61 percent and 44 percent, respectively, per guidance from SCAQMD.[18] Rule 403 contains other best available control measures to minimize fugitive dust emissions, but the model is not able to account for reductions. Rule 403.1 requires a dust control plan for grading areas in excess of 5,000 square feet. The air quality model also incorporated use of Tier 4 interim engines for off-road vehicles during construction activities, as required by CARB regulations.

Operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities of the Project Site. Source emissions would be generated by the consumption of natural gas and landscape maintenance. Mobile emissions would be generated by the motor vehicles traveling to and from the Project Site.

18 SCAQMD, California Emissions Estimator Model (CalEEMod), Version 2016.3.1 (2016).

Project-generated, regional area and mobile-source emissions of criteria air pollutants and ozone precursors were also modeled using the CalEEMod computer program. CalEEMod allows land use selections that include project location specifics and trip generation rates. CalEEMod accounts for area-source emissions from the use of natural gas, landscape maintenance equipment, and consumer products and from mobile-source emissions associated with vehicle trip generation.

The analysis of daily operational emissions associated with the Project have been prepared using the data and methodologies identified in SCAQMD's *CEQA Air Quality Handbook* and current motor vehicle emission factors in CalEEMod. Trip rates for these land uses were obtained from the traffic impact study for the Project (**Appendix 5.9**).

The following assumptions were made in the CalEEMod computer program:

Land Uses

- 650 space parking
- 200,000 square feet recreational use
- 40,000 square feet health club
- 350 room hotel
- 50,000 square feet retail
- 60,000 square feet general office building (meeting space)
- 274,428 square feet non-asphalt open surface (landscape)

Construction

- Construction period of approximately 4 years beginning late 2018 and ending early 2022
- Construction would occur six phases: (1) demolition which would last approximately 100 days; (2) site preparation which would last approximately 30 days; (3) grading which would last approximately 30 days; (4) building construction which would last approximately 500 days; (5) paving which would last approximately 20 days; (6) architectural coating which would last approximately 175 days.

Each phase of construction would result in varying levels of intensity and the number of construction personnel. The construction workforce would consist of approximately 15 worker trips per day and 182 hauling trips during demolition; 18 worker trips per day during site preparation; 20 worker trips per day and 2,500 total hauling trips during grading; 518 worker trips per day and 207 vendor trips per day during building construction; 15 worker trips per day during paving; and 104 worker trips per day during architectural coating.

Localized Significance Thresholds

The LST Methodology uses lookup tables based on site acreage to determine the significance of emissions for CEQA purposes. However, CalEEMod does not allow the user to mitigate construction emissions by directly modifying acreage disturbed. CalEEMod calculates construction emissions (off-road exhaust and fugitive dust) based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment. Based on the input parameters during grading, 2 excavators operating 8 hours a day would disturb 1 acre, 1 grader operating 8 hours a day would disturb 0.5 acres, 1 rubber tired dozer operating 8 hours a day would disturb 0.5 acres, 2 scrapers operating 8 hours a day would disturb 1 acre, and 2 tractors operating 8 hours a day would disturb 2 acres in an given day for a total maximum of 5 acres disturbed in one day.

In order to compare CalEEMod reported emissions against the LST lookup tables, the environmental document should contain in its project design features or its mitigation measures the following parameters:

- The off-road equipment list (including type of equipment, horsepower, and hours of operation) assumed for the day of construction activity with maximum emissions
- The maximum number of acres disturbed on the peak day using the equipment list and table from the CalEEMod appendix
- Any emission control devices added onto off-road equipment
- Specific dust suppression techniques used on the day of construction activity with maximum emissions.

LSTs are based on the ambient concentrations of that pollutant within the project SRA and the distance to the nearest sensitive receptor. If the Project's emissions exceed the LST thresholds for NOx, CO, PM10, and/or PM2.5, then additional dispersion modeling will be conducted. Since the amount of localized emissions was less than the LST screening thresholds, no additional modeling was required.

Other air quality impacts (i.e., CO, TACs, odors) were assessed in accordance with methodologies recommended by SCAQMD.

Greenhouse Gas

GHG emissions were modeled using the CalEEMod computer program and emission factors from California Climate Action Registry (CCAR), as recommended by SCAQMD, which estimates construction and operations emissions of carbon dioxide, among other air pollutants. Project-generated emissions were modeled based on proposed land uses and general information provided in the **Section 3.0, Project**

Description. The input parameters for GHG emissions are the same as those identified above under Air Quality.

3. Project Impacts

Threshold 5.2-1 Conflict with or obstruct implementation of the applicable air quality plan?

The Project would be consistent with local and regional projections, and as such, would result in less than significant impacts. The 2012 AQMP, and the 2016 Final Draft AQMP, were prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Projects that are considered to be consistent with the AQMP do not interfere with attainment because this growth is included in the projections utilized in the formulation of the AQMP. Therefore, project, uses, and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP. As noted above, the Draft Final 2016 AQMP is out for public review and anticipated to be reviewed by the SCAQMD Governing Board on February 3, 2017.

In accordance with the SCAQMD *CEQA Air Quality Handbook*, the following criteria were used to evaluate the Project's consistency with SCAQMD and SCAG regional plans and policies, including the AQMP:

(1) Will the project result in any of the following:

- An increase in the frequency or severity of existing air quality violations;
- Cause or contribute to new air quality violations; or
- Delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP?

(2) Will the project exceed the assumptions utilized in preparing the AQMP?

- Is the project consistent with the population and employment growth projections upon which AQMP forecasted emission levels are based;
- Does the project include air quality mitigation measures; or
- To what extent is project development consistent with the AQMP land use policies?

The Air Basin is designated by the USEPA and State as nonattainment for O3 and PM10. SCAQMD developed regional emissions thresholds, as shown in **Table 5.2-7**, to determine whether a project would contribute to air pollutant violations. If a project exceeds the regional air pollutant thresholds, then it would significantly contribute to air quality violations in the Air Basin.

As discussed previously, regional and localized concentrations of PM10 would be below the SCAQMD thresholds and, therefore, would not have potential to cause or affect a violation of the PM10 ambient air quality standard. Since VOCs are not a criteria pollutant, there is no ambient standard or localized threshold for VOCs. Because of the role VOCs play in ozone formation, they are classified as a precursor pollutant, and only a regional emissions threshold has been established.

Temporary emissions associated with construction of the Project would fall below SCAQMD VOC thresholds for regional emissions for the Project.

Long-term emissions associated with the Project would not exceed SCAQMD thresholds for VOC, NOx, and CO. Long-term emissions associated with the Project would increase VOC emissions approximately 20 pounds per day, increase PM10 emissions by approximately 5 pounds per day and PM2.5 emissions by approximately 1 pound per day from existing operation conditions. The Project would decrease NOx emissions approximately 100 pounds per day, and CO emissions approximately 10 pounds per day from baseline operation conditions with compliance to regulatory measures which are similar to the 2002 EIS/EIR air quality mitigation measures adopted as conditions of approval for Section 14.

The Project's maximum potential NOx and CO daily emissions during construction and operation were analyzed to determine potential effects on localized concentrations and to determine if there is a potential for such emissions to cause or affect a violation of an applicable ambient air quality standard. As shown in **Table 5.2-13** later in this Section, NOx and CO emissions would not exceed the SCAQMD localized significance thresholds.

Demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment), developed by SCAG for their 2012 RTP were used to estimate future emissions within the 2012 AQMP (refer to the 2012 AQMP, Chapter 3). Similar to the 2012 AQMP, the Final Draft 2016 AQMP used the SCAG 2016 RTP/SCS to estimate future emissions within the 2016 AQMP (refer to the 2016 AQMP, Chapter 3). Projects that are consistent with the growth projections are considered consistent with the AQMP. The Project would result in population growth for the region. The 2012 AQMP incorporates land use projections from the 2012 RTP/SCS and from the City for this portion of the Air Basin. The 2016 AQMP incorporates land use projects from the 2016 RTP/SCS and from the City for this portion of the Air Basin. It is assumed that the 2012 AQMP and 2016 AQMP did incorporate the land use projections for the current zoning (Resort Attraction). Under this zoning designation, consolidated projects over 5 or more acres would be allowed to develop up to a floor to area ratio of 3.0 for Resort Attraction or Specialty Retail-Entertainment-Office uses. According to the SCAG estimates, the 2012 population within the City is 45,600 residents and 26,300 employment opportunities. Based on SCAG data, the population projections used to estimate emissions in the 2016 AQMP for year 2040 anticipated a

population of 56,900 residents and 45,800 employment opportunities.[19] For analysis purposes, the Project would indirectly increase the local population if all 935 additional employees relocated to Palm Springs; however, by the year 2026, they would only account for 1.8 percent of the City's total population and 23 percent of the projected growth in population by this date. This is a conservative estimate as employees may already live in the area, or may reside in other cities in the Coachella Valley. This minimal increase in population would not be substantial. Additionally, as discussed in **Section 5.7, Population and Housing**, the employment opportunities within the City are supposed to steadily increase at 2.6 percent per year through the year 2040. By 2026, when the Project will be complete, the City would have approximately 33,243 employees. The Project's addition of 935 employees would be consistent with the projections per SCAG.

The Project would incorporate numerous energy efficiency measures and water conservation measures to reduce direct and indirect emissions, as required by the Tribal Building and Safety Code and through the implementation of the Valley-wide Voluntary Green Building Program, consistent with the City's Climate Action Plan. The Project would incorporate energy and water efficiency design features to enhance efficiency in all aspects of a building's life-cycle. These designs would increase the structure's energy efficiency, water efficiency, and overall sustainability. The Project is also located in an urban area that would reduce vehicle trips and vehicles miles traveled due to the urban infill characteristics and proximity to public transit stops. These measures and features are consistent with existing recommendations to reduce air emissions. The Project would also modify adjacent roadways consistent with the City's Complete Streets program to reduce vehicle miles traveled by personal vehicle use.

As discussed below, the Project would result in less than significant impacts with regard to localized concentrations of VOCs, NOx, CO, PM10, and PM2.5 during Project construction. The planned uses would also be consistent with the land use and zoning designation of the Project Site. The Project would accommodate a mix of commercial, retail, cultural, hotel, and casino uses within walking distance which would reduce the need for residents within the Project Site and surrounding area to travel long distances to other commercial and entertainment centers. This would be consistent with the SCAG and the City's General Plan projections and would not exceed assumptions in the AQMP and would be consistent with the Coachella Valley PM10 State Implementation Plan. Therefore, impacts would be less than significant.

19 SCAG, RTP 2016 Adopted Growth Forecast (2016).

Threshold 5.2-2 **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Construction Emissions

Air Quality

The Project would be required to comply with the Tribal Building and Safety Code and federal air quality regulations; and accordingly, would result in air quality emissions below regional construction emission standards and impacts would be less than significant. The estimated maximum daily emissions for the Project during construction are listed in **Table 5.2-9, Project Construction Emissions**. These estimates are based on the expected location, size, and development of the Project. The analysis assumes that all of the construction equipment and activities would occur continuously over the day and that activities would overlap. In reality, this would not occur, as most equipment operates only a fraction of each workday and many of the activities would not overlap on a daily basis. Therefore, this analysis of construction emissions is considered a worst case analysis.

Table 5.2-9
Project Construction Emissions

	Pollutant (pounds/day)					
Source	**VOC**	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
Year 2018	1.4	33.2	25.6	0.1	1.3	1.0
Year 2019	5.2	72.6	49.6	0.1	8.1	4.9
Year 2020	4.9	45.6	46.7	0.1	6.4	2.5
Year 2021	59.7	43.7	44.2	0.1	6.3	2.4
Year 2022	59.6	2.7	6.0	0.1	1.0	0.3
Maximum	59.7	72.6	49.6	0.1	8.1	4.9
SCAQMD threshold	75	100	550	150	150	55
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

*Source: Refer to the data sheets in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling—Winter/Summer.***
Abbreviations: CO = carbon monoxide; NOx = nitrogen oxide; PM10 = particulate matter less than 10 microns; PM2.5 = particulate matter less than 2.5 microns; VOC = volatile organic compound; SCAQMD = South Coast Air Quality Management District; SOX = sulfur oxide.

The primary source of NOx, CO, and SOx emissions is from construction equipment exhaust and on-road haul truck trips while the majority of particulate matter emissions would occur as a result of fugitive dust emissions generated during grading and excavation activities. Primary sources of PM10 and PM2.5 emissions would be clearing activities, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces. The 2002 EIS/EIR completed for the Section 14 Specific Plan identified construction emission measures that were adopted as conditions of

approval. Federal, State, and local regulations have become more stringent since the 2002 EIS/EIR was drafted, and subsequently, the conditions of approvals are regulatory measures. Therefore, the Project would be required to comply with the Tribal Building and Safety Code and federal air quality regulations. As shown in **Table 5.2-9,** construction activities associated with the development of the Project would not exceed regional VOC, NOx, CO, SOx, PM10, and PM2.5 concentration thresholds. Accordingly, emissions generated during construction of the Project would result in less than significant impacts.

Greenhouse Gas

Construction activities for the Project would include the use of heavy-duty construction equipment. The vast majority of construction equipment (e.g., backhoes, rubber-tired loaders, scrapers, and haul trucks) rely on fossil fuels, primarily diesel, as an energy source. The combustion of fossil fuels in construction equipment results in GHG emissions of CO2 and smaller amounts of CH4 and N2O. Emissions of GHG would also result from the combustion of fossil fuels from haul trucks and vendor trucks delivering materials, and from construction worker vehicles commuting to and from the Project Site. Typically, light-duty and medium-duty automobiles and trucks would be used for worker trips, and heavy-duty trucks would be used for vendor trips. The vast majority of motor vehicles used for worker trips rely on gasoline as an energy source, while motor vehicles used for vendor trips would primarily rely on diesel as an energy source. The Project would result in short-term emissions of GHGs during construction—that is, the emissions would occur only during active construction and would cease after the Project is built. The GHG emissions were estimated using the CalEEMod model and are located in **Appendix 5.2** of this Draft TEIR.

As presented in **Table 5.2-10, Construction GHG Emissions**, construction activities associated with the Project would generate 3,159.3 MTCO2e GHG emissions. The SCAQMD recommends annualizing construction-related GHG emissions over a project's lifetime, defined as a 30-year period, to include these emissions as part of the annual total operational emissions. Therefore, construction-related GHG emissions have been annualized over this period and included in the annual operational emissions later in this Section.

Table 5.2-10
Construction GHG Emissions

Year	CO2e Emissions (Metric Tons per Year)
2018	43.5
2019	1,041.3
2020	1,378.2
2021	673.7
2022	22.6
Total Construction GHG Emissions*	**3,159.3**
Annualized over Project Lifetime	**105.3**

*Source: CalEEMod Emissions calculations are provided in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling—Annual.***
Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.
Abbreviation: MTCO2e = metric tons of carbon dioxide emissions.
**N2O emissions account for 0.13 MTCO2e/year.*

Operational Emissions

Air Quality

The Project would result in less than significant operation air quality impacts. The estimated operational emissions are based on the development of the Project are presented in **Table 5.2-11, Project Operational Emissions**, and are compared to the SCAQMD established operational significant threshold. Note that the results reflect the net difference between the existing operational emissions generated by uses that would be removed from the Project Site. As shown in **Table 5.2-11,** air quality impacts during operation of the Project would remain less than significant. The decrease in operational emissions are a result of newer vehicle technology as the mobile emissions were the largest emission contribution.

Table 5.2-11
Project Operational Emissions

	Pollutant (pounds/day)					
Source	**VOC**	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
Existing Maximum	7.8	7.5	26.4	0.04	2.5	0.8
Proposed Maximum	46.7	36.3	115.0	0.2	15.9	4.8
Difference	*+38.9*	*+28.8*	*+88.6*	*+0.16*	*+13.4*	*+4.0*
SCAQMD threshold	75	100	550	150	150	55
Threshold exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

*Source: Refer to the data sheets in **Appendix B, Air Quality and Greenhouse Gas Emissions Modeling—Summer/Winter.***

Greenhouse Gas

The Project would result in less than significant greenhouse gas impacts. The Project is anticipated to be fully completed by 2026. Once fully occupied, the Project would result in GHG emissions, primarily CO2, CH4, and N2O, as a result of fuel combustion from building heating systems, landscaping equipment, and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF6) are typically associated with specific industrial sources and would not be emitted because the Project is not an industrial land use. Building and motor vehicle air conditioning systems may use HFCs (and PFCs and chlorofluorocarbon [CFCs] to the extent that they have not been completely phased out at later dates); however, these emissions are not quantified because they would only occur through accidental leaks. It is not possible to estimate the frequency of accidental leaks without undue speculation.

A summary of the annual operational emissions of the Project is provided in **Table 5.2-12, Operational GHG Emissions**. The estimates represents the net difference with the existing emissions that would be removed upon Project implementation. As shown in **Table 5.2-12**, the operational GHG emissions for the Project would be 7,657.5 MTCO2e per year. As previously indicated, the City's 2010 GHG emissions were 9.7 MTCO2e per capita and the Tribe's 2010 GHG emissions were 10.2 MTCO2e per capita.

The Project would have a net increase of 935 employees when compared to the existing operations. The per service population emissions would equal 8.2 MTCO2e per capita annually. The Project would result in a reduction of 2.0 MTCO2e per capita when compared to the Tribe's existing GHG emissions and 1.5 MTCO2e per capita when compared to the City's existing GHG emissions.

Table 5.2-12
Operational GHG Emissions

GHG Emissions Source	Existing Emissions (MTCO2e/year)	Proposed Emissions (MTCO2e/year)	Net Emissions (MTCO2e/year)
Construction (amortized)	--	105.3	105.3
Operational (mobile) sources*	388.6	2,902.3	*+2,513.7*
Area sources	0.01	0.03	*+0.02*
Energy	842.4	5,860.1	*+5,017.7*
Waste	18.2	133.2	*+115.0*
Water	380.6	286.4	*-94.2*
Annual Total	**1,629.8**	**9,287.3**	***+7,657.5***

*Source: CalEEMod Emissions calculations are provided in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling—Annual.***
Notes: Totals in table may not appear to add exactly due to rounding in the computer model calculations.
Abbreviations: MTCO2e = metric tons of carbon dioxide emissions.
**N2O emissions account for 0.20 MTCO2e/year.*

The City's 2013 Climate Action Plan provides a framework for the development and implementation of policies and programs that will reduce the City's emissions, working towards the Statewide target of 1990 levels by 2020. The City has identified a goal to reduce GHGs by 4,263 tons per year in order to maintain its emissions at the statewide AB 32 targets by 2020. The City currently meets the AB 32 requirements and will continue to work towards reducing GHG emissions. The City Climate Action Plan contains 78 measures to reduce GHG emissions by 75,984 MTCO2e per year. Measures identified include requirements for energy efficiency (Measure WORK-3, BUILD-2, BUILD-6), water conservation and efficiency, renewable energy systems, green building materials, solid waste reduction (Measure LIVE-11), electric vehicle charging stations (Measure BUILD-1 and MOBILITY-3 in the City's CAP and as identified in the Section 14 Specific Plan), trip reduction and optimization, alternative fuels, and desert-appropriate landscaping.

The Project would incorporate measures that reduce GHG emissions compared to a conventional project of similar size and scope. The Project would incorporate energy and water efficiency design features to enhance efficiency in all aspects of a building's life-cycle. These designs would increase the structures energy efficiency, water efficiency (as identified in the Tribal Building and Safety Code), and overall sustainability. The Project is also located in an urban area that would reduce vehicle trips and vehicles miles traveled due to the urban infill characteristics and proximity to public transit stops. These measures and features are consistent with existing recommendations to reduce GHG emissions. Landscaping for the Project would involve the use of desert-appropriate and drought-tolerant plants. Therefore, the Project would be consistent with the 2020 reduction in GHG emissions from 1990 levels set forth in the City's 2013 CAP. As such, impacts related to GHG emissions would be considered less than significant.

Threshold 5.2-3 **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

The Project would not contribute to a cumulative impacts and impacts would be less than significant. According to SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. By applying SCAQMD's cumulative air quality impact methodology, implementation of the Project would not result in exceedance of any of the criteria pollutant listed. Therefore, the Project would not result in a cumulatively considerable net increase in criteria pollutant. Accordingly, impacts would be less than significant.

Threshold 5.2-4 **Expose sensitive receptors to substantial pollutant concentrations?**

The Project would result in less than significant LST emission impacts. The construction and operation analysis for localized significance thresholds for the Project are shown in **Table 5.2-13, Project LST Emissions**. The estimated area of disturbance at a given time is 5 acres for purposes of applying the SCAQMD mass rate emission threshold. These estimates assume the maximum area that would be disturbed during construction on any given day during Project buildout. Note that the results for operational emissions reflect the net difference between the existing operational emissions generated by uses that would be removed from the Project Site. As shown in **Table 5.2-13,** Project related construction and operational emission would not exceed the localized significance thresholds for the sensitive receptors located to the northeast of the Project Site. Accordingly, impacts would be less than significant.

Table 5.2-13
Project LST Emissions

	On-Site Emissions (pounds/day)			
Source	**NOx**	**CO**	**PM10**	**PM2.5**
Construction				
Total mitigated maximum emissions	72.6	49.6	8.1	4.9
LST threshold	304	2,292	14	8
Threshold Exceeded?	**No**	**No**	**No**	**No**
Operational				
Existing Area/energy emissions	1.2	1.1	0.1	0.1
Project Area/energy emissions	9.3	7.9	0.7	0.7
Net Area/energy emissions	*+8.1*	*+6.8*	*+0.6*	*+0.6*
LST threshold	304	2,292	4	2
Threshold Exceeded?	**No**	**No**	**No**	**No**

*Source: Refer to Modeling in **Appendix 5.2, Air Quality and Greenhouse Gas Emissions Modeling—Summer/Winter.***
Abbreviations: CO = carbon monoxide; NOx = nitrogen oxide; PM10 = particulate matter less than 10 microns; PM2.5 = particulate matter less than 2.5 microns.

Localized Carbon Monoxide Hotspots

The Project would result in less than significant carbon monoxide impacts. Motor vehicles are a primary source of pollutants within the Project vicinity. Traffic-congested roadways and intersections have the potential to generate localized high levels of CO. Localized areas where ambient concentrations exceed State and/or federal standards are termed CO "hotspots." Such hot spots are defined as locations where the ambient CO concentrations exceed the State or federal ambient air quality standards. CO is produced in greatest quantities from vehicle combustion and is usually concentrated at or near ground level because it does not readily disperse into the atmosphere. As a result, potential air quality impacts to sensitive receptors are assessed through an analysis of localized CO concentrations. Areas of vehicle congestion

have the potential to create CO hotspots that exceed the State ambient air quality 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm. The federal levels are less stringent than the State standards. Thus, an exceedance condition would occur based on the State standards prior to exceedance of the federal standard.

As previously discussed, projects that worsen traffic conditions at signalized intersections to LOS E or F, or worsen conditions at intersections that currently operate at LOS E or F will be analyzed. The background CO concentration within 1-hour in the Coachella Valley was 2 ppm in 2010 and was not exceeded in 2011 and 2012. The background CO concentration within the monitored 8-hour period has been 0.5 ppm and 0.6 ppm for the past three years which is below the standard of 9.0 ppm. Based on the traffic impact study which is located in **Appendix 5.9**, with the implementation of identified traffic mitigation, the Project would not cause any intersection to continue to operate at LOS E or F and would not increase delays at any intersection currently operating at LOS E or F. The increase in traffic volumes at the analyzed intersections would result in a de minimis increase in background CO concentrations which would not result in CO levels higher than the 20 ppm 1-hour standard or the 9.0 ppm 8-hour for CO. As a result, no significant Project-related impacts would occur relative to future CO concentrations.

Toxic Air Emissions

The Project would result in less than significant toxic air contaminant impacts. The Project is not anticipated to use hazardous materials in appreciable quantities. Hazardous substances currently are regulated under the California Accidental Release Prevention (CalARP) Program. The CalARP Program satisfies the requirements of the Federal Risk Management Plan Program, and contains additional State requirements. The CalARP Program applies to regulated substances in excess of specific quantity thresholds. The majority of the substances have thresholds in the range of 100 to 10,000 pounds. The commercial land uses associated with the Project may contain small, if any, amounts of these hazardous substances in commercial cleaners and other products. However, typical use of these products would not result in quantities at any one location that exceed the thresholds. Moreover, significant amounts of hazardous substances would typically be expected at industrial, manufacturing, and complex water or wastewater treatment land uses. Accordingly, the Project would not result in a significant impact with respect to hazardous materials.

Threshold 5.2-5 Create objectionable odors affecting substantial number of people?

Construction

The Project would result in less than significant construction related odor impacts. During the Project's construction phase, activities associated with the operation of construction equipment, the application of

asphalt, the application of architectural coatings and other interior and exterior finishes, and roofing may produce discernible odors typical of most construction sites. SCAQMD Rule 1113 limits the amount of VOCs in architectural coatings and solvents to further reduce the potential for odiferous emissions. Although these odors could be a source of nuisance to adjacent uses, they would be temporary and intermittent in nature. As construction-related emissions dissipate away from the construction area, the odors associated with these emissions would also decrease and would be quickly diluted. Accordingly, impacts would be less than significant.

Operation

The Project would result in less than significant operation related odor impacts. Land uses associated with the Project operation are not expected to be a source of persistent odors. Refuse associated with operation of the Project would be disposed of in accordance with all applicable regulations. Trash receptacles on the Project Site would be enclosed to minimize the generation of odors. As discussed previously, the Project site is immediately bordered by residential communities to the northeast. Additionally, the adjacent land uses are such that the Project would not be subjected to substantial sources of objectionable odors from any surrounding land use.

Any unforeseen odors generated by the Project will be controlled in accordance with SCAQMD Rule 402 (Nuisance). Rule 402 prohibits the discharge of air contaminants that cause "injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Failure to comply with Rule 402 could subject the offending facility to possible fines and/or operational limitations in an approved odor control or odor abatement plan. Consequently, no significant impacts from odors are anticipated.

4. Cumulative Impacts

The Project would result in less than significant cumulative impacts. The *CEQA Air Quality Handbook* identifies possible methods to determine the cumulative significance of land use projects.[20] All of SCAQMD's methods are based on performance standards and emission reduction targets necessary to attain the federal and State air quality standards identified in the AQMP. This Draft TEIR evaluates whether the project is consistent with the AQMP and thus, would not jeopardize attainment of State and federal ambient air quality standards in the Basin.

20 SCAQMD, CEQA Air Quality Handbook (1993), 9-12.

In addition to the cumulative significance methodologies contained in *CEQA Air Quality Handbook*, SCAQMD staff has suggested that the emissions-based thresholds be used to determine if a project's contribution to regional cumulative emissions is cumulatively considerable. Individual projects that exceed SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. As presented previously in **Tables 5.2-7** through **5.2-13,** construction and operation of the Project would result in daily emissions that fall below thresholds of significance recommended by SCAQMD. Therefore, the contribution of these emissions to the air quality within the Salton Sea and South Coast Air Basins is not considered to be cumulatively considerable, and thus a less than significant cumulative impact.

C. MITIGATION MEASURES

No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE

The Project would incorporate numerous regulations that are consistent with the Section 14 Specific Plan 2002 EIS/EIR's conditions of approval specific to construction emissions. Construction emissions were identified to be below the SCAQMD thresholds. While development of the Specific Plan would result in short-term regional and localized impacts, Project development would not have a significant long-term impact on the region's ability to meet State and federal air quality standards. Therefore, the Project's long-term influence would be considered consistent with the AQMP.

As shown in **Tables 5.2-9** and **5.2-11**, construction and operation emissions would not exceed the SCQAMD thresholds for NOx, CO, SOx, PM, and PM2.5. Therefore, these impacts would be less than significant.

As shown in **Table 5.2-13,** construction and operational activities associated with the development would not exceed localized concentration thresholds. Consequently, impacts would be less than significant.

Cumulative impacts were identified to be less than significant.

Buildout of the Master Plan would be consistent with the goals of the City's Climate Action Plan, the Voluntary Green Building Program, and best management practices which aim to reduce VMT through integrating land use and transportation and requiring buildings to be more energy efficient than required by existing regulations. GHG emission impacts would be less than significant.

5.3 CULTURAL RESOURCES

A. ENVIRONMENTAL SETTING

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. This Section of the Draft TEIR evaluates the potential for implementation of the proposed Project to impact cultural resources within the Project Site and in the immediate surrounding area. Information from the 2002 Section 14 Master Development Plan EIS/EIR is incorporated into this Section as applicable. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

1. Existing Conditions

Regional and Local Setting

California is divided into geomorphic provinces, which are distinctive, generally easy-to-recognize natural regions in which the geologic record, types of landforms, pattern of landscape features, and climate in all parts are similar. The Project Site is located in western Coachella Valley in the northern part of the Colorado Desert Geomorphic Province, which is a low-lying barren desert basin. More specifically, the Project Site is located on the Reservation within the City of Palm Springs.

Topographically, the Project Site is generally flat, with a southeasterly aspect. Surface elevations range from approximately 465 feet to 455 feet above mean sea level, with the highest points located near the northwest corner of the Project Site.

The approximately 18-acre Project Site has all been previously graded and developed. Currently, the southern portion of the Project Site contains a surface parking lot; the northeastern portion contains the Spa Resort Casino, and the northwestern portion contains the Post Office, surface parking lots, and vacant land.

Cultural Setting

Prehistoric Background

The Paleoindian period, probably with Clovis complex technology, occupied much of California beginning about 12,000 years before present (BP).[1] However, little evidence of a Paleoindian period occupation of the northern Coachella Valley exists; the reasons for this are unclear but may be related to a lack of habitat

1 Jerry Schaefer, "The Challenge of Archaeological Research in the Colorado Desert: Recent Approaches and Discoveries," *Journal of California and Great Basin Anthropology* 16 no. 1 (1994): 60–80.

for the large game hunted by the Clovis people. There is also little known evidence of San Dieguito presence in the northern Coachella Valley. The reasons for this are also unclear, but the lack of an early occupation may indicate that Lake Cahuilla was not inundated during this time.

The Archaic period groups began approximately 8,000 years BP; records suggest only a minor occupation by relatively few people. When the climate began to cool approximately 4,000 years BP, it appears that the Colorado Desert was reoccupied, and several archaeological sites in the northern Coachella Valley are dated to this time. Records suggest much of the occupation centered on the shores of Lake Cahuilla. Excavations at two sites near Desert Hot Springs, located 12 kilometers (km), or approximately 7 miles, northwest of the Project Site, encountered deposits dating to the transition from the Late Archaic to the Late Prehistoric period, approximately 1,200 to 1,000 years BP. These sites contained evidence for habitation, including hearth features; activity surfaces and a variety of artifact types, such as flaked-stone debitage; faunal remains; and possible human remains. These sites are located adjacent to the ethnohistorically known Seven Palms Village, and it is likely these sites represent an early occupation of the village.

The Late Prehistoric period groups began approximately 1,500 BP. Yumkan (or Patayan) agricultural groups along the Colorado River area began to influence Colorado Desert groups, particularly in the Coachella Valley. Agricultural crops were also probably introduced into the area during this time. The Late Prehistoric period groups who occupied the Coachella Valley were the direct ancestors of the ethnographic Cahuilla. This period represents a significant increase in human occupation of the Coachella Valley, and several large archaeological sites from this period have been identified.

Ethnographic Background

The aboriginal group that occupied the northern Coachella Valley during the historical period was the Desert Cahuilla, who, along with the Mountain and Pass Cahuilla, constituted the ethnographic Cahuilla. The Cahuilla spoke a language of the Takic branch of Northern Uto-Aztecan, and the Desert Cahuilla spoke a distinct dialect of Cahuilla. There have been few archaeological studies of the historical-period Cahuilla, but testing at the former Mission Creek Indian Reservation identified occupations stretching from the Late Prehistoric period into the early twentieth century. Similarly, excavations at Tahquitz Canyon, 1 mile southwest of Project Site, found a large village complex dating between 1600 and 1870.

The Cahuilla exploited a large number of plant species, with mesquite on the Coachella Valley floor serving as the primary food staple. The Desert Cahuilla also grew a few agricultural crops, namely corn, beans, and squash, which were probably obtained from native peoples along the Colorado River to the east. The Cahuilla preferred a variety of animals, including deer, mountain sheep, rabbits, and rodents. The Cahuilla

population was originally as high as 3,000 individuals but declined rapidly after the smallpox and measles epidemics of 1863.

The Cahuilla socio-political structure was based on units called *sibs*. Each sib had a defined territory, with various sibs uniting for protection and ceremonial purposes. There were two sibs located in the Palm Springs area: the *Kauisiktum*, living near the Agua Caliente Hot Spring ("Hot Spring"); and the *Paniktum*, in Andreas Canyon.[2] Each sib had villages that were occupied year round. Houses were commonly grouped around a spring in a 2- to 3-square-mile area. Villages were situated to take maximum advantage of the basic resources of climate, food, water, and materials. Individuals or groups would leave the villages for hunting, gathering, visiting, or trading.[3]

In 1876, the Agua Caliente Indian Reservation ("Reservation") was established by an Executive Order of President Ulysses S. Grant, and later expanded in 1877 by an Executive Order of President Rutherford B. Hayes to include all even-numbered sections and all unsurveyed portions of Township 4 South, Ranges 4 and 5 East, and Township 5 South, Range 4 East of the San Bernardino Meridian, an area covering roughly 31,500 acres. The odd-numbered sections had already been given to railroads as an incentive to develop cross-country rail lines, and as such, the Reservation appears as a checkerboard pattern on maps. In 1891, Congress passed the Mission Indian Relief Act, which authorized allotments of Reservation land to be given to individuals. The allotment elections were finally approved by the Secretary of the Interior as part of the Equalization Act in 1959, which finalized the individual Indian allotments and set aside certain lands for Agua Caliente Tribal use and cemeteries.

Historical Background

The extreme aridity of the Colorado Desert acted as a deterrent to many early explorers. The earliest recorded European visit to the Coachella Valley was in the winter of 1823–1824 by José Romero, the leader of an expedition attempting to reach the Colorado River by a new route.[4] Until the mid-nineteenth century, however, most expeditions into the Coachella Valley were confined to the established prehistoric trail systems. In 1853, William P. Blake described the Coachella Valley during the Pacific Railroad Survey expedition.[5] Blake recorded the general environment, noted the location of Indian villages, described native agriculture in the Coachella Valley, and recorded some oral traditions of the Indians concerning life

2 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14, located in the City of Palm Springs, Riverside County, California* (1997).

3 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* (1997).

4 Lowell J. Bean and William Mason, *Diaries & Accounts of the Romero Expeditions in Arizona and California, 1823–1826* (Palm Springs, CA: Palm Springs Desert Museum, 1962).

5 Blake, William P, *Reports of Explorations in California for Railroad Routes to Connect with Routes near the 35th and 32nd Parallels of North Latitude* (1857).

around ancient Lake Cahuilla. In 1855 and 1856, the U.S. Land Office Survey surveyed the Valley and divided it into townships and sections.

A ten-year drought began in 1894 which created many problems over water rights between the Cahuilla and settlers, and caused most of the orchards and crops to be abandoned. By the time the drought ended, Palm Springs was on its way to becoming a resort. In 1909, the Desert Inn was established as a health sanitarium in the center of Palm Springs. In 1924, the Oasis Hotel was built, and in 1928, the EI Mirador was constructed. Emphasis was placed on luxury accommodations, which attracted many famous and wealthy people from Los Angeles area. Many of the visitors built winter homes and became City residents. This helped change the image of the City from that of a sanitarium to a playground for the wealthy and famous.[6]

The same congressional legislation that authorized allotments of the Reservation in 1891 permitted individual Indians to acquire their own land when the Secretary of the Interior determined that the Indians are "advanced in civilization as to be capable of owning and managing land."[7] Between 1923 and 1959, various proposals were made to allow eligible Agua Caliente Tribal Members to receive allotments of land from the Reservation.

The 1959 Equalization Act required parity in the value of allotments. Of the 31,000 acres in the original reservation, 2,050 were retained as Tribal reserves. The remainder of the land was divided into allotments for Tribal Members. Each Member received a portion of Section 14; this was considered some of the most valuable land in the Reservation because of its location adjacent to the center of the City.

Cultural Setting of Section 14

The Agua Caliente Hot Spring is depicted on the earliest maps of the area (1855, 1885, and 1909). The Agua Caliente Indians had planted palm trees at the Hot Spring and a bath house was built in 1874, and was replaced in 1914 by an Indian structure. The mineral waters of the Hot Spring were supposed to aid people with kidney trouble, diabetes, and other ailments.

Section 14 contained at least three irrigation ditches, including the Lebacho-McCeallum Ditch that connected Tahquitz Canyon with the Hot Spring, and portions of Indian trails and wagon roads. The Yuma Trail was the first route across the California desert, branching into three separate trails at the western edge of the Colorado. The trail to San Bernardino passed through Section 14 in Palm Springs.

6 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* (1997).

7 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* 1997).

Development within Section 14 began near the Hot Spring and, until recently, was limited to the western half of the section. Early uses of Section 14 include residences, riding stables, and airplane hangers (part of Palm Springs's first airport in the 1930s). Other businesses include rooming houses, a market, a secondhand store, four cafes, a grocery store, and a bakery.

The first Catholic Church in Palm Springs was erected in 1917 on the Reservation in Section 14. In 1948, the church was named as Our Lady of Guadalupe.[8]

The Jane Augustine Patencio Cemetery is a Tribal cemetery located approximately 0.50 miles east of the Project Site. It was one of the reserves of land set aside as Tribal land in 1959; today, only Tribal Members and their spouses can be interred at the cemetery.

Modern aerial photographs dating back to 1996 of the Project Site shows development of the entire site. The Agua Caliente Hot Spring is located underneath the sidewalk on Indian Canyon Drive in the southwest corner of the Project Site. The Hot Spring waters provided the Cahuilla with clean water, a place for bathing, and a connection point with a spiritual underworld populated by *nukatem*, or ancient sacred beings. The Hot Spring waters were also utilized for healing purposes. The Agua Caliente Hot Mineral Spring Bridge project was completed in February 2016 as part of an effort to protect and preserve the Hot Spring.

The nearby Cornelia White House was located on the Project Site, but in 1979 was moved to the Village Green Heritage Center.

2. Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) authorized formation of the National Register of Historic Places (NRHP) and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The NRHP includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to consider the effects of their undertakings on historic properties. A Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, promotes

8 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* (1997).

the preservation, enhancement, and productive use of the Nation's historic resources. If any impacts are identified, the agency undergoing the project must identify the appropriate State Historic Preservation Office (SHPO) to consult with during the process.

The Advisory Council on Historic Preservation (ACHP) includes requirements for consultation with Indian tribes when federal agencies are undertaking an activity that could cause harm to a historic resource or a potential historic resource under Title 36 of the Code of Federal Regulations, Part 800, "Protection of Historic Properties," which became effective January 11, 2001. Pursuant to Section 101(d)(2) of the NHPA, the National Park Service designated the Agua Caliente Band of Cahuilla Indians as a Tribal Historic Preservation Office (THPO) in 2005. The THPO works with the Tribal Council, other Tribal departments, and Federal and State agencies with respect to activities occurring or affecting historic properties on the Agua Caliente Indian Reservation. THPO oversight includes Section 106 and California Environmental Quality Act (CEQA) reviews; cultural resources monitoring services; protecting burials; and construction and maintaining an archival database for all projects as well as archaeological sites and reports within the Cahuilla Traditional Use Area (TUA).

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) of 1979 regulates the protection of archaeological resources and sites that are on federal and Indian Lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act[9] (NAGPRA; HR 5237), enacted July 10, 1990, is a federal law that provides a process for museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of inalienable cultural patrimony—to lineal descendants and culturally affiliated Indian tribes. The NAGPRA states that any such cultural items that are found on federal or tribal lands after the date of enactment would be considered owned or controlled by (in this order) lineal descendants, the tribe on whose land it was found, the tribe having the closest cultural affiliation with the item, or the tribe that aboriginally occupied the area. The Cahuilla Inter-Tribal Repatriation Committee (CITRC) is a collaborative effort of Cahuilla tribes in southern California created to repatriate of objects meeting the criteria of the NAGPRA. The CITRC provides information to museums and institutions about CITRC operations and procedures, and assists other tribes considering the formation of a repatriation project or collaborative committee.

9 Native American Graves Protection and Reparation Act. 25 United States Code, sec. 3001 et. seq. (1990).

National Register of Historic Places

Section 106 of the NRHP requires federal agencies to consider the effects of an undertaking on historic properties, which are defined as cultural resources included in or eligible for listing in the NRHP. Determination of NRHP eligibility for cultural resources prior to making a finding of effect is made according to the following criteria:

> *The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and*
>
> 1. *that are associated with events that have made a significant contribution to the broad patterns of our history; or*
> 2. *that are associated with the lives of persons significant in our past; or*
> 3. *that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
> 4. *that have yielded, or may be likely to yield, information important in prehistory or history.*

If cultural resources do not meet the above criteria, they are not historic properties and are not further considered in the Section 106 process. In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which significant events transpired or significant individuals made their important contributions.

Regional and Local

Agua Caliente Band of Cahuilla Indians

Agua Caliente Tribal Historic Preservation Office

The mission of the THPO program is to ensure the continuance of the cultural heritage of the Agua Caliente Band of Cahuilla Indians for current and future generations. THPO promotes and protects the Tribal heritage while pursuing economic development on its lands, and encourages developers and municipalities to partner in this effort. THPO offers the following programs and services dedicated to the documentation and management of cultural resources significant to the Tribe, such as archaeological sites, burials, buildings or other structures, resourcing gathering areas (plants, minerals), and sacred places (springs, hills, etc.):

- **Burial Sites Protection Program.** THPO works with families (lineages) and the Tribal Council to protect and preserve burials. The purpose of this program is to ensure that burials are treated with respect

and dignity. Efforts are underway to build a database of known burial locations (both intact and relocated remains) so they can be more effectively protected.

- **Cultural Resources Monitoring.** This program assists in the protection of cultural resources (artifacts and archaeological sites) that have already been identified as well as those cultural resources not identified during previous cultural resources inventories of proposed project areas. THPO provides qualified cultural monitors for development and archaeological projects on the Reservation and in the Traditional Use Area (TUA).
- **Compliance and Consultation.** This program reviews cultural resources reports prepared by developers or their consultants prior to development on tribal lands or lands within the TUA and makes "determinations of effect" (decides whether those projects will have an impact on cultural resources). It also develops policies and consults with Coachella Valley cities and Riverside County on CEQA and other State-regulated documents. TPHO consults with federal agencies, including the National Park Service, Bureau of Land Management, and the US Forest Service, to ensure that activities on their lands will not have an adverse effect on significant cultural resources.
- **Cultural Register.** The cultural register is the repository of all documentation related to cultural resources on Reservation and TUA lands. THPO has built and maintains with constant updates a relational digitized database. It is also developing a reference library of materials related to Agua Caliente and the Cahuilla in general, and materials related to historic preservation and cultural resource management.

B. Environmental Impacts

1. Thresholds of Significance

The Project is considered to have a significant impact to cultural resources, if it would:

Threshold 5.3-1 **Cause a substantial adverse change in the significance of a historical or archeological resource?**

Threshold 5.3-2 **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Threshold 5.3-3 **Disturb any human remains, including those interred outside of formal cemeteries?**

2. Methodology

In 1997, as part of the environmental review for Section 14 Specific Plan, a technical cultural report was prepared by RMW Paleo Associates.[10] The report included a records search and a reconnaissance survey

10 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* (1997).

of Section 14. The Aqua Caliente Hot Spring and nearby Cornelia White House are/were located in the southwestern portion of the Project Site (Site CA-RIV-162). The Hot Spring was recorded as the location of an early historic Cahuilla village. The Cornelia White House, originally constructed in 1893 of old railway ties from the defunct Palmdale Railway, was moved in 1979 to the Village Green Heritage Center.

During the reconnaissance, no evidence of historical resources was found around the Hot Spring area. One new historic resource site was identified as part of this survey, CA-RN-5849H, consisting of 17 foundation slabs for structures, primarily homes, that previously were present in Section 14. The slabs were primarily associated with houses built in the 1930s and 1940s, that were bulldozed about 30 years ago. Several shovel test pits were dug without results. The slabs were determined to be not be significant as historic resources and not eligible for listing on the National Register of Historic Places; furthermore, none of the slabs are located within the Project Site. Two additional archaeological evaluations took place within Section 14 with negative results.[11] These surface examination surveys were conducted in 1977 and 1984.

3. Project Impacts

Threshold 5.3-1 Cause a substantial adverse change in the significance of a historical or archeological resource?

The Project would result in less than significant historical or archeological resource impacts with Mitigation. The Project Site is currently developed with surface parking lots, the Spa Resort Casino, and the Post Office within the historic shopping core of the City of Palm Springs.[12] As previously discussed, these existing buildings and facilities are not identified by the Tribe as being historically significant resources, nor are they designated historical resources by the NRHP and the National Register of Historic Resources (NRHR), or directly associated with any important historical events. Furthermore, as noted previously, none of the foundation slabs in Section 14 are considered historically significant nor are they located within the Project Site, and the Cornelia White House was previously moved to the Village Green Heritage Center. The Hot Spring, which is considered a historic resource, is located in the southwestern portion of the Project Site. The Tribe has taken efforts to protect and preserve the Hot Spring with the completion of the Agua Caliente Hot Mineral Spring Bridge project in 2016, which included a new water collection system around the Hot Spring and improved asphalt, sidewalk, curb, and gutter over the Hot Spring.

11 RMW Paleo Associates, *A Cultural Reconnaissance of Section 14* (1997).
12 City of Palm Springs, *Section 14 Specific Plan* (July 2014).

The Project Site is located within an urbanized area that has been subject to grading and development in the past. Due to the cultural significance of Section 14 and the known amount of cultural resources, there would be the potential to encounter unknown subsurface cultural resources during Project excavation and construction, thereby resulting in potentially significant impacts on undiscovered archeological resources.

The 2002 EIS/EIR completed for Section 14 identified mitigation for individual projects specific to cultural resources that was adopted as a condition of approval. **Mitigation Measure MM 5.3-1** incorporates a similar condition of approval for the Project and requires that the work stop immediately and a qualified archaeologist be contacted to evaluate the significance of the materials in the event that cultural resources are encountered during construction of any facilities. **Mitigation Measure MM 5.3-1** would reduce potential impacts to unidentified cultural resources to less than significant.

Threshold 5.3-2 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project would result in less than significant paleontological resource impacts with Mitigation. The Project Site has been previously graded and is currently developed with surface parking lots, the Spa Resort Casino, and the Post Office. As the Project Site and immediate surrounding areas are highly disturbed, the Project Site is not likely to contain any known vertebrate paleontological resources.[13] The Project Site primarily contains Myoma fine sand, a fine sand associated with alluvial fans, which are younger soil deposits which are unlikely to contain paleontological resources.[14] However, there is a possibility that paleontological resources exist at deeper subsurface levels and may be uncovered during the site preparation and grading activities for the footings of the proposed structures. As previously discussed, **Mitigation Measure MM 5.3-1** would require that work be ceased immediately and a qualified geologist be contacted to determine the significance of the discovered resources. With **Mitigation Measure MM 5.3-1**, potential impacts would be less than significant.

Threshold 5.3-3 Disturb any human remains, including those interred outside of formal cemeteries?

The Project would result in less than significant impacts on human remains with Mitigation. As previously discussed, the Project Site has been previously graded and is currently developed with surface parking lots, the Spa Resort Casino, and the Post Office. Project construction would require ground-disturbing

13 City of Palm Springs, *General Plan,* "Recreation, Open Space & Conservation Element" (2007).

14 US Department of Agriculture, Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm, Accessed December 2016.

activities, including additional grading and excavation, that could result in the discovery of previously undiscovered human remains.

Should human remains be encountered during subsurface excavation activities, implementation of **MM 5.3-1** would require that work be ceased immediately and the County Coroner be contacted. Impacts would be less than significant with **Mitigation Measure MM 5.3-1**.

4. Cumulative Impacts

The Project would not contribute to any potential cumulative impacts on cultural resources or human remains. Similar to the Project, ground-disturbing activities for related projects would have the potential to uncover previously unknown archeological resources, fossils of paleontological importance, and human remains. Cumulative development could contribute to the loss of undeveloped land, which could potentially contain archaeological or paleontological resources. Determinations regarding the significance of impacts of the related projects on archaeological or paleontological resources would be made on a case-by-case basis and, if necessary, the applicants of the related projects would be required to implement appropriate Mitigation Measures. Furthermore, the Project's potential impacts to archaeological and human remains would be less than significant with the implementation of the recommended Mitigation Measure. Therefore, the Project would not contribute to any potential cumulative impacts on archaeological resources or human remains.

The analysis of cumulative impacts to historic resources is based on whether impacts of the Project and related projects, when taken as a whole, substantially diminish the number of historic resources within the same or similar context or property type. As discussed previously, the Project would not significantly impact any historic resources. Thus, the Project would not contribute to cumulative impacts to historic resources and would result in a less than significant impact.

C. MITIGATION MEASURES

The following mitigation measure would be implemented to reduce potential impacts to significant cultural or paleontological resources to less than significant.

MM 5.3-1 The presence of an approved Native American Cultural Resource Monitor(s) shall be present during any ground disturbing activities, archaeological testing, and surveys. Should buried cultural deposits be encountered, the Monitor may request that construction halt and the Monitor shall notify a qualified archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the Tribal Historic Preservation Office. If human remains are discovered, further disturbances and activities shall cease in any area or nearby area

suspected to overlie remains, and the County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD).

D. LEVEL OF SIGNIFICANCE

With implementation of existing regulations and standards identified above and **Mitigation Measure MM 5.3-1,** any potential impacts associated with cultural resources would remain less than significant. Therefore, no significant unavoidable adverse impacts relating to cultural resources have been identified.

5.4 WATER RESOURCES

This Section of the Draft TEIR evaluates the potential for the Project to result in water resource impacts within the Coachella Valley, the Reservation, the City, and surrounding communities. More specifically, this Section evaluates impacts associated with the Project that may potentially affect the regional and local water quality, surface water hydrology, groundwater hydrology, and water supply. Various federal, regional, Tribal, and local programs and regulations related to anticipated water supply and demand impacts are also discussed in this Section. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Hydrologic Conditions

Watershed

The Project Site is located within the boundaries of the Coachella Valley Planning Area of the Colorado River Basin (Region 7). Region 7 covers approximately 13,000,000 acres (20,000 square miles) in the southeastern portion of California, and includes all of Imperial County and portions of San Bernardino, Riverside, and San Diego Counties. The Region is bounded on the east by the Colorado River; to the south by Mexico; to the west by the Laguna, San Jacinto, and San Bernardino Mountains; and to the north by the New York, Providence, Granite, Old Dad, Bristol, Rodman, and Ord Mountain Ranges.[1]

The Coachella Valley Planning Area consists of the Whitewater River Watershed and East Salton Sea Watershed, with the Project Site located within the Whitewater River Watershed. The Whitewater River Watershed covers 1,920 square miles in the west central portion of Region 7 and includes the majority of Riverside County and a small portion of southern San Bernardino County.[2] The watershed consists mainly of sparsely populated mountains, desert, and agricultural lands. The watershed is bounded on the south by the San Jacinto and Santa Rosa Mountains; on the west by the Santa Ana Watershed; on the east by the Salton Sea, the Hexie and Cottonwood Mountains, and Southern Mojave Watershed; and on the northeast by the Little San Bernardino Mountains and Southern Mojave Watershed. The highest elevation

1 State Water Resources Control Board, California Regional Water Quality Control Board, *Water Quality Control Plan: Colorado River Basin—Region 7* (June 2006), p. 1-6.

2 Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) *Water Quality Control Plan: Colorado River Basin—Region 7* (June 2006), 1-11.

(upper reaches) of the watershed occur in the San Jacinto Mountains at 10,000 feet above mean sea level, while the Salton Sea at 230 feet below mean sea level forms the lowest elevation of the watershed.[3]

Regional Drainage

The Whitewater River, a channelized river, is the major surface drainage watercourse in the Coachella Valley. The Whitewater River also has a constructed downstream extension known as the Coachella Valley Stormwater Channel, which serves as a drainage way for irrigation return flows, treated community wastewater, and storm runoff.[4] The stormwater facilities operated and maintained by Coachella Valley Water District (CVWD) include the Whitewater River Stormwater Channel, Coachella Valley Stormwater Channel, West and East side dike systems, fifteen Cove Community channels from Rancho Mirage to La Quinta, Cove Community basins, Lower Valley stormwater channels in the agricultural areas, and detention channels that drain water impounded behind the dikes.[5] The Whitewater River is typically a desert dry wash, flowing only in periods of intense rain.

Local Drainage

Flooding is also expected to occur on the alluvial fans that the developed part of the City occupies, primarily from sheet flow. Flood-control structures built and maintained by the Riverside County Flood Control and Water Conservation District (RCFCWCD) have helped reduce flood damage in the City since they were installed. Outside of the developed area of the City, most drainage channels are still in their natural state. Due to the construction of flood-control structures, sheet flow in most of these areas is estimated to be infrequent in occurrence and less than 1 foot deep.

Major flood control structures in the Palm Springs area include the Whitewater River Levee, the Chino Canyon Levee and Channel, and the Palm Canyon Wash Levee.[6] The levee between Palm Canyon Wash and Indian Drive, maintained by the RCFCWCD, protects the portion of the City south of the Whitewater River from flooding. The Chino Canyon Levee and Channel protect the northern part of the highly developed Palm Springs area from 100- and 500-year flooding from Chino Creek and the Whitewater River. The Palm Canyon Wash levee directs flows from Palm Canyon and Arenas Canyon northeastward to the Tahquitz Creek, then eastward to the Whitewater River. It provides 100-year storm protection on

3 CRB RWQCB (2006), p. 1-7.
4 CRB RWQCB (2006), 2006.
5 Coachella Valley Water District (CVWD), "About CVWD and Stormwater Protection and Flood Control," www.cvwd.org/about/stormwater.php. Accessed May 27, 2014.
6 City of Palm Springs, *General Plan,* "Safety Element" (2007).

the north side of the channel down to Tahquitz Creek and on the south side of Tahquitz Creek channel to the Whitewater River.

Project Site

The topography of the Project Site and the surrounding area is generally flat, with elevations ranging from approximately 465 to 455 feet above mean sea level. The Project Site is surrounded by various residential and resort uses, including the Hilton Palm Springs Hotel to the southeast of the Project Site boundary.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06065C1558G, effective since August 28, 2008, the Project Site is not in a designated 100-year flood hazard area.[7] The nearest 100-year flood zone is located approximately 1 mile southeast of the Project Site.

As designed by RCFCWCD's Master Drainage Plan for the Palm Springs Area, the City's storm drain system is intended to carry the ten-year storm event underground, while the 100-year event would be carried within the street right-of-way.

Water Resources

The Desert Water Agency (DWA) is the Public Water System (PWS) for the area in which the Project is located. DWA provides services for domestic and municipal water, recycled water, sanitary sewage (for Cathedral City area), hydroelectric power (to SCEC), solar energy power (to DWA Operations Center), and groundwater basin management. The DWA has an institutional boundary of 335 square miles including the City of Palm Springs, the southwestern portion of the City of Cathedral City, the City of Desert Hot Springs, essentially all of Mission Springs Water District, and some unincorporated areas within Riverside County. Total population within DWA's service area, has increased from approximately 18,000 persons in 1961, when DWA was formed, to around 98,000 persons in 2015.

The primary source of water supply for the Coachella Valley is the Coachella Valley Groundwater Basin, which is recharged by other sources of water such as Colorado River water, reclaimed water, State Water Project (SWP) supplies. Colorado River water is also available for potential domestic use if treated. Colorado River water via the Coachella Canal supplies water for irrigation of the eastern valley. The Project is located in the western portion of the Coachella Valley, which does not currently have access to Coachella Canal water.

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7 Federal Emergency Management Agency, *Flood Insurance Rate Map, Riverside County California, Panel 1558 of 3805,* Map Number 06065C1558G (August 28, 2008).

Groundwater

Groundwater Supplies

Development throughout the Coachella Valley has been dependent on groundwater as a source of supply. The demand for groundwater has annually exceeded the limited natural recharge of the groundwater basin. Therefore, imported water is used to recharge the aquifer and reduce groundwater overdraft.

Department of Water Resources (DWR) Bulletin 108 is the most current bulletin published by DWR that characterizes the condition of the aquifer as a whole.[8] In Bulletin 108, DWR notes that the amount of usable supply in the over-drafted aquifer is decreasing. The annual overdraft for the Coachella Valley is estimated to be approximately 68,100 acre-feet per year (afy) in 2015.[9]

Please refer to the discussion under Public Water Supply, in **Section 5.10, Utilities and Service Systems: Water Service,** of this TEIR for additional information on groundwater supply and overdraft mitigation efforts.

Groundwater Quality

Groundwater is the main source of domestic water supply for residents and businesses within DWA's service area. Water quality and the character of groundwater are determined by a number of factors including: mineral content of sediments, recharge and drainage patterns, stormwater infiltration, historic land use practices, and casing screening intervals and depths of wells sampled.

As required by the California Safe Drinking Water Act (SDWA), public water suppliers are required to provide annual Water Quality Reports to their customers (also known as Consumer Confidence Reports). This mandate is governed by the US Environmental Protection Agency (USEPA) and the California Department of Health Services to inform customers of their drinking water quality. In accordance with the SDWA, the public water supplier monitors regulated and unregulated compounds in its water supply. DWA analyzes hundreds of water samples annually to ensure that domestic water meets State and federal standards. Every year, DWA is required to analyze a select number of these samples for more than 100 regulated and unregulated substances.[10]

8 California Department of Water Resources, *Coachella Valley Investigation*, Bulletin 108 (July 1964).

9 Coachella Valley Water District (CVWD), Engineer's Reports on Water Supply and Replenishment Assessment 2016/2017 (April 2016), Table VI-4.

10 Desert Water Agency, Water Quality Report, 2014.

Surface Water Quality

As previously stated, the Project Site is within Region 7 of the Colorado River Basin. Regional drainage of this area is via the Whitewater River, which flows northwest to southeast and passes approximately 3 miles north and east of the Project Site. The Project would indirectly discharge into these receiving waters. The beneficial uses of the downstream receiving waters (Whitewater River, Coachella Valley Storm Water Channel, and Salton Sea) of the Project include but are not limited to agriculture supply, water-contact recreation, and warm freshwater habitat.

The Colorado River Basin Regional Water Quality Control Board ("Colorado River Basin RWQCB") is charged by the Porter-Cologne Water Quality Control Act with the protection of water quality for waters within the region. Colorado River Basin RWQCB is also responsible for implementing provisions and pollution control requirements that the federal Water Pollution Control Act (Clean Water Act [CWA]) specifies for surface waters of the United States. The Colorado River Basin RWQCB Water Quality Control Plan identifies all waters in the region and establishes water quality standards (WQSs) for those waters. WQSs consist of limits or levels of water quality constituents or characteristics that are established for the reasonable protection of the beneficial uses of a water body.[11]

The Coachella Valley Storm Water Channel (i.e. Whitewater River) is listed as an impaired water body for pathogens (bacteria and viruses). The sources of the pollutants/stressors for the Coachella Valley Storm Water Channel are unknown. The Salton Sea is also listed as an impaired water body for nutrients, salinity, and selenium. The sources of pollutants/stressors for the Salton Sea include major industrial point source, agricultural return flows, out-of-State source, and point source.[12]

2. Regulatory Setting

Federal

Clean Water Act

The CWA[13] is intended to restore and maintain the cleanliness of the nation's bodies of water to achieve a level of water quality that provides for recreation in and on the water and for the propagation of fish and wildlife. Section 208 of the CWA and the requirements of the Code of Federal Regulations require

11 CRB RWQCB (2009).
12 CRB RQWCB, 2007.
13 US Code (USC) tit. 33, sec. 1251–1387.

local water management plans. Preparation of these water management plans is delegated to individual states by the USEPA, which is charged with implementing the CWA.

In 1972, the CWA[14] was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA focused on tracking point sources, primarily from wastewater treatment plants and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges.

The CWA requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. The water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) is a program created to implement the CWA. In November 1990, the USEPA published final regulations that establish requirements for specific categories of industries, including construction projects that encompass greater than or equal to 5 acres of land. The Phase II Rule became final in December 1999, expanding regulated construction sites to those greater than or equal to 1 acre. The regulations require that stormwater and non-stormwater runoff associated with construction activity that discharges either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4), must be regulated by an NPDES permit.

The USEPA has delegated management of California's NPDES program to the SWRCB and the nine regional board offices that grant permits to regulate point source discharges of industrial and municipal wastewater into the waters of the United States. The NPDES program was established in 1972 to regulate the quality of effluent discharged from easily detected point sources of pollution such as wastewater treatment plants and industrial discharges. The 1987 amendments to the CWA[15] recognized the need to address non-point-source stormwater runoff pollution and expanded the NPDES program to operators of MS4s, construction projects, and industrial facilities.

The State of California is required by Section 303(d) of the CWA[16] to provide the USEPA with a list of water bodies considered by the State to be impaired (i.e., not meeting water quality standards and not

14 Federal Water Pollution Control Act (Clean Water Act), 33 USC sec. 1251–1387, October 18, 1972, as amended.

15 33 USC, sec. 402(p), Clean Water Act, National Pollution Discharge Elimination System, Municipal and Industrial Stormwater Discharges (2008).

16 33 USC, sec. 303(d), Clean Water Act, Water Quality Standard and Implementation Plans (1972).

supporting their beneficial uses). The list also identifies the pollutant or stressor causing impairment, and establishes a schedule for developing a control plan to address the impairment, typically a total maximum daily load (TMDL). The TMDL specifies the amount of the target pollutant that the water body can sustain on a daily or annual basis and is established by amending the water quality control plan. TMDLs are prepared by the RWQCBs and result in amendments to the Water Quality Control Plan (WQCP), which must be approved by the USEPA. The 303(d) list is used by the USEPA to prepare the biennial federal CWA Section 305(b) Report on Water Quality.

The State Water Resources Control Board (SWRCB) has jurisdiction throughout California. The SWRCB protects water quality by setting statewide policy, coordinating and supporting the Regional Water Board efforts, and reviewing petitions that contest Regional Board actions. There are nine regional water quality control boards that exercise rulemaking and regulatory activities by basins. As discussed above, the Project Site is in the area regulated by the Colorado River Basin Regional Water Quality Control Board (RWQCB). The Colorado River Basin RWQCB has adopted a Water Quality Control Plan[17] (Basin Plan) in accordance with criteria contained in the CWA, California Porter-Cologne Water Quality Control Act, and other pertinent State and federal rules and regulations. The intent of the Basin Plan is to provide definitive guidelines and give direction to the scope of Colorado River Basin RWQCB activities that will optimize the beneficial uses of the State waters within the Colorado River Basin by preserving and protecting the quality of these waters. The intended beneficial use of water determines the water quality objectives. For example, drinking water must be of higher quality than the water used to irrigate pastures. Both are beneficial water uses, but the quality requirements for irrigation water are different from those for drinking water. In 2010, the Colorado River Basin RWQCB prepared and amended the Basin Plan for bacteria indicators of the Coachella Valley Stormwater Channel. The plan was subsequently sent to the State Water Resources Control Board (SWRCB) for review and approval in 2011.[18]

The Colorado River Basin RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements for appropriate persons and groups; these can include individuals, communities, or businesses whose waste discharges may affect water quality. These requirements can be either State Waste Discharge Requirements for discharge to land, or federally delegated NPDES permits for discharges to surface water. Dischargers are required to meet water quality objectives and, thus, protect beneficial uses.

The RWQCB administers the NPDES permit program regulating stormwater from construction activities for projects greater than 1 acre in size. This is known as the General Permit for Storm Water Discharges

17 Colorado River Basin RWQCB, *Water Quality Control Plan* (June 2006).

18 State Water Resources Control Board, Resolution No. 2011-0060 (December 2011).

Associated with Construction Activities and Land Disturbance, Order No. 2009-0009-DWQ, as amended by Order No. 2012-0006-DWQ, NPDES No. CAS000002.

Construction activity subject to the above "General Construction Permit" includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

The General Construction Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

As discussed above, the Project Site is located within the 13-million-acre Colorado River Basin, which is governed by the Colorado River Basin RWQCB; however, the USEPA is the NPDES permitting authority for Indian lands in California. USEPA's Construction General Permit CAR05000I includes similar requirements as those identified for RWQCB's General Construction Permit CAS000002.

USEPA Toxics Rule

The USEPA has developed water quality criteria for priority toxic pollutants and other provisions for water quality standards to be applied to inland surface waters, enclosed bays, and estuaries in the State of California.[19] The rule includes ambient aquatic life criteria for 23 priority toxic pollutants, ambient human health criteria for 57 priority toxics, and a compliance schedule.

State

Urban Water Management Planning Act

The Urban Water Management Planning Act[20] (UWMPA) requires urban water suppliers that provide water for municipal purposes to more than 3,000 customers, or more than 3,000 afy of water, to prepare

19 US Environmental Protection Agency, *Water Quality Standards, Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California*, 40 CFR Part 131 (May 18, 2008), available at https://www.gpo.gov/fdsys/pkg/FR-2000-05-18/pdf/00-11106.pdf.

20 Department of Water Resources, *Urban Water Management Planning Act,* Water Code sec. 10610–10656.

an Urban Water Management Plan (UWMP). The intent of the UWMP is to assist water supply agencies in water resource planning given their existing and anticipated future demands. The UWMP must include a water supply and demand assessment comparing total water supply available to the water supplier with the total projected water use over a 20-year period. It is also mandatory that the management plans be updated every 5 years.

Government Code 65302

Government Code Section 65302(a) requires cities and counties located within the State to review the Land Use, Conservation, and Safety Elements of their general plan "for the consideration of flood hazards, flooding, and floodplains" to address flood risks.[21] Any amendment to the Land Use, Conservation, or Safety Elements requires a review of other general plan elements for internal consistency, including the Housing Element.

The code also requires cities and counties in the State to annually review their Land Use Element within "those areas covered by the plan that are subject to flooding identified by floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources." FEMA's floodplain mapping includes:

- Flood Insurance Rate Maps (FIRMs)
- Digital Flood Insurance Rate Maps (DFIRMs)

DWR's floodplain mapping includes:

- Awareness Floodplain Maps
- Best Available Mapping (BAM)
- Levee Flood Protection Zone (LFPZ) Maps
- Central Valley Floodplain Evaluation and Delineation (CVFED) Maps

Additionally, the location and designation of land uses in a general plan Conservation Element now "need to consider the identification of land and natural resources" that are used "for purposes of groundwater recharge and stormwater management."

21 California Government Code, sec. 65300–65303.4, Authority and Scope of General Plans.

Regional and Local

Coachella Valley Integrated Regional Water Management Plan

The 2014 Coachella Valley Integrated Regional Water Management Plan (IRWMP) presents an integrated regional approach for addressing water management issues through a process that identifies and involves water management stakeholders from the Coachella Valley. It is aimed at securing long-term water supply reliability within California by first recognizing the inter-connectivity of water supplies, then encouraging the development and implementation of projects that yield combined benefits for water supplies, water quality, and natural resources.

Coachella Valley water supplies are primarily obtained from: imported water supplied through the Coachella Canal and the Colorado River Aqueduct, as well as groundwater pumped from the Coachella Valley Groundwater Basin. Population growth and changes in land use in the context of global climate change correspond to an increase in water demand and pressure on the existing water supply sources, including groundwater basins. The Coachella Valley IRWMP indicates that conservation efforts are critical to reduce water demand over the long term, and to reduce pressure on the groundwater supply. Current water conservation efforts by various agencies have focused on urban use, agricultural irrigation, and golf course irrigation. IRWMP Objectives include:[22]

- Provide reliable water supply for residential and commercial, agricultural community, and tourism needs.
- Manage groundwater levels to reduce overdraft, manage perched water, and minimize subsidence.
- Secure reliable imported water supply, including restoring/improving reliability of SWP supply and securing other imported water supplies.
- Maximize local supply opportunities, including water conservation, water recycling and source substitution, and capture and infiltration of runoff.
- Protect groundwater quality and improve, where feasible.
- Preserve and improve surface water quality by maintaining integrity of agricultural drainage systems, protecting the quality of natural runoff used for potable supply, and reducing pollution in stormwater runoff.

22 Coachella Valley Regional Water Management Group, *2014 Coachella Valley Integrated Regional Water Management Plan [CVIRWMP],* (February 2014).

- Preserve the water-related local environment and restore, where feasible.
- Manage flood risks, including current acute needs and needs for future development.
- Optimize conjunctive use of available water resources.
- Maximize stakeholder involvement and stewardship in water resource management.
- Address water-related needs of local Native American culture.
- Address water and sanitation needs of disadvantaged communities, including those in remote areas.
- Maintain affordability of water.

The Coachella Valley IRWMP engaged the Valley's tribal governments to better understand their critical water resources issues and needs. The following six Native American tribes in the region were engaged during outreach for the IRWMP:[23]

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Mission Indians
- Cabazon Band of Mission Indians
- Morongo Band of Mission Indians
- Torres-Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Due to their historical presence in the Valley, tribes face specific issues and considerations with relation to the IRWMP. Native Americans are the original inhabitants of the Coachella Valley, having resided in the Coachella Valley for centuries. The water in the Coachella Valley has sustained these Native American people agriculturally, economically, culturally, and spiritually for a long period of time, as it still does today. Key issues on tribal lands include lack of adequate water and wastewater infrastructure, particularly in East Valley areas. The Coachella Valley's tribes are also concerned with protection of culturally significant native plant species and habitats, as well as culturally significant water resources on tribal lands. Establishing new relationships between the IRWMP program and local tribes will improve regional groundwater management. The Coachella Valley Regional Water Management Group intends to

23 Coachella Valley Regional Water Management Group, *2014 CVIRWMP* (February 2014).

collaborate with the local tribes on long-term water management planning to ensure that the water supply within the Coachella Valley is adequate for all users.[24]

Whitewater River Region Stormwater Management Plan

The County of Riverside; the CVWD; the cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage; and the Riverside County Flood Control and Water Conservation District (permittees) developed the White Water River Region Stormwater Management Plan (SWMP) to address stormwater pollution from new development and redevelopment by the private sector with the region. The SWMP describes those activities and programs implemented by the permittees to manage urban runoff to comply with the requirements of the NPDES MS4 permit (Order No. R7-2013-0011) for the Whitewater River Region. One of the major elements of the SWMP is a Storm Water/Urban Runoff Management and Discharge Control Ordinance. Some of the permittees with land use authority, including the City, have adopted such an ordinance as well as ordinances addressing grading and erosion control (collectively, the "Stormwater Ordinance"). The purpose of each Stormwater Ordinance is to prohibit pollutant discharges in the MS4 and to regulate Illicit Connections and Illegal Discharges and non-stormwater discharges to the MS4. The SWMP also contains a list of the minimum required BMPs that must be used for a designated project. Private developers and public agencies must then include these SWMP requirements in their project plans, which are reviewed and approved as part of the development approval process prior to issuing building and grading permits.

Coachella Valley Water District

Water Management Plan

CVWD updated its Coachella Valley Water Management Plan (2010 CVWMP Update) in January 2012 to continue to address the overdraft conditions in the Coachella Valley groundwater basin, and to ensure that CVWD and other water agencies in the Coachella Valley can reliably meet current and future water demands. The CVWD recognizes the need to update the Plan periodically to respond to changing external and internal conditions.

The 2010 Water Management Plan Update is a 35-year blueprint for water management and the basis for all of the water district's efforts to preserve the valley's groundwater source, and calls for a multifaceted approach including:

- increased water conservation by all types of water users;

24 Coachella Valley Regional Water Management Group, *2014 CVIRWMP* (February 2014).

- increasing the imported water supply from the Coachella Canal and State Water Project;
- increasing the use of the imported supply and recycled water, instead of groundwater, for irrigation; and
- expanding groundwater replenishment efforts, especially in the east valley.

The 2010 CVWMP Update identifies several water conservation measures with the overall goal to reduce urban water consumption by 20 percent by 2020, and the overall goal to maintain this level of reduction through 2045. These measures include water efficient landscaping and irrigation controls, water efficient plumbing, tiered or seasonal water pricing, public information and education programs, alternative water supplies, water restrictive municipal development policies, appointing a CVWD conservation coordinator and refining the maximum water allowance budget for landscaped and recreational areas. The 2010 CVWMP Update reduces reliance on groundwater sources by fully utilizing Colorado River water, SWP water and recycled water supplies and implementing more conservation over the long term.

Desert Water Agency

Urban Water Management Plan

DWA completed the 2015 UWMP in June 2016, as required under California Water Code, Division 6, Part 2.6. Much of the data used in the 2015 UWMP was based on information in the 2010 UWMP and input from CVWD, Indio Water Authority, and Mission Springs Water District. However, domestic water demand projections and SWP purchases and reliability were updated in the 2015 UWMP to reflect changes since 2010. It is important to note that projected water demand and supply data, and water conservation programs in the 2015 UWMP, apply only to the DWA service area, as opposed to the entire Whitewater River Subbasin.

Agua Caliente Band of Cahuilla Indians

Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Reservation

The purpose of this Tribal Ordinance is to regulate and control all pollutant discharges into the waters of the Reservation.[25] Per this Ordinance, no pollutant discharges are allowed into the waters of the Reservation unless there is prior consultation with the federal, Tribal, or State agency with jurisdiction under the CWA and/or the SDWA, and if required, appropriate permit(s) are obtained.

25 Agua Caliente Band of Cahuilla Indians, "Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Agua Caliente Indian Reservation," Ordinance No. 24, Amendment No. 1 (December 18, 2012), available at http://www.aguacaliente.org/downloads/Ordinance24.pdf.

Tribal Land Use Ordinance

The purpose of the Agua Caliente Band of Cahuilla Indians Land Use Ordinance ("Tribal Land Use Ordinance") is to provide standards and regulations to control land uses on Indian Reservation Lands, maintain and protect the Reservation's unique natural and cultural resources, and to preserve the natural environment. Article VII, Landscaping Standards, of the Tribe's Land Use Ordinance promotes the use of native, desert, and other drought tolerant plants to reduce water demand on the Reservation. The landscape management practices identified in this Article of the Tribal Land Use Ordinance ensure maximum water efficiency in comprehensive landscaping plans, irrigation plans, plant materials, decorative water features, and places limitations on turf material.

Tribal Ordinance for Floodplain Management

The purpose of the Floodplain Management Ordinance is to promote the public health, safety, general welfare, and to minimize the public and private losses due to flood conditions in specific areas. The Floodplain Management Ordinance was modeled after the ordinance prepared by the California Department of Water Resources, Division of Flood Management. To accomplish the primarily purpose of the Ordinance, the following methods and provisions are included to reduce flood losses:

- Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities.
- Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- Control filling, grading, dredging, and other development which may increase flood damage.
- Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

City of Palm Springs

City of Palm Springs Safety Element

The City of Palm Springs Safety Element addresses natural and man-made environmental hazards that might occur in the City and surrounding areas. It provides information, as well as goals, policies, and programs to protect the general health, safety, and welfare of the community from seismic, geological, flooding and hydrology, and hazardous and toxic materials hazards. The assessment of and planning for these hazards or constraints is the primary purpose of the Safety Element.

City of Palm Springs Municipal Code

The City of Palm Springs Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed development projects. The following provisions from the City's Municipal Code related to drainage facilities are relevant to the Project: Title 8, Chapter 8.68 (Flood Damage Prevention); and Title 8, Chapter 8.70 (Stormwater Management and Discharge Controls).

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project may be considered to have a significant impact to water resources, if it would:

Threshold 5.4-1: **Violate any water quality or waste discharge requirements?**

Threshold 5.4-2: **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?**

Threshold 5.4-3: **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 a substantial erosion or siltation on- or off-site?**

Threshold 5.4-4: **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding off-site?**

Threshold 5.4-5: **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?**

Threshold 5.4-6: **Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

Threshold 5.4-7: **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

2. Methodology

Regional off-site analyses of pre- and post-Project drainage conditions was included in the evaluation of potential flood hazards associated with flows originating in the San Jacinto Mountains that flow along the Whitewater River. The following impact analysis related to flooding is based on information from Tribal, Riverside County, Coachella Valley Integrated Water Management Plan, the City's Stormwater Ordinance, and RCFCWCD flood control requirements. Water quality impacts are evaluated based on requirements under the Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Reservation. Impacts to groundwater recharge were evaluated using information contained in the 2015 DWA UWMP.

3. Project Impacts

Threshold 5.4-1 **Violate any water quality or waste discharge requirements?**

The Project would not violate any water quality or waste discharge requirements because it would comply with the USEPA's General Construction permit and Tribal requirements during construction and operation and impacts would be less than significant with Mitigation. Water quality standards are attained when designated beneficial uses are achieved and water quality objectives are being met. Beneficial uses include drinking, swimming, industrial, and agricultural water supply, and the support of fresh and saline aquatic habitats. The regulatory program of the Colorado River Basin RWQCB is designed to minimize and control discharges to surface and groundwater within the region, largely through permitting, such that water quality standards are effectively attained.

Pollutants of concern (POCs) that are anticipated from the Project implementation include sediment/turbidity, nutrients, organic compounds, oxygen-demanding substances, and bacteria and viruses. Best Management Practices (BMPs) have been designed to address the POCs and will reduce the impacts on water quality to less than significant levels.

Paved areas and streets will collect dust, soil, and other impurities that will then be assimilated into surface runoff during rainfall events. Pollutants such as trash and debris, oil and grease, metals, sediment, pathogens, organic compounds, nutrients, pesticides and oxygen-demanding substances can be expected to be present in surface water runoff once Project development occurs. Without appropriate Mitigation Measures incorporated into the Project, significant adverse impacts to water quality objectives may be expected to occur.

The Colorado River Basin RWQCB sets water quality standards for all ground and surface waters within its jurisdiction. Water quality standards are defined under the CWA to include both the beneficial uses of specific water bodies and the levels of water quality that must be met and maintained to protect those uses (water quality objectives). Per the Tribe's Ordinance Controlling Pollutant Discharges into the Waters of the Reservation, no pollutant discharges are allowed into the waters of the Reservation unless there is prior consultation with the federal, Tribal, or State agency with jurisdiction under the CWA and/or the SDWA, and appropriate permit(s) are obtained if required.

Construction

The development of the Project would involve construction activities on the Project Site over the duration of Project development (intermittently over 8 to 10 years). Proposed grading and construction activities would involve earth movement and the use of heavy equipment. Surface elevations range from approximately 465 feet to 455 feet above mean sea level, with the highest points located in the north-central portions of the Project Site. Peak stormwater runoff could result in short-term sheet erosion within areas of exposed or stockpiled soils. Additionally, the majority of the Project Site contains pavement or existing structures. Given the above, pollutants such as soil, sediments, and other substances associated with construction activities (e.g., oil, gasoline, grease, and surface litter) could enter the Baristo Channel during Project construction.

In 2011, the Tribe received an exemption from NPDES Permit coverage requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage; however, as previously discussed the Project will comply with USEPA's Construction General Permit CAR05000I requirements, which include the development of erosion and sediment control features, stabilization features, pollution prevention features, and maintenance features. Since the Project Site is located within the Section 14 Specific Plan, implementation of **Mitigation Measure MM 5.4-1**, which incorporates a similar condition of approval as one identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan, also requires each individual project proponent to prepare a project-specific construction water quality management plan. The

construction water quality management plan would identify site specific erosion and sediment control features, stabilization features, pollution prevention features, and maintenance features.

To reduce the discharge of POCs into receiving waters during construction of the proposed development, the Project proponent will be required to prepare a site-specific SWPPP in accordance with USEPA's NPDES Construction General Permit CAR05000ICWA. The USEPA Construction General Permit requires the development and implementation of a site-specific SWPPP to identify an effective combination of erosion control and sediment control BMPs to minimize or eliminate the discharge of pollutants into receiving waters. In addition, BMPs for managing sources of non-stormwater discharges and waste are required to be identified in the SWPPP. Examples of construction BMPs include silt fencing, gravel bag berms, fiber rolls, and street sweeping. In addition, the SWPPP is required to identify postconstruction BMPs, which are permanent features maintained in perpetuity by the owner, developer, or the building occupant. The BMPs identified in the SWPPP would retain erosion onsite and would be consistent with the City's stormwater management and discharge control, as identified in Title 8, Chapter 8.70 (Stormwater Management and Discharge Controls).

Through compliance with the Tribal Building and Safety Code, USEPA permits, and SWPPP requirements identified in **Mitigation Measure MM 5.4-1**, potential impacts to water quality within the Baristo Channel during Project construction would be less than significant.

Operation

The development of the Project would result in similar amounts of impervious surfaces to existing conditions on the Project Site. The 2002 EIS/EIR completed for Section 14 Specific Plan identified mitigation for individual projects specific to water resources that was adopted as a condition of approval. **Mitigation Measure MM 5.4-2** incorporates a similar condition of approval for the Project requiring a drainage study to determine the specific location and size of on-site and off-site drainage facilities for individual developments within the Project Site. Overall, the BMPs identified in **Mitigation Measure MM 5.4-2** would address the anticipated and expected pollutants of concern from operation of the Project. Degradation of water quality from the Project would be managed in accordance with all applicable federal, Tribal, and local water quality rules and regulations to effectively minimize the Project's impact on water quality. Accordingly, impacts would be less than significant with mitigation.

Threshold 5.4-2 **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?**

The Project would not deplete groundwater supplies or interfere substantially with groundwater recharge with Mitigation Measures and impacts would be mitigated to less than significant. The historical depletion of groundwater in the Coachella Valley has led to a condition known as overdraft, in which the demand for groundwater exceeds the amount of recharge into the groundwater basin over a period of time. Overdraft conditions can result in significant adverse social, environmental and economic impacts, including an increased potential for land subsidence which can result in ground fissuring and damage to buildings and their foundations, sidewalks, and subsurface pipelines. As identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan, DWA indicated that there would be adequate water supplies available for development of Section 14.[26]

The 2015 UWMP projects that water demand by all uses in the DWA service area will increase to 42,708 afy by 2020, and 50,575 afy by 2040.[27] From a regional perspective, the total water demand from all users by the 2010 CVWMP Update, including agriculture, was estimated to be 668,000 afy in 1999, is projected to increase to 719,100 afy by 2020, and may reach 885,400 afy by 2045.[28]

The historic declining water table in the Palm Springs, which includes the Project Site, and Thousand Palms Subareas and the west portion of the Thermal Subarea led to a determination by DWA and CVWD that a management program is required to stabilize water levels and prevent other adverse effects such as water quality degradation and land subsidence within the west portion of the Whitewater River Subbasin. CVWD's West Whitewater River Subbasin Groundwater Replenishment Program is reducing declining water levels in this subbasin.

The southwest portion of the Project Site was identified as having relatively high groundwater levels immediately surrounding the Agua Caliente Hot Spring. In 2016, the Agua Caliente Hot Mineral Spring Bridge project was completed as part of an effort to preserve and protect the Hot Spring, which will also help to control groundwater saturation levels surrounding the Hot Spring.

Since 1973, CVWD and DWA have replenished the Whitewater River and Mission Creek Subbasins with approximately 2,896,489 acre-feet (af) of exchange deliveries (Colorado River water exchanged for State Water Project water).[29] A recharge program is currently operating in the West Whitewater River Subbasin Area of Benefit. The West Valley Whitewater Recharge Facility has a recharge capacity in excess of 300,000 afy. In 2015, the SWP Exchange supply provided 48,813 af for the Whitewater facility. Under future

26 2002 EIS/EIR, sec. 6.1.7.3.

27 Desert Water Agency, *2015 Urban Water Management Plan* (June 2016), Table VII-1.

28 CVWD, *Coachella Valley Water Management Plan 2010 Update* (January, 2012).

29 CVWD, *Engineer's Report: Groundwater Replenishment and Assessment Program for the Mission Creek Subbasin and Whitewater River Subbasin Area of Benefit 2016–2017* (April 2016), p. II-1.

conditions, it is possible that average recharge at Whitewater could be limited to the available future supply of about 61,400 afy of SWP Exchange, unless it is augmented with other supplies. To reach the 100,000 afy recharge goal for the Whitewater facility, CVWD and DWA would need to acquire additional SWP Table A water amounts or other imported water sources. DWA has requested its maximum 2016 Table A State Water Project water allocation (formerly known as "entitlement") of 55,750 af pursuant to its State Water Project Contract for the purpose of groundwater replenishment. CVWD plans to do the same with its maximum 2016 Table A water allocation, which was increased in quantity to 138,350 af in 2010.[30]

The Project will be designed consistent with the Section 14 Specific Plan open space requirements. These areas are anticipated to represent approximately 37 percent of the Project Site and will provide for groundwater recharge.

The first phase of physical development is anticipated to occur by 2019 and would include the proposed spa/fitness center. The remainder of the Master Plan buildout is anticipated to occur by 2026. Total net water demand of the Project is estimated to be 115 afy. The Section 14 Specific Plan water demand was estimated to be approximately 4,515 afy, and the Project would account for approximately 2.5 percent of the overall Section 14 Specific Plan demand. When the Project is compared to regional water demands, the Project water demand would represent approximately 0.29 percent of the 2015 UWMP total demand in 2018, 0.63 percent of groundwater supply, and 0.25 percent of the total anticipated 2015 UWMP total supply in 2026, as discussed in **Section 5.10.1**. Therefore, the Project water demand is within the 2015 UWMP groundwater supply projections.

The 2015 DWA UWMP assumes continued growth in demand and sets forth how that growth will be served. As indicated in the 2002 EIS/EIR completed for the Section 14 Specific Plan, the Project would be required to include individual project features which are consistent with the goals of the 2015 UWMP by incorporating water conservation measures, such as high-efficiency irrigation systems and drought-tolerant landscaping consistent with the Tribe's Land Use Ordinance, and would use reclaimed water for irrigation wherever feasibly possible (as identified in **Mitigation Measure MM 5.10.1-1**).[31]

Based on the above, the Project would not substantially deplete groundwater supplies as it is within the 2015 UWMP projections. The Project would not 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 as it

30 CVWD, *Engineer's Report: Groundwater Replenishment and Assessment Program for the Mission Creek Subbasin and Whitewater River Subbasin Area of Benefit 2016–2017* (April 2016), p. I-2.

31 City of Palm Springs, *Section 14 Specific Plan* (July 2014).

would contribute to local recharge through use of the retention basins and/or the amount of dedicated open space within the Project Site. Accordingly, impacts would be less than significant.

Threshold 5.4-3 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 a substantial erosion or siltation on- or off-site?

The Project would not substantially alter the existing drainage pattern of the site or result in substantial erosion or siltation on- or off-site because it would comply with the USEPA's General Construction permit and Tribal requirements during construction and operation and impacts would be less than significant with Mitigation.

Construction

One of the hydrological concerns during construction of the Project Site would be potential erosion and sedimentation impacts during site clearing and grading. Erosion and sedimentation caused by construction activities are dependent on climatic and site conditions, as well as the degree of soil disturbance during construction. Site-clearing and grading operations would have the greatest potential for discharging sediment downstream during storm events.

Grading of the Project Site will be conducted during construction to create commercial/hotel/retail pads, expand the existing Spa Resort Casino, and add new parking. Implementation of the Project will result in alteration of the Project Site's surface on the Project Site. This will result in an alteration of the existing drainage patterns on site.

As previously discussed, the USEPA administers the NPDES Construction General Permit for Indian lands, which applies to all projects disturbing areas of 1 acre or more during construction. As the Project is constructed over approximately 8 to 10 years, each construction contractor would be required to file a notice of intent under this permit. Therefore, USEPA Construction General Permit requirements, along with **Mitigation Measure MM 5.4-1,** will ensure that appropriate BMPs are implemented during construction.

Through adherence with the **Mitigation Measure MM 5.4-1,** which is consistent with the Tribal Building and Safety Code, USEPA permit(s), and SWPPP requirements, potential erosion and siltation impacts would be less than significant.

Operation

The operation phase of the Project would contain a number of features to reduce the amount of runoff that would occur within the Project Site, and to limit the amount and rate of surface water flow

downstream of the Project Site. The Project would include open space and landscaped areas, pervious concrete and asphalt paving where feasible, and Project-related water quality design features.

The 2002 EIS/EIR completed for the Section 14 Specific Plan requires each individual project to incorporate water conservation measures into the project design. Landscaped areas would be designed in accordance with the Section 14 Specific Plan and the Tribal Land Use Ordinance which would also help reduce erosion and siltation impacts. Therefore, impacts would be less than significant.

Threshold 5.4-4 **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding off-site?**

The Project would not substantially alter the existing drainage pattern of the site or substantially increase the rate or amount of surface runoff because it would comply with the USEPA's General Construction permit and Tribal requirements during construction and operation and impacts would be less than significant with Mitigation. As discussed previously, drainage across the Project Site is generally from the northwest to southeast. The runoff continues to drain into the local storm drain system along Indian Canyon Road, Andreas, Calle El Segundo, and Tahquitz Canyon Way.

Construction of the Project, such as site preparation and grading activities, could potentially degrade surface water quality through erosion and subsequent sedimentation. Operation of the Project may result in the presence of pollutants, such as trash and debris, oil and grease, nutrients, and pesticides may be present in surface water runoff. However, the Tribe would voluntarily implement BMPs in accordance with the site-specific SWPPP and would comply with Tribal regulations, including Tribal Ordinance No. 24, that would reduce the impacts of the Project on surrounding surface water quality.[32] Impacts would be less than significant.

The Project Site is located in an urbanized area with no streams or river courses located on or within the Project vicinity. The Project Site is fully developed with impervious surface and various ornamental landscaping. **Mitigation Measure MM 5.4-1** incorporates a similar condition of approval as one identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan requiring the Tribe to voluntarily implement a site-specific SWPPP that would reduce the amount of surface water runoff throughout construction activities. Compliance with Tribe's Floodplain Management Ordinance and the Tribe's Ordinance Controlling Pollutant Discharges into the Waters of the Reservation would reduce impacts related to on-

32 Agua Caliente Band of Cahuilla Indians, "Tribal Ordinance Controlling Pollutant Discharges" (December 18, 2012.)

or off-site flooding, pollution runoff, or stormwater system capacity. Construction and operation flooding impacts would be less than significant.

Threshold 5.4-5 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?

The Project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff because it would comply with the USEPA's General Construction permit and Tribal requirements during construction and operation and impacts would be mitigated to less than significant. As previously discussed, **Mitigation Measure MM 5.4-2** incorporates a similar condition of approval for the Project from the 2002 EIS/EIR completed for the Section 14 Specific Plan that requires a drainage study to determine the specific location and size of on-site and off-site drainage facilities for individual developments within the Project Site. Accordingly, future development projects would not exceed the capacity of existing or planned stormwater drainage systems. As identified in **Mitigation Measure MM 5.4-1**, the site-specific SWPPP and appropriate BMPs pursuant to the Tribe's Ordinance Controlling Pollutant Discharges into the Waters of the Reservation would reduce the discharge of expected pollutants during construction of the Project. Consequently, impacts related to water quality would be less than significant.

Threshold 5.4-6 Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

The Project Site is not located in a 100-year flood hazard area and therefore would not place structures within a 100-year flood hazard area. According to the FEMA FIRM No. 06065C1558G, effective since August 28, 2008, the Project Site is not in a designated 100-year flood hazard area.[33] The nearest 100-year flood zone is located approximately 1 mile southeast and 3 miles north of the Project Site, and is designated as AO (100-year risk of flooding one to two feet deep). Therefore, the Project would not place structures within a 100-year flood hazard area and, as such, impacts would be considered less than significant.

33 FEMA, *Flood Insurance Rate Map, Riverside County California, Panel 1585 of 3805,* Map Number 06065C1585G and 06065C1595G (August 28, 2008).

Threshold 5.4-7 Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The Project would not expose people or structures to flooding because it would adhere to flood requirements identified in the Tribal Building and Safety Code. According to the FEMA FIRM No. 06065C1558G, effective since August 28, 2008, the Project Site is not in a designated 100-year flood hazard area.

According to the City of Palm Springs General Plan, the Project Site is located within a levee or dam inundation zone, specifically within the Tachevah Creek Detention Reservoir Dam Failure Inundation Pathway.[34] However, the design of the Project would adhere to flood requirements identified in the Tribal Building and Safety Code. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam. Accordingly, impacts would be less than significant.

C. MITIGATION MEASURES

The following mitigation measures would be implemented to reduce potential significant water resource impacts to less than significant.

Construction

MM 5.4-1 Prior to issuance of any grading permit for the Project, a project-specific construction water quality management plan (WQMP) shall be submitted to the Tribal Public Works Engineer for review and approval.

Operation

MM 5.4-2 Prior to the issuance of any grading permit for the Project, a detailed drainage and hydrology study shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. This study shall determine the specific location and size of on-site and off-site drainage facilities compatible with pre-project/existing conditions across the Project Site.

D. LEVEL OF SIGNIFICANCE

Mitigation Measures MM 5.4-1 and **MM 5.4-2** would ensure that Project-level impacts on surface water, hydrology, and water quality would be less than significant. Also, compliance with existing regulations,

34 City of Palm Springs, *General Plan,* "Safety Element" (2007), Fig. 6-5, Flood Hazards.

such as the Tribal Building and Safety Code, the Tribe's Ordinance Controlling Pollutant Discharges into the Waters of the Reservation, and standard conditions of approval identified above and in the 2002 EIS/EIR completed for the Section 14 Specific Plan (as identified in **Mitigation Measure MM 5.10.1-1**) would reduce potential impacts associated with hydrology and water quality to a less than significant level. Therefore, no significant unavoidable adverse impacts relating to hydrology and water quality would result on a Project-specific basis.

5.5 LAND USE

This Section of the Draft TEIR evaluates the potential land use impacts of the Project. Land use impacts can be either direct or indirect. Direct impacts are those that result in land use incompatibilities, or the division of neighborhoods or communities, or interference with other land use plans, including habitat or wildlife conservation plans. Indirect impacts are secondary effects resulting from conflicts with the implementation of land use policies, such as an increase in demand for public utilities or services, or increased traffic on roadways. Indirect impacts are addressed in other topical sections of the Draft TEIR. This Section also evaluates the consistency of the Project with the Section 14 Specific Plan. Information from the 2002 Section 14 Master Development Plan EIS/EIR is incorporated into this Section as applicable. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

The 18-acre Master Plan area, or Project Site, is located on Reservation land in downtown Palm Springs. The Project Site is bound by Tahquitz Canyon Way on the south, Indian Canyon Drive on the west, Amado Road on the north, and Calle El Segundo on the east.

1. Existing Conditions

Existing On-Site Land Uses

The Project Site is bounded by Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way to the south, and Calle El Segundo to the east. The Project Site is currently developed with the 35,000-square-foot United States Postal Service office located at the southwest corner of Amado Road and Calle Encilia, as shown in **Figure 5.5-1, Land Use Map**. The 132,000-square-foot Spa Resort Casino is located at the northwest corner of Calle El Segundo and Andreas Road, and the remainder of the Project Site consists of asphalt parking lots and vacant previously developed land. The natural vegetation of the Project Site has been removed through prior development and has been replaced with drought-tolerant, desert climate landscaping throughout, primarily along roadway frontages. The southern portion of the Project Site along Tahquitz Canyon Way between Indian Canyon Drive and Calle Encilia, currently improved as a 410-space surface parking lot, was previously developed with a hotel that was closed in 2014 and demolished in 2015. The former hotel contained 229 rooms, 15,000 square feet of meeting space, and a 42,000-square-foot spa/fitness center. The Hot Spring, which is considered a historic resource, is located in the southwestern portion of the Project Site. The Tribe has taken efforts to protect and preserve the Hot Spring with the completion of the Agua Caliente Hot Mineral Spring Bridge project in 2016, which included a new water collection system around the Hot Spring and improved asphalt, sidewalk, curb, and gutter over the Hot Spring.

Existing Surrounding Land Uses

Most commercial development in Section 14 is located along Tahquitz Canyon Way, south of the Project Site, and Indian Canyon Drive west of the Project Site, with some businesses located along Sunrise Way. Development to the south and east of the Project Site consists of resort commercial/retail uses, hotels, and parking lots. Uses to the east and northeast include the Plaza Villas and Palm Springs Deauville residential condominium complexes, with the Palm Springs Convention Center located approximately 0.20 miles further to the east. Uses north of the Project Site include parking lots, commercial/retail uses and vacant land, and uses to the west include commercial/retail uses and parking lots.

Existing Land Use Plans, Policies and Regulations

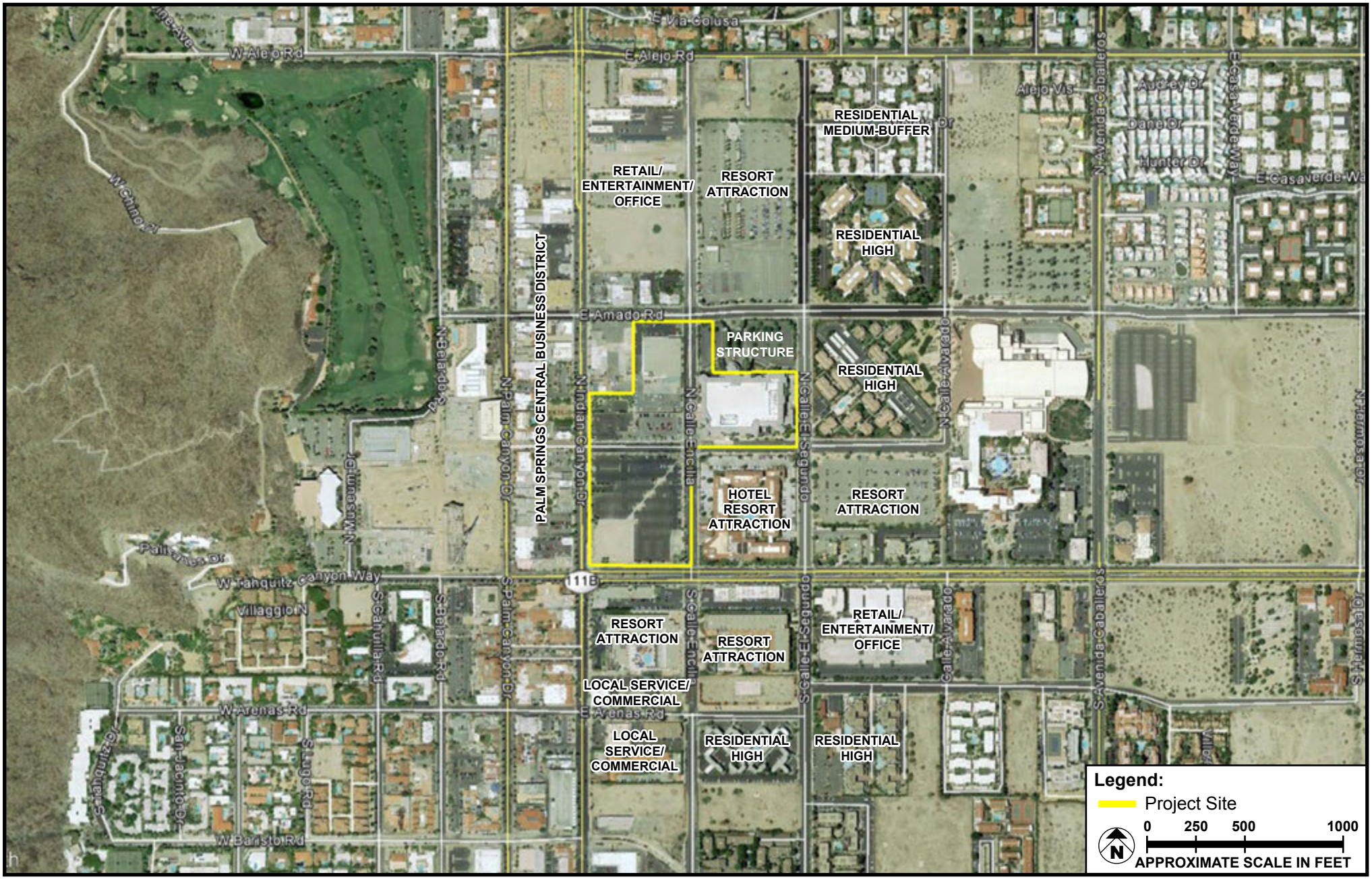
Local and regional laws, regulations, plans, or guidelines that address the Project Site and the surrounding area are described below. As determined by case law over the past half century, the status of the Tribe as a sovereign nation with independent authority over the lands of the Reservation is without question; neither the State of California nor its political subdivisions have the authority, without the Tribe's consent, to regulate Indian trust lands. While Tribal trust lands located within Section 14 of the Reservation are subject to Tribal land use regulations, the plans and policies adopted by other local jurisdictions are discussed to provide context for assessing the consistency of the proposed Master Plan with existing and planned land uses around the Project Site.

Agua Caliente Band of Cahuilla Indians

Tribal Land Use Ordinance

The Agua Caliente Band of Cahuilla Indians Tribal Council adopted a Land Use Ordinance for the Reservation on July 14, 2009. The Land Use Ordinance applies to all development, public and private, within the areas of the Reservation not covered under a Land Use Agreement between the Tribe and a local jurisdiction. All structures and land uses constructed or commenced after adoption of the Land Use Ordinance and all enlargements of, additions to, changes in, and relocations of existing structures and uses are subject to the Land Use Ordinance.

The Land Use Ordinance includes a zoning map identifying zoning districts. As indicated on **Figure 4.0-3, Tribal Land Use Ordinance Zoning Districts**, the entire Project Site is designated as Tribal Enterprise, a zoning designation applied to Tribal trust land. Uses allowed on land zoned Tribal Enterprise is subject to determination by the Tribal Council.



SOURCE: Google Earth - 2016

FIGURE **5.5-1**

Land Use Map

097-002-16

Tribal Habitat Conservation Plan

The Project Site is located within the boundaries of the Tribal Habitat Conservation Plan (THCP), which, together with the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), provides a regional framework for the conservation of special status species and their habitat while providing for streamlined development permitting. Any development on the Reservation would be subject to the THCP, which was approved in August 2010. The THCP appropriately contributes to the conservation of listed and sensitive covered species and the ecosystems upon which they depend. Future development within Tribal lands is required to comply with the provisions of the THCP, including the payment of development mitigation fees, as applicable.

City of Palm Springs

To minimize conflicts and facilitate the development process on the Reservation, the Tribe and the City entered into a land use contract in 1977. The contract recognized the Tribe's authority to regulate all Indian trust lands (i.e., Tribal and allotted trust lands), and the Tribe and the City agreed to the following: (1) the Tribe will adopt the City's land use regulations for the Indian trust lands located within the City's boundaries and designate the City to act as the Tribe's agent to enforce such regulations; (2) the City will consult with the Tribe with regard to any action that may affect Indian trust lands; (3) any party aggrieved by a decision of the City Council affecting Indian trust lands may appeal to the Tribal Council; and (4) there is a mutual benefit of having a consistent planning/development process. It is important to note, however, that the Tribe and City subsequently entered into a cooperation agreement that governs the City's review of proposed development on Tribal trust lands and amended the land use contract to exclude a delegation of the Tribe's land use authority to the City in cases where development is located on Tribal trust lands, like the Project site lands.

Section 14 Specific Plan

In 2004, the City approved the Section 14 Specific Plan addressing approximately 640 acres located in Palm Springs. The Project site is located in the northwest portion of Section 14. In 2013, the Tribe and the City jointly prepared a comprehensive update to the Specific Plan to revise designated land uses and base development standards, incorporate complete streets design principles, and modify development incentives to help realize the vision for the Specific Plan and better implement physical development in Section 14. The updated Section 14 Specific Plan was adopted by the City in July 2014.

The Specific Plan land use designation for the Project Site is Resort Attraction (RA), as shown on **Figure 4.0-4, Specific Plan Land Use Plan**. The RA land use designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions with retail and entertainment facilities. It also encourages construction of visitor-serving amenities and attractions to complement the hotels.

The Specific Plan also designates the areas north and south of the Project Site as RA, land uses to the northwest are designated as Retail/Entertainment/Office (REO), and land uses to the east and northeast are designated as Residential High (HR), up to 30 dwelling units per acre, as shown on **Figure 5.5-1**. The off-Reservation land immediately west of the Project site is not part of the Specific Plan, but is designated as a Central Business District by the Palm Springs General Plan Land Use Map.

Downtown Palm Springs Specific Plan

The Downtown Palm Springs Specific Plan adopted in April 2016, addresses the approximately 20 acres directly west of the Project Site. This area includes commercial, retail, high density residential, open space/public Space and resort development.

Palm Springs General Plan

The Palm Springs General Plan, amended and adopted in 2007, defines the land use and design policies that guide development in the City. The Palm Springs General Plan's Land Use Plan designates the site as Tourist Resort Commercial. This designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres are also allowed uses under this designation. The General Plan further indicates that Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. The General Plan's intended primary use in any Tourist Resort Commercial area is to be hotel and tourist-related uses.

It should be noted, the Section 14 Specific Plan replaces City General Plan Land Use and Zoning regulations within Section 14, including land uses permitted, the amount of development permitted, and standards for that development. Secondarily, it defines the character and form of the development in Section 14 through a series of design guidelines. The Section 14 Specific Plan also serves as a supplement to other existing City regulations; however, where there is a conflict, Specific Plan regulations supersede other City regulations. Where a topic is not specifically addressed by the Specific Plan, other City or Tribal regulations shall apply.

The uses planned within the Project Site are consistent with the uses planned in the surrounding area, and are also consistent with the City's Specific Plan for downtown Palm Springs.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

To Project is considered to have a significant impact to land use, if it would:

Threshold 5.5-1: **Conflict with any land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?**

Threshold 5.5-2: **Conflict with any applicable habitat conservation plan or natural communities conservation plan covering lands?**

2. Methodology

The determination of the Project's consistency with applicable land use plans and policies is based upon a review of the previously identified planning documents that regulate land use or guide land use decisions at and around the Project Site. The Project is considered to be consistent with the provisions of the identified regional and local plans if it meets the general intent of the plans and would not preclude the attainment of the primary intent of the land use plan or policy.

The Master Plan would allow the expansion of the Spa Resort Casino by up to 68,000 square feet and the development and replacement of up to 350 new hotel rooms within 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces that complement and provide an incidental benefit to the Spa Resort Casino, as shown in **Figure 3.0-3, Land Use Plan**. A summary of the land uses defined in the proposed Master Plan is presented in **Section 3.0, Project Description** and is reiterated in **Table 5.5-1, Proposed Land Use Plan Summary.**

Table 5.5-1
Proposed Land Use Plan Summary

Land Use	Square Feet (Gross)	Rooms	Spaces
Hotel	510,000	350	—
Hotel Meeting Space	60,000	—	—
Casino	200,000	—	—
Spa/Fitness Center	40,000	—	—
Mixed Use/Cultural/Retail	50,000	—	—
Parking	—	—	650
Total	**860,000**	**350**	**650**

As shown in **Figure 3.0-3**, the Post Office located at the southwest corner of Amado Road and Calle Encilia would be removed, and the proposed casino expansion would extend to the east of the existing Spa Resort Casino west of Calle Encilia.

Project building heights would be primarily under 100 feet, except for a portion of the hotel/casino expansion area, as shown in **Figure 3.0-3**. In this area, a maximum building height of 175 feet would be allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Approximately 37 percent of the Project Site would be open space.

As part of the Project, streets within the Project Site would be removed. As shown in **Figure 3.0-4, Approved Street Vacations,** the right-of-way for Andreas Road between Indian Canyon Drive and Calle Encilia was vacated and abandoned by the City on December 18, 1996 (City Council Resolution No. 18944), and the full right-of-way for Calle Encilia between Amado Road and Andreas Road and the right-of-way for the west half Calle Encilia between Andreas Road and Tahquitz Canyon Way, as well as the right-of-way for the north half of Andreas Road between Calle Encilia and Calle El Segundo, were vacated and abandoned by the City on May 18, 2016 (City Council Resolution No. 24027).

3. Project Impacts

Threshold 5.5-1 Conflict with any land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?

The Project is in substantial conformance with the Section 14 Specific Plan development standards; consequently, impacts would be less than significant. The Project Site is located within Section 14 of the Reservation, which (excluding Tribal trust lands) is regulated by the Section 14 Specific Plan.[1] As discussed above, because Section 14 is located within the City, the Specific Plan was adopted by the City to minimize land use conflicts and facilitate the physical development within Section 14 in accordance with the Land Use Agreement between the Tribe and the City.

The Project Site is designated and zoned RA by the Section 14 Specific Plan. The RA land use designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions with retail and entertainment facilities. It also encourages construction of visitor-serving amenities and attractions to complement the hotels.

In order to better analyze how the Master Plan's program of development could be implemented and thus compared to the development standards of the Section 14 Specific Plan, **Table 5.5-2, Section 14**

1 City of Palm Springs, "Section 14 Specific Plan" (July 2014).

Specific Plan Development Standards Comparison, includes a potential development scenario that demonstrates how the Project could translate into physical development over the next ten years. While no particular development is being proposed at this time, certain assumptions were made for analytical purposes.

Table 5.5-2
Section 14 Specific Plan Development Standards Comparison

RA Development Standards	Allowed/Required	Potential Development Scenario
Maximum Building Height	100 feet	175 feet[a]
Maximum Hotel Density	86 rooms/acre	Approximately 58 rooms/acre[b]
Maximum Floor Area Ratio	1.0 (up to 3.0)[d]	1.4[d]
Minimum Open Space	40%	37%[e]
Minimum Yard Setbacks		
Front (Indian Canyon Drive)	5 feet	5 feet
Side (W Tahquitz Canyon)	20 feet	20 feet
Side (Amado Rd)	20 feet	20 feet
Rear (Calle El Segundo Frontage)	20 feet	20 feet
Minimum High-Rise Setback[f]		
Rear (East—Calle El Segundo)	175 feet	Greater than 500 feet

Notes:

[a] *Project building heights would be primarily under 100 feet, except for a portion of the Project Site designated as the Building Height Overlay Zone. In this area, a maximum building height of 175 feet would be allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan.*

[b] *Approximately 350 new rooms within 6.0 acres (3.0 acres of hotel use and 3.0 acres of hotel entrance/mixed use/retail/cultural uses).*

[c] *The Section 14 Specific Plan provides both development incentives and flexible zoning standards for development for consolidated projects, including a FAR intensity up to 3.0.*

[d] *860,000 square feet + 235,300-square-foot parking structure (@ 362 square feet per space) = 1,095,300 total square feet/18 acres = 1.4 Floor Area Ratio.*

[e] *The percentage of Open Space shown is an estimate based on the total square footage of development proposed by the Master Plan's program of development compared to the total acreage of the Project Site. While the Project may include more than 40% open space at full buildout, it is assumed for environmental analysis purposes that the Project will provide less than 40% open space.*

[f] *High-rise buildings in Section 14 are required to have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of the building.*

The Section 14 Specific Plan provides incentives for consolidated commercial or mixed-use development in which at least two or more parcels/allotments totaling five (5) or more acres combined are consolidated for one planned project. The development incentives and flexible zoning for consolidated projects allow for development to reach a floor to area ratio (FAR) intensity up to 3.0. The Project Site consists of 14 parcels and is roughly 18 acres, and given the mixed use, consolidated nature of the Project, it qualifies for this Specific Plan incentive and is therefore consistent with the applicable FAR standard as the FAR of the Project is 1.4.

The Project minimum setbacks are as follows: 20 feet on Andreas Road, Calle Encilia, Amado Road and Tahquitz Canyon Way, and 10 feet on Indian Canyon Drive. Minimum setbacks of 20 feet would also be realized on rear and side yards, and while it may not meet the minimum open space requirements of the Section 14 Specific Plan, the Project would provide open space that is consistent with the minimum amount required by the Specific Plan. These setbacks and open space are not only intended to reduce viewshed encroachment from the neighboring areas to the east, and of those along Tahquitz Canyon, they provide a visual transition to adjacent uses and facilities.

The Project is consistent with the Section 14 Specific Plan hotel density development standard, which allows for 86 rooms per acre. The Project proposes 350 rooms in the approximately 6.0-acre hotel/casino expansion area, which equates to approximately 58 rooms per acre. As such, the Project is in compliance with this development standard.

The Project is in compliance with the High-Rise Building Setback Development Standard of the Section 14 Specific Plan. The setback standard requires high-rise buildings in Section 14 to have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of the building, thus allowing for a 175-foot setback. The Project, however, provides a setback from the neighboring residential uses of over 500 feet.

Project building heights would be at or below 100 feet as permitted by the Section 14 Specific Plan, except for a portion of the Project Site designated as the Building Height Overlay Zone, as shown in **Figure 3.0-3**. In this area, a maximum building height of 175 feet would be allowed by the Master Plan, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Development standards contained in the Specific Plan states a maximum height of 100 feet shall be permitted for high-rise buildings subject to approval of a CUP pursuant to the provisions of the Palm Springs Zoning Ordinance. Furthermore, the Project would be consistent with the Building Height Development Standard as the proposed hotel tower would be located 500 feet west of the nearest residential structure.

As identified in **Table 5.5-2** the proposed Master Plan would be consistent with the Section 14 Specific Plan development standards, except for maximum building height and minimum open space requirements. The uses proposed as part of the Project are also consistent with the RA use as designated under the Section 14 Specific Plan. As the Project would not conflict with the existing land use designation and it substantially complies with the applicable development standards of the Specific Plan, impacts would be less than significant.

Threshold 5.5-2 Conflict with any applicable habitat conservation plan or natural communities conservation plan covering lands?

The Project would not conflict with the THCP and impacts would be less than significant. As previously indicated, the Project Site is located within the boundaries of the THCP; however, the Project Site is located in an urbanized area of the THCP-designated Valley Floor Planning Area (VFPA) and contains a United States Postal Service office, casino, and surface parking lots with minimal landscaping in the form of street-trees, shrubs, and other ornamental plants. No payment of fees are required as the Project Site is already 100 percent impacted by prior development. The THCP does not identify the Project Site as containing viable habitat for any species identified as candidate, sensitive, or special status by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (USFWS). The Project Site is not located within a designated Conservation Area or fluvial sand transport area, and therefore is not subject to THCP-specific avoidance, minimization, or mitigation measures.[2] Therefore, the Project would not conflict with any applicable environmental documents or policies and impacts would be less than significant.

4. Cumulative Impacts

Cumulative impacts would be less than significant and the Project would not have a considerable contribution to potential land use impacts. Development of the proposed Master Plan, in conjunction with other cumulative development in the area permitted by the City General Plan could result in citywide and regional land use and planning impacts. However, upon adoption of the Master Plan, the Project would be consistent with land uses plans relevant to the area, including the Section 14 Specific Plan.

The planned uses within the Project Site will be consistent and compatible with existing and surrounding land uses including the resort commercial/retail uses, hotels, and parking lots to the south and east, parking lots, commercial/retail uses, and vacant land to the north, and the resort commercial uses to the northwest. To the west of the Project Site is the Downtown Palm Springs Specific Plan, an approved Specific Plan which will develop commercial, retail, high density residential, open space/public space, and resort development similar to that of the Project. Uses planned north of the Project Site are designated as Retail/Entertainment/Office by the Section 14 Specific Plan, which is consistent with the north portion of the Project Site. Therefore, development of the Project would create a cohesive community of resort and commercial uses, thereby contributing to the development of a Downtown Palm Springs neighborhood.

2 Agua Caliente Band of Cahuilla Indians, *Tribal Habitat Conservation Plan* (August 2010).

As with the Project, related projects and other future growth would be subject to compliance with the local and regional plans reviewed in this Section. Therefore, implementation of related projects in accordance with plans would not combine with the Master Plan to result in potentially significant cumulative land use impacts. Cumulative impacts would be less than significant.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

No significant impacts have been identified and no Mitigation Measures are necessary.

5.6 NOISE

This Section of the Draft TEIR evaluates the potential for the Project to result in noise impacts within the Project site and surrounding area. This evaluation uses procedures and methodologies as specified by the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), and the California Department of Transportation (Caltrans). Noise monitoring and roadway noise modeling datasheets are included in **Appendix 5.6a, Ambient Noise Data** and **Appendix 5.6b, Roadway Noise Calculations.**

Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in the Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Fundamentals of Noise

Sound is mechanical energy transmitted by pressure waves in a compressible medium, such as air. Noise can be defined as unwanted sound. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called A-weighting, written dB(A). The A-weighted sound level is measured on a logarithmic scale such that a doubling of sound energy results in a 3.0 dB(A) increase in noise level. In general, changes in a noise level less than 3.0 dB(A) are not typically noticed by the human ear.[1] Changes from 3 to 5 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. An increase greater than 5 dB(A) is readily noticeable, while the human ear perceives a 10 dB(A) increase in sound level to be a doubling of sound volume. Common noise levels associated with certain activities are shown on **Figure 5.6-1, Common Noise Levels**.

2. Noise Terminology

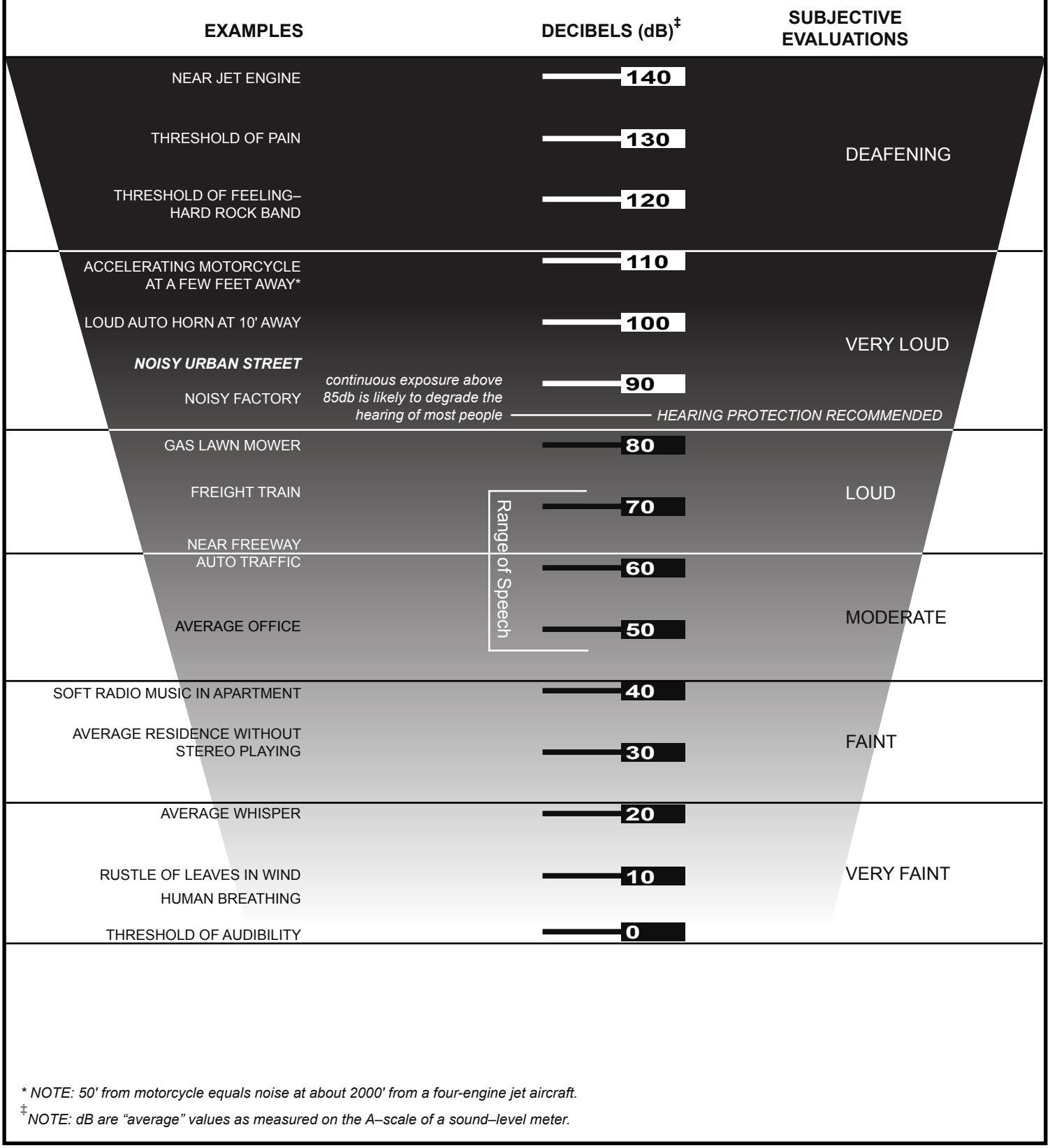
Different types of scales are used to characterize the time-varying nature of sound. Applicable scales include the maximum noise level (Lmax), equivalent noise level (Leq), and the Community Noise Equivalent Level (CNEL). Lmax is the maximum noise level measured during a specified period. Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any

1 US Department of Transportation, Federal Highway Administration, *Fundamentals and Abatement of Highway Traffic Noise* (Springfield, VA: US Department of Transportation, Federal Highway Administration, September 1980), p. 81.

period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods. CNEL is an average A-weighted sound level measured over a 24-hour period. However, this noise scale is adjusted to account for some individuals' increased sensitivity to noise levels during the evening and nighttime hours. A CNEL noise measurement is obtained by adding 5 dB(A) to sound levels occurring during the evening, from 7:00 PM to 10:00 PM, and 10 dB(A) to sound levels occurring during the nighttime, from 10:00 PM to 7:00 AM. The 5 dB(A) and 10 dB(A) "penalties" are applied to account for increased noise sensitivity during the evening and nighttime hours. Day-night average level (Ldn) is the A-weighted equivalent sound level for a 24-hour period with an additional 10 dB imposed on the equivalent sound levels for nighttime hours of 10:00 PM to 7:00 AM. **Table 5.6-1, Noise Descriptors,** identifies various noise descriptors developed to measure sound levels over different periods of time.

3. Noise Barrier Attenuation

The introduction of a barrier between a noise source and a sensitive receptor redistributes the sound energy into several paths, including a diffracted path over the top of the barrier, a transmitted path through the barrier, and a reflected path directed away from the sensitive receptor. Diffraction is the bending of sound waves over the top of a barrier. The area behind the barrier in which diffraction occurs is known as a "shadow zone," and sensitive receptors located in this area will experience some sound attenuation. The amount of attenuation is related to the magnitude of the diffraction angle. The diffraction angle will increase if the barrier height increases or if the distance from sensitive receptors is decreased to the barrier. In addition to diffraction with the use of barriers, sound can travel through the barrier itself. The level of sound transmission through the barrier depends on factors relating to the composition of the barrier (such as its weight and stiffness), the angle of incidence of the sound, and the frequency spectrum of the sound. The rating of a material's ability to transmit noise is called transmission loss. Transmission loss is related to the ratio of the incident noise energy to the transmitted noise energy, and it is normally expressed in decibels, which represents the amount noise levels will be reduced when the sound waves pass through the material of the barrier.



** NOTE: 50' from motorcycle equals noise at about 2000' from a four-engine jet aircraft.*

‡ *NOTE: dB are "average" values as measured on the A–scale of a sound–level meter.*

FIGURE **5.6-1**

Common Noise Levels

Table 5.6-1
Noise Descriptors

Term	Definition
Sound	A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measure sound to a reference pressure.
A-Weighted Decibel (dB[A])	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Continuous Sound Level (Leq)	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level. L_{eq} can be measured over any time period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods.
Day-Night Level (Ldn)	The energy average of the A-weighted sound levels occurring during a 24-hour period with 10 dB(A) added sound levels occurring from 10 PM to 7 AM.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments add 5 dB(A) for the evening, 7:00 PM to 10:00 PM, and add 10 dB(A) for the night, 10:00 PM to 7:00 AM. The 5 and 10 decibel penalties are applied to account for increased noise sensitivity during the evening and nighttime hours. The logarithmic effect of adding these penalties to the 1-hour L_{eq} measurements typically results in a CNEL measurement that is within approximately 3 dB(A) of the peak-hour L_{eq}.[1]
sound pressure level	The sound pressure is the force of sound on a surface area perpendicular to the direction of the sound. The sound pressure level is expressed in dB.
Ambient Noise	The level of noise that is all encompassing within a given environment, being usually a composite of sounds from many and varied sources near to and far from the observer. No specific source is identified in the ambient environment.

Note: California Department of Transportation, Technical Noise Supplement; A Technical Supplement to the Traffic Noise Analysis Protocol, (Sacramento, CA: November 2009), N51-N54.

Noise energy can also be reflected by a barrier wall. The reflected sound energy thus would not affect the sensitive receptor but may affect sensitive receptors to the left and right of the developed barrier.[2] Man-made or natural barriers can also attenuate sound levels, as illustrated in **Figure 5.6-2, Noise Barrier Diffraction**. A solid wall or berm may reduce noise levels by 5 to 10 dB(A).[3]

2 U.S. Department of Housing and Urban Development, Office of Community Planning and Development, *The Noise Guidebook* (n.d.), 21–23.

3 Federal Highway Administration, *Highway Noise Fundamentals* (1980), 18.

Contemporary wood frame construction techniques in California typically provide about 25 dB(A) reduction in exterior to interior noise levels. This is due to structural means used to comply with California regulations, such as the Title 24 energy conservation standards. The minimum attenuation of exterior to interior noise provided by typical structures in California is provided in **Table 5.6-2, Noise Attenuation of Typical Structures.**

Table 5.6-2
Noise Attenuation of Typical Structures

Building Type	Open Windows (dB[A])	Closed Windows (dB[A])[a]
Residences	17.0	25.0
Churches	20.0	30.0
Hospitals/convalescent homes	17.0	25.0
Offices	17.0	25.0
Theaters	20.0	30.0
Hotels/motels	17.0	25.0

Source: Bolt Beranek and Newman, Inc., Highway Noise: A Design Guide for Highway Engineers, NCHRP Report No. 117, (1971). Prepared for Highway Research Board, National Academy of Sciences, Washington, D.C.
[a] *As shown, structures with closed windows can attenuate exterior noise by a minimum of 25.0 to 30.0 dB(A).*

4. Vibration

Vibration consists of waves transmitted through a solid medium. Groundborne vibration propagates from the source through the ground to adjacent buildings by surface waves. A vibration may be a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in hertz (Hz). Most environmental vibrations consist of a composite, or "spectrum," of many frequencies, and are generally classified as broadband or random vibrations. **Figure 5.6-3, Typical Levels of Groundborne Vibration**, identifies typical groundborne vibration levels.

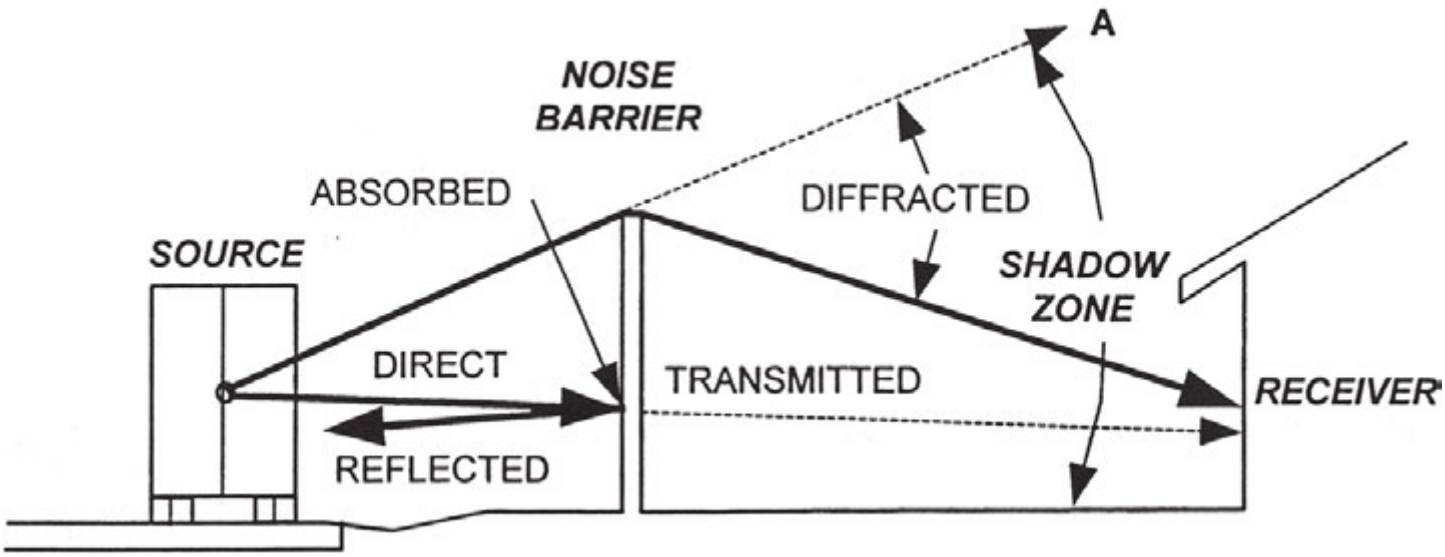


FIGURE **5.6-2**

Noise Barrier Diffraction

HUMAN/ STRUCTURAL RESPONSE	PPV AMPLITUDE IN INCHES PER SECOND [1]	VELOCITY LEVEL IN VdB	RMS VELOCITY AMPLITUDE IN INCHES PER SECOND [2]	TYPICAL SOURCES: EFFECT 50 FEET FROM SOURCE
THRESHOLD, MINOR COSMETIC DAMAGE TO FRAGILE BUILDINGS	0.4	100	0.1	BLASTING FROM CONSTRUCTION PROJECTS
DIFFICULTY WITH TASKS SUCH AS READING A VDT MONITOR/TV	0.1264	90	0.0316	BULLDOZER AND OTHER HEAVY-TRACKED CONSTRUCTION EQUIPMENT
RESIDENTIAL ANNOYANCE, INFREQUENT EVENTS (E.G., COMMERCIAL RAIL)	0.04	80	0.01	COMMUTER RAIL, UPPER RANGE RAPID TRANSIT, UPPER RANGE
RESIDENTIAL ANNOYANCE, FREQUENT EVENTS (E.G., RAPID TRANSIT)	0.01264	70	0.00316	COMMUTER RAIL, TYPICAL BUS OR TRUCK OVER BUMP RAPID TRANSIT, TYPICAL
LIMIT FOR VIBRATION-SENSITIVE EQUIPMENT				BUS OR TRUCK, TYPICAL
APPROXIMATE THRESHOLD FOR HUMAN PERCEPTION OF VIBRATION	0.004	60	0.001	NEAR FREEWAY AUTO TRAFFIC
AVERAGE RESIDENCE WITHOUT STEREO PLAYING	0.00126	50	0.000316	TYPICAL GROUND VIBRATION
AVERAGE WHISPER				

[1] PPV is typically a factor 1.7 to 6 times greater than RMS vibration velocity. A factor of 4 was used to calculate noise levels.

[2] Vibration levels in terms of velocity levels are defined as: $V=20 \times \log_{10} (a/r)$
V=velocity levels in decibels
a=RMS velocity amplitude
r=reference amplitude (accepted reference quantities for vibration velocity are 1×10^{-6} inches/second in the United States)

FIGURE **5.6-3**

Typical Levels of Ground-Bourne Vibration

The normal frequency range of most groundborne vibration that can be felt starts from a low frequency of less than 1 Hz to a high of about 200 Hz. Vibration is often measured in terms of the peak particle velocity (PPV) in inches per second (in/sec), because it is related to the stresses that are experienced by buildings. Vibration is also measured in vibration decibels (VdB). The human threshold of perception is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Vibration levels are acceptable at approximately 85 VdB if there are an infrequent number of events per day.[4]

Vibration energy attenuates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source.[5] High frequency vibrations reduce much more rapidly than low frequencies, so that in the far-field from a source, the low frequencies tend to dominate. Soil properties also affect the propagation of vibration. When groundborne vibration interacts with a building, there is usually a ground-to-foundation coupling loss, but the vibration can also be amplified by the structural resonances of the walls and floors.[6] Vibration in buildings is typically perceived as rattling of windows or of items on shelves, or the motion of building surfaces.

Groundborne vibration is generally limited to areas within a few hundred feet of certain types of construction activities, especially pile driving. Road vehicles rarely create enough groundborne vibration to be perceptible to humans unless the road surface is poorly maintained and there are potholes or bumps.[7] If traffic, typically heavy trucks, induces perceptible vibration in buildings, such as window rattling or shaking of small loose items, then it is most likely an effect of low-frequency airborne noise or ground characteristics. Human annoyance by vibration is related to the vibration energy and the number and duration of events, as well as the setting in which the person experiences the vibration. As discussed previously, vibration can be amplified by the structural resonances of the walls and floors of buildings. The more the events or the greater the duration, the more annoying it will be to humans.

5. Existing Conditions

The approximately 18-acre Project site is located in downtown Palm Springs in the western part of the Coachella Valley, a low valley sandwiched between the Santa Rosa Mountains to the south and the Little San Bernardino Mountains to the north. Surrounding communities include Desert Hot Springs located to the north, Banning to the northwest, and Cathedral City to the east and southeast. The western portion of Palm Springs is bordered by the San Jacinto Mountains.

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4 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment* (2006), 7-8.
5 California Department of Transportation, *Earthborne Vibrations* (1990), VII-27.
6 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment* (2006), 7-1, 7-2.
7 Federal Transit Administration (2006), 7-9.

Project Area Noise Levels

The Project site is surrounded by transportation and stationary sources of noise that contribute to the existing ambient noise environment. The Project Site is bounded by Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way to the south, and Calle El Segundo to the east. Stationary noise sources that contribute to the ambient noise environment include the Hilton Palm Springs Hotel southeast of the Project site, commercial uses and the Hard Rock Hotel south of Tahquitz Canyon Way, commercial uses to the west, and commercial uses to the north. Parking lots are also located north of the Site and contribute to the overall ambient environment. Mobile noise sources include those associated with vehicle traffic along Indian Canyon Drive, Tahquitz Canyon Way, Calle El Segundo, and Amado Road. In addition to mobile and stationary sources of noise, the Coachella Valley also experiences high wind gusts that can significantly elevate the ambient noise environment on windy days.

The existing ambient noise environment in the Project Site was determined by conducting noise measurements. Noise monitoring was conducted over 15-minute intervals with a Larson Davis 831 Sound Level Meter. The ambient noise environment results are provided in **Table 5.6-3, Noise Measurements in Project Vicinity**. As shown, average ambient noise levels ranged from a low of 60.7 dB(A) along Amado Road between Indian Canyon Drive and Calle Encilia to a high of 70.0 dB(A) on the corner of Andreas Road and Indian Canyon Drive. Refer to **Figure 4.0-3, Noise Monitoring Locations**, for the location each monitoring site.

Table 5.6-3
Noise Measurements in Project Vicinity

Site	Location	Time Period	15-minute Leq
1	Corner of Andreas Road and N. Calle El Segundo	12:35 PM – 12:50 PM	63.4
2	Amado Road between N Indian Canyon Drive and Calle Encilia	12:15 PM – 12:30 PM	60.7
3	Corner of Andreas Road and Indian Canyon Drive	12:11 PM – 12:26 PM	70.0
4	Corner of Tahquitz Canyon Way and Calle Encilia	12:40 PM – 12:55 PM	65.8

*Source: Refer to **Appendix 5.9a, Ambient Noise Measurement Sheets** for monitoring data sheets.*
Note: Noise measurements were conducted on June 7, 2016.

Existing Off-Site Roadway Noise Levels

In order to characterize the ambient roadway noise environment in the vicinity of the Project Site, noise prediction modeling was conducted based on vehicular traffic volumes along nearby roadway segments. Existing roadway noise levels were modeled using the Federal Highway Administration Highway Prediction Noise Model (FHWA-RD-77-108). This model calculates the average noise level in dB(A) CNEL at a given roadway segment based on traffic volumes, vehicle mix, average speeds, roadway geometry, and site

conditions. The noise models assumes a "soft" site condition (i.e., providing for the minimum amount of sound attenuation allowed by the traffic noise model, a 7.5 dB(A) noise reduction per doubling of distance) and assumes no barriers between the roadway and receivers. Traffic noise levels were calculated for sensitive receptors at distances of 75 feet from the nearest edge of the road. The noise prediction model used daily traffic volumes to determine average daily trips (ADTs) along the analyzed roadway segments. The estimated existing roadway noise levels are provided in **Table 5.6-4, Modeled Existing Roadway Noise Levels.** As indicated in **Table 5.6-4,** the existing vehicle-generated noise levels along roadway segments near the Project Site range from 52.0 dB(A) CNEL along Saturnino Road, east of Calle El Segundo (Intersection 26) to a high of 66.7 dB(A) CNEL along Sunrise Way, north of Ramon Road (Intersection 12) at a distance of 75 feet from each roadway's centerline. The noise levels along Indian Canyon Drive adjacent to the Project Site are 64.7 dB(A), along Tahquitz Canyon Way are 61.0 dB(A), and Amado Road are 59.2 dB(A).

Table 5.6-4
Modeled Existing Roadway Noise Levels

Intersection No.	Roadway Segment	Roadway Noise Level at 75 feet from Center (dB[A] CNEL)
	Palm Canyon Drive	
1	South of Alejo Road	63.4
2	South of Tahquitz Canyon Way	63.2
3	North of Ramon Road	63.2
4	South of Ramon Road	63.2
	Indian Canyon Drive	
5	South of Alejo Road	64.7
6	South of Tahquitz Canyon Way	64.7
7	North of Ramon Road	64.0
8	South of Ramon Road	63.4
	Avenida Caballeros	
9	South of Alejo Road	60.0
10	North of Ramon Road	59.7
	Sunrise Way	
11	South of Alejo Road	66.3
12	North of Ramon Road	66.7
	Alejo Road	
13	East of Indian Canyon Drive	62.5
14	East of Avenida Caballeros	61.1
15	West of Sunrise Way	61.8
	Amado Road	

Intersection No.	Roadway Segment	Roadway Noise Level at 75 feet from Center (dB[A] CNEL)
16	East of Indian Canyon Drive	59.2
17	East of Avenida Caballeros	57.5
	Tahquitz Canyon Way	
18	East of Indian Canyon Drive	61.0
19	East of Avenida Caballeros	62.8
20	West of Sunrise Way	63.1
	Ramon Road	
21	Between Palm Canyon Drive & Indian Canyon Drive	61.9
22	East of Indian Canyon Drive	63.7
23	East of Avenida Caballeros	65.5
24	West of Sunrise Way	65.6
	Arenas Road	
25	East of Indian Canyon Drive	58.2
	Saturnino Road	
26	East of Calle El Segundo	52.0
	Baristo Road	
27	East of Avenida Caballeros	56.8

*Noise model results are provided in **Appendix 5.6b.***
Note: Roadway noise levels are modeled 75 feet from the center of the roadway.

Existing Vibration Conditions

The primary source of existing groundborne vibration in the vicinity of the Project site is vehicle traffic on Amado Road, Tahquitz Canyon Way, Calle El Segundo and Indian Canyon Drive. According to the FTA,[8] typical road traffic-induced vibration levels are unlikely to be perceptible by people. In part, FTA indicates that "it is unusual for vibration from traffic including buses and trucks to be perceptible, even in a location close to major roadways." Trucks and buses typically generate vibration velocity levels of approximately 63 VdB (at 50 feet distance), and these levels could reach 72 VdB when trucks and buses pass over bumps in the road. Therefore, based on FTA published vibration data, the existing ground vibration environment in the Project vicinity would be below the perceptible levels.

Location of Sensitive Noise Receptors

Noise- and vibration-sensitive uses include residences, schools, libraries, health care facilities, and open space/recreation areas where quiet environments are necessary for enjoyment, public health, and safety.

8 Federal Transit Administration, Transit Noise and Vibration Impact Assessment (2004).

Noise-sensitive land uses which surround the Project site include the residential communities along Andreas Road and Calle El Segundo located approximately 100 feet northeast of the Project site. The residential communities are surrounded by an approximately 5-foot-high barrier wall. This solid barrier wall may reduce noise level by 5 dB(A), thus further reducing any potential noise or groundbourne vibration levels.

6. Regulatory Setting

Federal

Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) has set a goal of 65 dB(A) CNEL as a desirable maximum exterior standard for residential uses developed under HUD funding. While HUD does not specify acceptable interior noise levels, standard construction of residential uses constructed under Title 24 standards typically provides in excess of 20 dB(A) of attenuation with the windows closed. Based on this premise, the interior CNEL should not exceed 45 dB(A) CNEL.[9]

Federal Transit Administration

The FTA has published guidelines for assessing the impacts of groundborne vibration associated with construction activities, which have been applied by other jurisdictions to other types of projects. The FTA's measure of the threshold of architectural damage for conventional sensitive structures (e.g., residential units) is 0.2 inch per second PPV.[10] The vibration threshold of perception is 0.01 inch per second PPV. With respect to human annoyance, the FTA provides criteria for various land use categories and based on the frequency of vibration events. According to the FTA, a vibration criterion of 72 VdB should be used for residential land uses. With respect to potential building damage (primarily from construction activities), the FTA provides guidelines for the evaluation of potential groundborne vibration damage applicable to various building categories. According to FTA guidelines, a vibration criterion of 0.20 inches per second, or 106 VdB, should be considered as the significant impact level for non-engineered timber and masonry buildings. Structures engineered with concrete and masonry (no plaster) have vibration damage criteria of 0.3 inches per second, or 110 VdB. All structures or buildings constructed of reinforced-concrete, steel, or timber, have vibration damage criteria of 0.50 inches per second, or 114 VdB. The general human response to different levels of groundborne vibration velocity levels are as follows: 65 VdB is the approximate threshold of perception for many people; 75 VdB is the approximate diving line between

9 Code of Federal Regulations, Title 24, sec. 51, *Housing and Urban Development, Environmental Criteria and Standards* (revised April 1, 2004).

10 U.S. Department of Transportation, Federal Transit Administration, Office of Planning and Environment, *Transit and Vibration Impact Assessment*, FTA-VA-90-1003-06 (May 2006).

barely perceptible and distinctly perceptible; and 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

Regional and Local

Tribal Land Use Ordinance

The purpose of the Agua Caliente Band of Cahuilla Indians Land Use Ordinance ("Tribal Land Use Ordinance") is to provide standards and regulations to control land uses on Indian Reservation Lands, maintain and protect the Reservation's unique natural and cultural resources, and to preserve the natural environment.

Tribal Building and Safety Code

As adopted from the 2016 California Building Code including the California Noise Insulation Standards, the purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety and insulation standards of all buildings and structures on the Reservation. These standards are intended to protect the health, safety, and welfare of the general public related to any potential building hazards and excessive noise. All building permit approvals from the Tribe are based upon this Code.

City of Palm Springs Noise Element

The City has established goals and polices regarding land use compatibility with noise in the Noise Element of the City's General Plan. The goals of the Noise Element are: (1) to protect the public health, safety and welfare; (2) establish uniform direction to actions by individuals and agencies that eliminate or minimize noise pollution; and (3) maintain a quiet environment for citizens and visitors of Palm Springs. The City has established specific noise standards related to land uses and acceptable noise levels consistent with the California Office of Noise Control. **Table 5.6-5, State of California Interior and Exterior Standards,** presents the City policies in terms of interior and exterior noise standards by land use category.

Table 5.6-5
State of California Interior and Exterior Standards

Land Use		CNEL (dB(A)	
Categories	**Uses**	**Interior[1]**	**Exterior[2]**
Residential	Single and multiple family, duplex	45[3]	65
	Mobile homes	-	65[4]
Commercial	Hotel, motel, transient housing	45	-
	Commercial retail, bank, restaurant	55	-
	Office building, research and development, professional offices	50	-
	Amphitheater, concert hall, auditorium, movie theater	45	-
	Gymnasium (multipurpose)	50	-
	Sports Club	55	-
	Manufacturing, warehousing, wholesale, utilities	65	-
	Movie Theaters	45	-
Institutional/Public	Hospital, school, classrooms/playgrounds	45	65
	Church, library	45	-
Open Space	Parks	-	65

Note:
City of Palm Springs adopted the California Department of health Services Office of Noise Control, Land Use Compatibility for Community Noise Exposure in the Noise Element.
[1] *Indoor environment excluding: bathrooms, kitchens, toilets, closets, and corridors*
[2] *Outdoor environment limited to: private yard of single-family dwellings; multiple-family private patios or balconies accessed from within the dwelling (balconies 6 feet deep or less are exempt); mobile home parks; park picnic areas; school playgrounds; hospital patios.*
[3] *Noise-level requirement with closed windows, mechanical ventilation, or other means of natural ventilation shall be provided as per Chapter 12, Section 1205 of the Uniform Building Code.*
[4] *Exterior noise levels should be such that interior noise levels will not exceed 45 dB(A) CNEL.*

City of Palm Springs Noise Ordinance

The City has the authority to set land use noise standards and place restrictions on private activities that generate excessive or intrusive noise. The applicable standards for these activities are specified in the Palm Springs Municipal Code. The Municipal Code[11] limits sound levels for stationary sources of noise radiated for extended periods in a manner as to cause the sound level at any point on the property line of any property to exceed by 5 dB or more, the noise level limits set forth in **Table 5.6-6, City of Palm Springs Noise Ordinance Limits**, plus allowances for time duration in Section 11.74.032 of the Noise Ordinance.

11 City of Palm Springs, *Palm Springs Municipal Code*, Section 11.74.030 and 11.74.031 of the Noise Ordinance.

Table 5.6-6
City of Palm Springs Noise Ordinance Limits

Zone	Time	Sound Level (dB(A))
Residential—Low Density	7:00 AM to 6:00 PM	50
	6:00 PM to 10:00 PM	45
	10:00 PM to 6:00 AM	40
Residential—High Density	7:00 AM to 6:00 PM	60
	6:00 PM to 10:00 PM	55
	10:00 PM to 6:00 AM	50
Commercial	7:00 AM to 6:00 PM	60
	6:00 PM to 10:00 PM	55
	10:00 PM to 6:00 AM	50
Industrial	7:00 AM to 6:00 PM	70
	6:00 PM to 10:00 PM	60
	10:00 PM to 6:00 AM	55

Sound created by construction or building repair of any premises within the City is exempt from the applications of the Municipal Code during the hours of 7:00 AM to 7:00 PM, Monday–Friday, and 8:00 AM–5:00 PM, Saturday (on Sundays and holidays construction is prohibited).[12]

B. ENVIRONMENTAL IMPACTS

1. Threshold of Significance

The Project is considered to have a significant noise impact, if it would:

Threshold 5.10-1: **Exposure of persons to noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?**

Threshold 5.10-2: **Exposure of persons to excessive groundborne vibration or groundborne noise levels?**

Threshold 5.10-3: **A substantial permanent increase in ambient noise levels in the vicinity of the project?**

12 City of Palm Springs, *Palm Springs Municipal Code*, Section 8.04.220, Limitation of hours of construction.

Threshold 5.10-4: A substantial temporary or periodic increase in ambient noise levels in the vicinity of the project?

2. Methodology

Construction

Construction of the Project would require demolition, site clearing, grading, asphalt paving, building construction, and building finishing activities. These activities typically involve the use of heavy equipment, such as tractors, dozers, and cranes. While construction would be temporary, the use of these types of equipment would generate both steady state and episodic noise that would be heard both on and off the Project Site.

Construction Noise

The construction noise model is based on information obtained from the FTA Roadway Noise Construction Model (RNCM). The FHWA has compiled data on noise-generating characteristics of specific types of construction equipment.[13]

The dominant source of noise from most construction equipment is engine sound, often without sufficient muffling. Construction equipment can be considered to operate in two modes: stationary and mobile. Stationary equipment operates in one location for one or more days at a time, with either a fixed power operation (e.g., pumps, generators, compressors) or a variable power operation (e.g., pile drivers, pavement breakers). Mobile equipment moves around the construction site (e.g., bulldozers, loaders) or to and from the Project Site (e.g., trucks). **Figure 5.6-4, Noise Levels of Typical Construction Equipment,** shows the typical noise levels in dB(A) of different types of construction equipment at a distance of 50 feet from the source.

Noise levels generated by heavy equipment can range from approximately 70 dB(A) to noise levels in excess of 100 dB(A) when measured at a distance of 50 feet from the noise source. The noise levels diminish with distance at a rate of approximately 6.0 to 7.5 dB(A) per doubling of distance for acoustically hard and soft sites, respectively. An example of an acoustically hard site would be a parking lot, while an acoustically soft site would be a park. Assuming an acoustically hard site, a noise level of 75 dB(A) measured at 50 feet from the noise source would be reduced to 69 dB(A) at 100 feet and to 63 dB(A) at 200 feet.

13 Federal Highway Administration, Roadway Noise Construction Model (RCNM), Software Version 1.1 (December 8, 2008).

Construction noise levels at sensitive receptors would vary based on the location of construction activity and the number of equipment in operation. The Project would be constructed in phases with various types of equipment used at any given time. These activities typically involve the use of heavy equipment such as graders, dozers, backhoes, water trucks, excavators, cement and mortar mixes, rollers, pavers and paving equipment, forklifts, generators, and welders. The equipment would generate both steady state and episodic noise that would be heard both on and off the Project Site. The usage factor is the percentage of time that particular equipment is anticipated to be in full power operation during a typical construction hour during the day.

In order to identify the maximum construction noise impacts, under a reasonable worst-case scenario, it is assumed that many pieces of heavy-duty equipment would operate simultaneously in close proximity to noise sensitive receptors. In a realistic scenario, all construction equipment would not operate at the same time nor would their proximity be close to each other.

Construction Vibration

Construction-related groundborne vibration impacts were evaluated using the FTA's *Transit Noise and Vibration Impact Assessment* guidance document.[14] The potential vibration source in the Project Site includes construction equipment in operation during Project construction. Groundborne vibration impacts were evaluated by identifying potential vibration sources and estimating the vibration levels at the affected receptor.

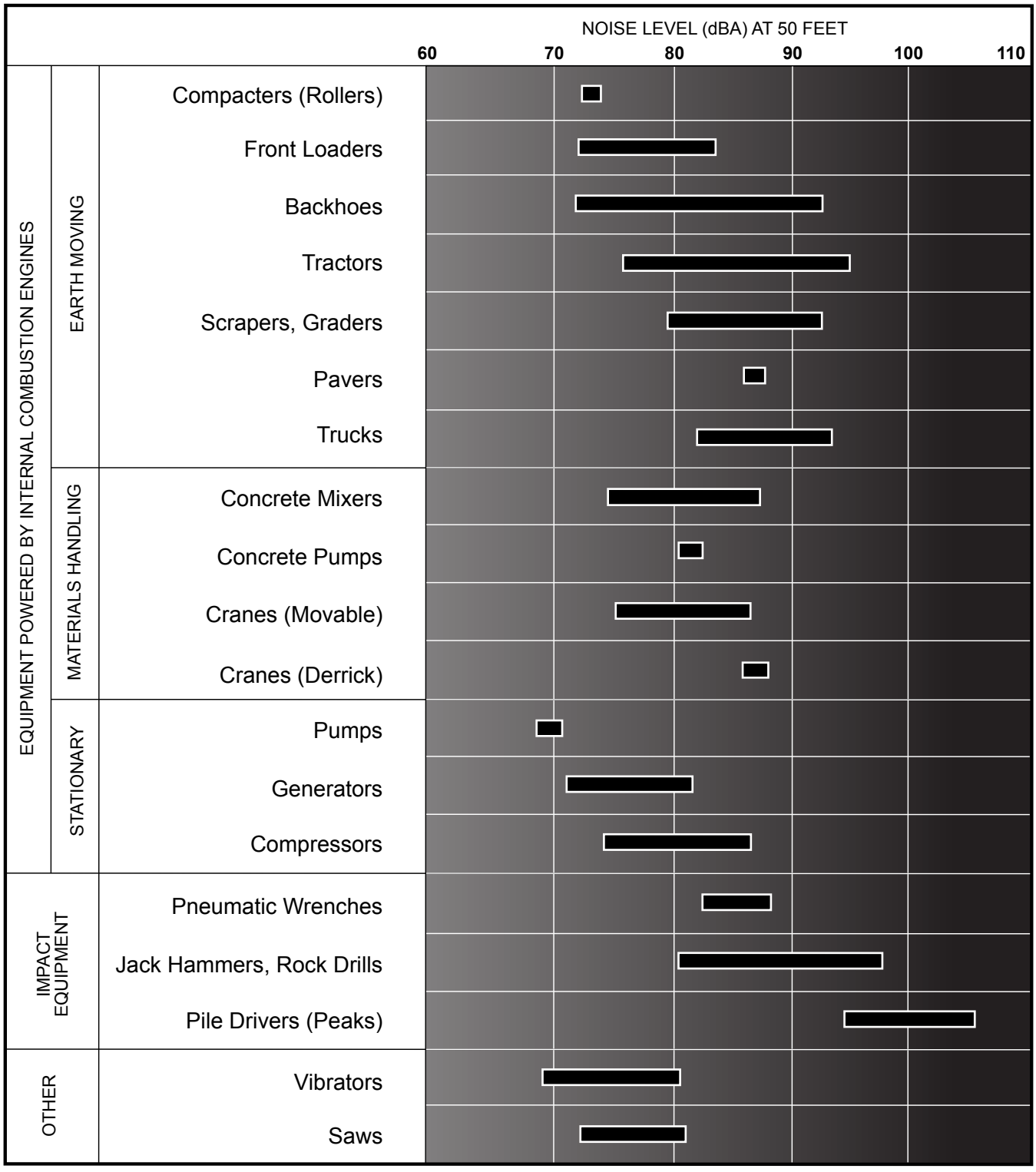
According to the FTA, a vibration criterion of 72 VdB should be used for residential land uses. According to FTA guidelines, a vibration criterion of 0.20 inches per second, or 106 VdB, should be considered as the significant impact level for non-engineered timber and masonry buildings. Pursuant to the FTA's and the Palm Springs Noise Ordinance,[15] the perception threshold is a motion velocity of 0.01 inches per second.

Operation

Roadway Noise

Traffic noise levels were modeled using the FHWA Noise Prediction Model (FHWA-RD-77-108). This model calculates the average noise level in dB(A) CNEL along a given roadway segment based on traffic volumes, vehicle mix, posted speed limits, roadway geometry, and site conditions. The model calculates noise associated with a specific line source and the results characterize noise generated by motor vehicle traffic along the specific roadway segment. The model incorporates an alpha factor that characterizes the surface conditions of the area. An acoustically hard site uses an alpha factor of zero, while an acoustically

14 Federal Transit Administration, Office of Planning and Environment, Transit Noise and Vibration Impact Assessment (2006).
15 City of Palm Springs, *Palm Springs Municipal Code*, Section 11.74.020(25), "Definitions—Vibration Perception Threshold."



Note: Based on limited available data samples.

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

FIGURE **5.6-4**

Noise Levels of Typical Construction Equipment

soft site uses an alpha factor of 0.5. The greater the alpha factor, the greater the noise attenuates with increasing distance. Average vehicle noise rates utilized in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. According to data collected by Caltrans, California automobile noise is 0.8 to 1.0 dB(A) louder than national levels, while medium and heavy truck noise is 0.3 to 3.0 dB(A) quieter than national levels.[16] Roadway traffic data was obtained from the traffic impact study for the Project (see **Appendix 5.9**). Noise levels were evaluated with respect to the following modeled traffic scenarios:

- Existing (2016) Conditions
- Existing (2016) with Project Conditions
- Future (2026) Conditions
- Future (2026) with Project Conditions

Stationary Noise

Stationary point-source noise impacts were evaluated by identifying the noise levels generated by outdoor stationary noise sources such as rooftop mechanical equipment, outdoor recreational areas, parking areas, etc.; estimating the noise level from each noise source at surrounding residential property locations; and comparing such noise levels to ambient noise levels to determine significance. Operational noise levels were calculated for the hourly Leq from each noise source to surrounding sensitive receptors based on past field monitoring of similar uses conducted by Meridian Consultants or published noise references. Noise levels were then compared against the applicable exterior noise threshold.

Operation Vibration

The majority of the Project's operational-related vibration sources, such as mechanical and electrical equipment, would incorporate vibration attenuation mounts, as required by the particular equipment specifications. Therefore, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project and, as such, vibration impacts associated with the Project would be minimal. Therefore, the ground borne vibration analysis is limited to Project-related construction activities.

16 Rudolf W. Hendriks, California Vehicle Noise Emission Levels, NTIS, FHWA/CA/TL-87/03 (1987).

3. Project Impacts

Threshold 5.6-1 **Exposure of persons to noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?**

Construction

Impacts from noise levels during construction would be reduced to less than significant with Mitigation. Noise impacts are localized in nature and decrease with distance. Construction noise impacts have the potential to occur and contribute to the local ambient noise environment. The Palm Springs Noise Ordinance permits construction activities during the hours of 7:00 AM to 7:00 PM, Monday–Friday, and 8:00 AM–5:00 PM, Saturday. No construction activities are permitted on Sundays or holidays. Consistent with the City's Noise Ordinance, the Tribe would voluntarily limit construction activities to the timeframes and days identified above. Furthermore, in an effort to minimize offsite construction noise levels, the Tribe has identified **Mitigation Measure MM 5.6-1** which requires Best Management Practices (BMPs) including notification of nearby businesses and/or residences and latest muffler technology on off-road construction equipment consistent with a similar condition of approval identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan. Therefore, the Project would be in conformance with the City's Noise Ordinance and impacts would be less than significant with mitigation.

Operation

The Project would not expose individuals to noise levels in excess of standards currently established for the area during operation and impacts would be less than significant. As indicated in **Table 5.6-5**, the City's Noise Element has identified the following noise standards at habitable areas: exterior noise levels be below 65 dB(A) CNEL for all land uses; and interior noise levels be below 45 dB(A) CNEL for residential land uses, 45 dB(A) CNEL for hotel/motel/transient housing up to 65 dB(A) CNEL for manufacturing/warehousing/wholesale/utilities, and 45 dB(A) CNEL for institutional/public land uses.

As discussed in **Threshold 5.6-3**, the Project would contribute a negligible increase in vehicle related noise along adjacent roadways. These levels would be consistent with existing vehicle related noise levels. Where vehicle noise levels exceed the City's identified exterior noise levels, the any increase above 3 dB(A) CNEL would require a noise study. As the Project related vehicle traffic does not contribute more than 3 dB(A) CNEL, then the Project would be consistent with the interior and exterior noise standards identified in **Table 5.6-5**.

Furthermore, the Project would be consistent with the design guidelines identified in Section 14 Specific Plan and the policies identified in the City's Noise Element, as identified in **Table 5.6-7, General Plan Noise Element Applicable Policies**. Therefore, the Project would have less than significant noise impacts.

Table 5.6-7
General Plan Noise Element Applicable Policies

Policies	Consistency
NS1.1 Continue to enforce acceptable noise standards consistent with health and quality of life goals established by the City and employ noise abatement measures, including the noise ordinance, applicable building codes, and subdivision and zoning regulations.	Consistent. The Tribe would voluntarily commit to limit construction hours to those established in the City's Noise Ordinance. Furthermore, the design of the Project would be consistent with Section 14 Specific Plan design guidelines and would be required to conform to the Tribe's Building and Safety Code.
NS1.2 Encourage the application of site planning and architectural design techniques that reduce noise impacts on proposed and existing projects.	Consistent. The Project would be designed consistent with the architectural guidelines and roadway setbacks identified in the Section 14 Specific Plan. In addition, the Project is anticipated to provide approximately 35 percent open space for landscape.
NS1.3 Utilize maximum anticipated, or "worst case," noise conditions as the basis for land use decisions and design controls as a means of preventing future incompatibilities.	Consistent. As discussed in Threshold 5.6-2, the worst case construction scenarios were analyzed and determined to result in acceptable vibration limits. In addition, **Table 5.6-9** and **Table 5.6-11**, Project traffic volumes would result in an 0.6 dB(A) CNEL increase in roadway noise levels with Existing and Future traffic volumes. This noise level is less than the 3.0 dB(A) threshold.
NS1.4 Evaluate the compatibility of proposed land uses with the existing noise environment when preparing, revising, or reviewing development proposals.	Consistent. The Project implements a Master Plan that will guide development within the Project Site. The mixed uses proposed are located along major roadways and are located approximately 125 feet from a multi-family condominium complex.
NS1.5 Protect noise-sensitive land uses such as schools, hospitals, and convalescent homes from unacceptable noise levels from both existing and future noise sources.	Consistent. As discussed in this Section, the Project would not generate noise levels in excess of City standards. Where existing noise levels are above City standards, then a noise study would be required above 3 dB(A) increase.
NS1.6 Require mitigation where sensitive uses are to be placed along transportation routes to ensure compliance with state noise standards.	Consistent. No sensitive uses are proposed by the Master Plan.
NS1.7 Allow new developments in areas exposed to noise levels greater than 60 dB CNEL only if appropriate mitigation measures are included such that applicable noise standards are met.	Consistent. As identified in this Section, applicable mitigation measures have been identified to minimize the Project's potential construction and operation noise levels.
NS1.8 Include measures within project design that will assure that adequate interior noise levels are attained as required by the California Building Standards Code (Title 24), California Noise Insulation	Consistent. The Project would be designed and constructed pursuant to the Tribal Building and Safety Code, which incorporates the California Building Code by reference.

Policies	Consistency
Standards (Title 25) and pertinent sections of the California Building Code and the City's Municipal Code.	
NS1.10 Minimize noise spillover from commercial uses into adjacent residential neighborhoods.	Consistent. New commercial uses proposed within the Project Site are located approximately 500 feet from the multi-family condominium complex. The existing Spa Resort Casino would attenuate any noise emanating from the new commercial uses.
NS2.4 Require that new development minimize the noise impacts of trips it generates on residential neighborhoods by locating driveways and parking away from the habitable portions of dwellings to the greatest extent possible.	Consistent. The entrances proposed by the Master Plan would be from Indian Canyon Drive and Amado Road. No new entrances are proposed along Calle El Segundo, the nearest roadway with sensitive uses.
NS2.5 Require that development generating increased traffic and subsequent increases in the ambient noise levels adjacent to noise-sensitive land uses provide appropriate mitigation to reduce the impact of noise.	Consistent. As identified in this Section, the Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dB(A). The maximum noise level increase along existing roadways would be 0.7 dB(A) on Amado Road, east of Avenida Caballeros. No mitigation is required to reduce the impact of vehicle related traffic.
NS2.6 Employ noise-mitigation practices, such as natural buffers or setbacks between arterial roadways and noise-sensitive areas, when designing future streets and highways, and when improvements occur along existing road segments.	Consistent. The Project would be designed consistent with the architectural guidelines and roadway setbacks identified in the Section 14 Specific Plan.
NS2.15 Locate land uses that are compatible with higher noise levels adjacent to major roads and railway corridors.	Consistent. The Master Plan includes various commercial, hotel, and mixed uses adjacent to Indian Canyon Drive and Tahquitz Canyon Way.
NS3.1 Require that automobile and truck access to commercial properties—including loading and trash areas—located adjacent to residential parcels be located at the maximum practical distance from the residential parcel.	Consistent. New commercial uses proposed within the Project Site are located approximately 500 feet from the multi-family condominium complex. The existing Spa Resort Casino would attenuate any noise emanating from the new commercial uses. Further, the primarily entrances to the Project site would be from Amado Road and Indian Canyon Drive.
NS3.2 Require that parking for commercial uses adjacent to residential areas be enclosed within a structure or separated by a solid wall with quality landscaping as a visual buffer.	Consistent. All proposed parking would be subject to the design guidelines in the Section 14 Specific Plan, which requires appropriate enclosure of parking structures and landscape elements.
NS3.3 Require that parking lots and structures be designed to minimize noise impacts on-site and on adjacent uses, including the use of materials that mitigate sound transmissions and configuration of interior spaces to minimize sound amplification and transmission.	Consistent. The Project would be designed and constructed pursuant to the Tribal Building and Safety Code, which incorporates the California Building Code by reference. Any parking lots would incorporate sound attenuating design to minimize offsite noise levels.
NS3.10 Require that construction activities that impact adjacent residential units comply with the hours of operation and noise levels identified in the City Noise Ordinance.	Consistent. The Tribe would voluntarily commit to limit construction hours to those established in the City's Noise Ordinance.

Policies	Consistency
NS3.11 Require that construction activities incorporate feasible and practical techniques which minimize the noise impacts on adjacent uses, such as the use of mufflers and intake silencers no less effective than originally equipped.	Consistent. **Mitigation Measure MM 5.6-1** requires notification and best management practices in order to minimize offsite sound propagation during construction.

Threshold 5.6-2 Exposure of persons to excessive groundborne vibration or groundborne noise levels?

The Project would not expose individuals to excessive groundborne vibration or noise above federal standards during construction or operation and impacts would be less than significant. Construction activities can generate varying degrees of ground vibration depending on the construction procedures and the construction equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. The primary and most intensive vibration source associated with the development of the Project would be the use of earth-moving equipment during construction. Expected equipment to be operated during construction are identified in **Table 5.6-8, Vibration Source Levels from Construction Equipment.**

Table 5.6-8
Vibration Source Levels from Construction Equipment

Construction Phase	Equipment	Quantity	PPV at 25 feet (in/sec)	Approximate VdB at 100 feet
Demolition	Concrete/Industrial Saw	1	0.018	54.9
	Excavator	3	0.040	71.5
	Rubber Tired Dozer	2	0.071	73.0
Site Preparation	Rubber Tired Dozer	3	0.071	76.5
	Tractors/Loaders/Backhoe	4	0.040	74.0
Grading	Excavator	2	0.040	68.0
	Graders	1	0.071	66.9
	Rubber Tired Dozers	1	0.071	66.9
	Scrapers	2	0.057	71.0
	Tractors/Loaders/Backhoes	2	0.040	68.0
Building Construction	Cranes	1	0.057	64.9
	Forklifts	3	0.020	65.5
	Generators	1	0.018	54.9
	Tractors/Loaders/Backhoes	3	0.040	71.5

Construction Phase	Equipment	Quantity	PPV at 25 feet (in/sec)	Approximate VdB at 100 feet
	Welders	1	0.040	61.9
Paving	Pavers	2	0.063	72.0
	Paving Equipment	2	0.063	72.0
	Rollers	2	0.020	62.0
Architectural Coating	Air Compressors	1	0.090	68.9

Source: Office of Planning and Environment, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06 (May 2006), 12-9.
Note: ppv = peak particle velocity; VdB = vibration decibels; in/sec = inches per second.

As previously identified, a vibration criterion of 72 VdB should be used for residential land uses. In addition, a vibration criterion of 0.20 inches per second, or 106 VdB, is considered as the significant impact level for non-engineered timber and masonry buildings.

As indicated in **Table 5.6-8,** the operation of 3 rubber tired dozers simultaneously would generate approximately 76.5 VdB at 100 feet, which is the distance to the nearest structure north of the proposed parking area. In addition, the nearest sensitive receptors to the Project site are multi-family condominiums located approximately 125 feet east of the existing Spa Resort Casino. Vibration levels at the multi-family condominiums would be 71.5 VdB during building construction activities. As mentioned above, the calculated vibration noise levels is based on the assumption that all equipment operates simultaneously at the closest point to the receptor. In reality, the 3 rubber tired dozers or 3 tractors/loaders/backhoes would be operated at different times and locations of the day at distances greater than 100 feet. Based on the proposed construction activities, the vibration levels would fall below the FTA thresholds for a significant vibration impact. Furthermore, construction activities are permitted during the hours of 7:00 AM to 7:00 PM, Monday–Friday, and 8:00 AM–5:00 PM, Saturday. Consequently, construction vibration impacts would be less than significant. It should be noted that vibration levels would be above the perceptible level for people.

Threshold 5.6-3 A substantial permanent increase in ambient noise levels in the vicinity of the project?

Roadway Noise

The Project would not create a substantial permanent increase in ambient noise levels in the vicinity of the Project and roadway noise impacts would be less than significant. Roadway noise levels were modeled using the Federal Highway Administration Prediction Model (FHWA-RD-88-108) to determine if operation of the Project would increase levels greater than 3 dB(A) along local roadways. This model considers

roadway noise levels from local street segments that would have an increase or decrease in vehicle traffic as a result of the Project. The average daily trips (ADTs) for these local roadway segments were obtained from the traffic impact analysis for the Project prepared by Gibson Transportation Consulting, Inc. (see **Appendix 5.9**). The roadway modeling results are included in the **Appendix 5.6b** of this Draft TEIR.

Existing (2016) plus Project

Table 5.6-9, Existing plus Project, illustrates the change in CNEL from existing traffic volumes and from traffic generated by the Project. The difference in traffic noise between existing conditions and existing plus Project conditions represents the increase in noise attributable to Project-related traffic. As shown in **Table 5.6-9,** Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dB(A). The maximum noise level increase along existing roadways would be 0.7 dB(A) on Amado Road, east of Avenida Caballeros. Consequently, noise impacts under the Existing plus Project scenario would be less than significant.

Table 5.6-9
Existing (2016) plus Project

Intersection No.	Roadway Segment	Existing (2016)	Existing (2016) plus Project	Noise Level Increase	Significant Impact?
Palm Canyon Drive					
1	South of Alejo Road	63.4	63.8	0.4	No
2	South of Tahquitz Canyon Way	63.2	63.4	0.2	No
3	North of Ramon Road	63.2	63.4	0.2	No
4	South of Ramon Road	63.2	63.2	0.0	No
Indian Canyon Drive					
5	South of Alejo Road	64.7	65.0	0.3	No
6	South of Tahquitz Canyon Way	64.7	64.8	0.1	No
7	North of Ramon Road	64.0	64.2	0.2	No
8	South of Ramon Road	63.4	63.5	0.1	No
Avenida Caballeros					
9	South of Alejo Road	60.0	60.1	0.1	No
10	North of Ramon Road	59.7	59.8	0.1	No
Sunrise Way					
11	South of Alejo Road	66.3	66.3	0.0	No
12	North of Ramon Road	66.7	66.7	0.0	No
Alejo Road					
13	East of Indian Canyon Drive	62.5	62.7	0.2	No
14	East of Avenida Caballeros	61.1	61.1	0.0	No

Intersection No.	Roadway Segment	Existing (2016)	Existing (2016) plus Project	Noise Level Increase	Significant Impact?
15	West of Sunrise Way	61.8	61.8	0.0	No
	Amado Road				
16	East of Indian Canyon Drive	59.2	59.5	0.3	No
17	East of Avenida Caballeros	57.5	58.2	0.7	No
Tahquitz Canyon Way					
18	East of Indian Canyon Drive	61.0	61.4	0.4	No
19	East of Avenida Caballeros	62.8	63.4	0.6	No
20	West of Sunrise Way	63.1	63.6	0.5	No
Ramon Road					
21	Between Palm Canyon Drive & Indian Canyon Drive	61.9	62.1	0.2	No
22	East of Indian Canyon Drive	63.7	64.0	0.3	No
23	East of Avenida Caballeros	65.5	65.7	0.2	No
24	West of Sunrise Way	65.6	65.8	0.2	No
Arenas Road					
25	East of Indian Canyon Drive	58.2	58.2	0.0	No
Saturnino Road					
26	East of Calle El Segundo	52.0	52.0	0.0	No
Baristo Road					
27	East of Avenida Caballeros	56.8	56.8	0.0	No

*Noise model results are provided in **Appendix 5.6b.***
Note: Roadway noise levels are modeled 75 feet from the center of the roadway.

Stationary Noise

Development of the Project would introduce parking lots associated with retail-commercial uses on the Project Site. Generally, noise associated with parking lots is not of sufficient volume to exceed community noise standards based on the time-weighted CNEL scale. Parking lots can be a source of annoyance due to automobile engine start-ups and acceleration, and the activation of car alarms. Parking lots can generate Leq noise levels of between 49 dB(A) Leq (tire squeals) to 74 dB(A) Leq (car alarms) at 50 feet. Existing off-site residential land uses along Andreas Road and Calle El Segundo would be the closest sensitive receptors and would thus represent the worst-case impact associated with parking lot noise from the Project. The proposed parking would be located approximately 500 feet west of the nearest sensitive receptor. Noise levels from the parking would be approximately 31 dB(A) to 56 dB(A) at these receptors. Due to the existing level of traffic noise along area roadways, as identified in **Table 5.6-3**, and the distance from the parking lots to the sensitive receptors, noise would not likely be audible due to the masking of noise by traffic. Furthermore, the Project parking would be designed consistent with the

Section 14 Specific Plan and would incorporate landscape features and comply with roadway setbacks. As such, impacts would be considered less than significant.

Loading Docks

External truck loading and unloading docks associated with the Project would introduce potential stationary noise sources. These sources would primarily be associated with the retail and hotel uses; however, the specific location of potential loading docks has not been determined. The operations at loading docks typically result in noise levels of 64 to 66 dB(A) at 75 feet. The noise from loading docks would not cause an increase in long-term average noise of more than 5 dB(A) on the time-weighted CNEL scale, and would not be significant from that perspective. As such, impacts would be considered less than significant.

HVAC Systems

The Project would introduce various stationary noise sources, including HVAC systems, which would be located either on the roof, the side of a structure or on the ground. Typically, this type of equipment produces noise levels of approximately 56.0 dB(A) at 50 feet from the source. This equipment would be screened and integrated in architectural design of the building, and would further attenuate sound emanating from the HVAC systems. As the sound distance doubles to 100 feet from the equipment, sound levels would be 50 dB(A). The use of such equipment would not generate noise levels that would substantially elevate the ambient noise environment and would not generate substantial noise and impacts to nearby noise-sensitive receptors. Impacts would be less than significant.

Human Activity Related Noise

Nearby sensitive receptors may experience increases in noise due to an increase in human activity within the area either from utilizing the on-site amenities including common areas and the retail areas. Potential commercial types of noise include people talking, doors slamming, stereos, and other noise associated with human activity. These noise sources are not unique and generally contribute to ambient noise levels experiences in all land use areas. Maximum permissible noise levels for mixed use areas are typically 45 to 65 dB(A) between 7:00 AM and 6:00 PM. Overall, the noise generated by the Project's land uses would be consistent with the ambient noise levels in the Project Site, which ranged from 60.7 dB(A) to 70.0 dB(A) (refer to **Table 5.6-3**). Accordingly, impacts would be less than significant.

Threshold 5.6-4 A substantial temporary or periodic increase in ambient noise levels in the vicinity of the project?

Impacts related to a substantial temporary or periodic increase in ambient noise levels in the vicinity of the Project would be reduced to less than significant with Mitigation. Noise impacts would be a function

of noise generated by construction equipment, the equipment location, and their relative distance to noise sensitive receptors, and the timing and duration of the noise-generating activities. To reiterate, Leq is the average A-weighted sound (i.e., adjusted to sensitivity range of a typical human ear) level measured over a given time interval. Leq can be measured over any time period, but is typically measured for 1-minute or 1-hour periods.

Construction activities would occur within close proximity to sensitive receptors. The nearest sensitive receptors subject to elevated construction noise levels include the residential communities located approximately 125 feet to the east of the existing Spa Resort Casino.

Noise levels generated during each of the Project phases are presented in **Table 5.10-10, Typical Maximum Noise Levels for Construction Equipment.** Equipment estimates used for the analysis include site preparation, building construction, and asphalt paving noise levels representative of worst-case conditions since they assume several pieces of equipment operating simultaneously.

Table 5.10-10
Typical Maximum Noise Levels for Construction Equipment

Equipment Description	Noise Level at 50 feet (dB[A])	Typical Duty Cycle (%)
Auger drill rig	85	20
Backhoe	80	40
Chain saw	85	20
Compressor (air)	80	40
Concrete mixer truck	85	40
Concrete pump truck	82	20
Concrete/Industrial saw	90	20
Crane	85	16
Dozer	85	40
Dump truck	84	40
Excavator	85	40
Front end loader	80	40
Generator (25 kVA or less)	70	50
Generator (more than 25 kVA)	82	50
Grader	85	40
Paver	85	50
Pneumatic tool	85	50
Pump	77	50
Rock drill	85	20
Scraper	85	40

Equipment Description	Noise Level at 50 feet (dB[A])	Typical Duty Cycle (%)
Tractor	84	40
Vacuum excavator (vac-truck)	85	40
Vibratory concrete mixer	80	20

Source: U.S. DOT, FHWA Construction Equipment and Noise Level Ranges.

Based on the calculated noise levels for equipment utilization, the highest noise level from construction equipment during the loudest construction phase (grading) operating simultaneously would be approximately 87 dB(A)[17] at the nearest sensitive receptor. The calculated noise level is based on the assumption that all equipment operates simultaneously at the closest point to the receptor. In reality, different pieces of equipment are operated at different times and locations of the day.

Construction-related activities would occur intermittently over a period of up to 8 to 10 years. Project-related construction activities would occur within the least noise-sensitive portion of the day between 7:00 AM and 7:00 PM, consistent with the City Noise Ordinance. With implementation of the **Mitigation Measure MM 5.6-1**, construction related noise would be less than significant.

4. Cumulative Analysis

For purposes of this analysis, development of the related projects will be considered to contribute to cumulative noise impacts. Noise by definition is a localized phenomenon, and drastically reduces as distance from the source increases. As a result, only project and growth in the general area of the Project Site would contribute to cumulative noise impacts.

Construction

The Project would result in less than significant cumulative noise or vibration impacts during construction. Noise impacts are localized in nature and decrease with distance. Cumulative construction noise impacts have the potential to occur when multiple construction projects in the local area generate noise within the same time frame and contribute to the local ambient noise environment. The nearest related project is located approximately 425 feet to the west of the site. Based on noise levels generated by construction activities associated with the Project Site, the duration of construction activities (intermittently over 8 to 10 years), and the proximity of the sensitive receptors, construction noise from the Project would contribute to the cumulative noise environment. It is expected that, as with the Project, the related projects would implement Best Management Practices (BMPs), which would minimize any noise-related nuisances during construction. Furthermore, the Palm Springs Noise Ordinance permits construction

17 Assumes operation of 1 excavators, 1 grader, 1 rubber tired dozer, 1 scrapers, and 1 tractors/loaders/backhoe.

activities during the hours of 7:00 AM to 7:00 PM, Monday–Friday, and 8:00 AM–5:00 PM, Saturday. Therefore, the combined construction noise impact of the related projects and the Project's contribution would not cause a significant cumulative impact.

Related projects are not located close enough to the Project Site (greater than 125 feet) to result in vibration impacts from concurrent construction. Therefore, the combined vibration impact of the related projects and the Project's contribution would not cause a significant cumulative impact.

Operation

The Project would result in a less than significant cumulative impacts during operation. Cumulative development from related projects would not result in significant cumulative impacts in terms of a substantial permanent increase in ambient noise levels. A substantial permanent increase is most likely to originate from an increase in noise levels due to roadway traffic. For the purposes of this analysis, an increase of 3 dB(A) at any roadway location is considered a significant impact, and if the resulting noise level increase above 3 dB(A) would exceed the land use compatibility criteria detailed in the City Noise Element is considered significant.

Traffic Related Noise

Table 5.6-11, Future (2026) with Project, illustrates the change in CNEL from Year 2026 ambient conditions without and with the Project. The year 2026 ambient conditions represent traffic growth or cumulative development within the Project Site. Based on the ambient growth, the greatest increase in noise would occur along Amado Road, East of Avenida Caballeros with an increase of 0.6 dB(A) CNEL. Consequently, noise impacts under the Future with Project scenario would be less than significant and the Project's contribution would not be considered considerable. Furthermore, the City's Noise Element requires mitigation for any new residential land uses within a 65 dB(A) CNEL noise contour in order to comply with the noise standards.

Table 5.6-11
Future (2026) with Project

Intersection No.	Roadway Segment	Future (2026)	Future (2026) plus Project	Noise Level Increase	Significant Impact?
Palm Canyon Drive					
1	South of Alejo Road	64.5	64.8	0.1	No
2	South of Tahquitz Canyon Way	64.2	64.4	0.0	No
3	North of Ramon Road	64.2	64.4	0.0	No
4	South of Ramon Road	63.7	63.8	0.0	No
Indian Canyon Drive					
5	South of Alejo Road	65.3	65.5	0.1	No
6	South of Tahquitz Canyon Way	65.2	65.3	0.0	No
7	North of Ramon Road	64.3	64.4	0.0	No
8	South of Ramon Road	63.6	63.7	0.0	No
Avenida Caballeros					
9	South of Alejo Road	61.6	61.7	0.1	No
10	North of Ramon Road	61.2	61.3	0.1	No
Sunrise Way					
11	South of Alejo Road	66.8	66.9	0.1	No
12	North of Ramon Road	67.3	67.3	0.0	No
Alejo Road					
13	East of Indian Canyon Drive	63.1	63.2	0.1	No
14	East of Avenida Caballeros	61.7	61.6	-0.1	No
15	West of Sunrise Way	62.4	62.4	0.0	No
Amado Road					
16	East of Indian Canyon Drive	59.8	60.1	0.3	No
17	East of Avenida Caballeros	58.1	58.7	0.6	No
Tahquitz Canyon Way					
18	East of Indian Canyon Drive	61.6	61.9	0.3	No
19	East of Avenida Caballeros	63.4	63.9	0.5	No
20	West of Sunrise Way	63.6	64.1	0.5	No
Ramon Road					
21	Between Palm Canyon Drive & Indian Canyon Drive	62.5	62.7	0.2	No
22	East of Indian Canyon Drive	64.4	64.6	0.2	No
23	East of Avenida Caballeros	66.1	66.3	0.2	No
24	West of Sunrise Way	66.2	66.4	0.2	No
Arenas Road					

Intersection No.	Roadway Segment	Future (2026)	Future (2026) plus Project	Noise Level Increase	Significant Impact?
25	East of Indian Canyon Drive	58.8	58.8	0.0	No
Saturnino Road					
26	East of Calle El Segundo	52.5	52.5	0.0	No
Baristo Road					
27	East of Avenida Caballeros	57.4	57.4	0.0	No

*Noise model results are provided in **Appendix 5.6b.***
Note: Roadway noise levels are modeled 75 feet from the center of the roadway.

Stationary Sources

With regard to stationary sources, cumulatively significant noise impacts may result from cumulative development. Stationary sources of noise that could be introduced in the area by cumulative projects could include mechanical equipment, loading docks, and parking lots. Since these projects would be required to adhere to the City of Palm Springs noise standards, all the stationary sources would be required to provide shielding or other noise abatement measures so as not to cause a substantial increase in ambient noise levels. Moreover, due to distance, it is unlikely that noise from multiple cumulative projects would interact to create a significant combined noise impact. As such, it is not anticipated that a significant cumulative increase in permanent ambient noise levels would occur and, therefore, the impact would be less than significant. Therefore, the Project's contribution to cumulative noise impacts would not cause a cumulatively significant noise impact.

C. MITIGATION MEASURES

The following mitigation measures would be implemented to reduce potential significant noise impacts to less than significant.

MM 5.6-1 Prior to issuance of any demolition, grading or building permits by the Tribe, specifications shall be prepared that identify contract requirements regarding attenuation of noise from construction vehicles and activities. The specifications shall include but not be limited to the following:

- Two weeks prior to construction activities, the applicant must notify all surrounding land uses within 200 feet of the site, of the construction schedule, including the various types of activities that will be occurring throughout the duration of the construction period.

- Before any site activity, the contractor shall be required to submit a material haul route plan to the Tribal Public Works Engineer and to the City of Palm Springs for review and approval. The contractor must ensure that the approved haul routes are

used for all materials hauling to minimize exposure of sensitive receivers to potential adverse noise levels from hauling operations.

- Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far from noise sensitive uses as feasible during all phases of project construction.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent must be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Tribe, the City, or the job superintendent receives a complaint, the superintendent must investigate, take appropriate corrective action, and report the action taken to the reporting party. Contract specifications must be included in the project construction documents, which must be reviewed by the Tribe prior to issuance of grading permits.

D. LEVEL OF SIGNIFICANCE

Mitigation Measure MM 5.6-1 would reduce noise impacts generated by construction activities associated with the Project to less than significant. Project-related construction activities would occur during the least-noise sensitive portion of the day to reduce noise generated by construction activities. The magnitude of impact would depend on the location of the proposed development and construction schedule. Consequently, construction noise impacts would be less than significant with mitigation incorporated.

Construction vibration impacts on nearby sensitive receptors and structures would be less than significant.

Roadway noise levels would not increase more than 1.0 dB(A) and would be consistent with the City's General Plan Noise Element. Accordingly, impacts were determined to be less than significant.

Parking lots and loading docks would be designed consistent with the design guidelines in the Section 14 Specific Plan and constructed pursuant to the requirements of the Tribal Building and Safety Code. Accordingly, impacts resulting from stationary noise sources in these areas would be less than significant.

The Project's contribution to increases in permanent roadway noise levels will not cause a significant impact.

5.7 POPULATION AND HOUSING

A. ENVIRONMENTAL SETTING

This Section of the Draft TEIR addresses the potential for the Project to induce substantial population or housing growth that would result in impacts to the environment. To determine if the Project would result in substantial population or housing growth, the consistency of the Project with current growth projections is assessed. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

1. Existing Conditions

City of Palm Springs

Population

From 2000 to 2010, the Coachella Valley grew 35 percent, nearly tracking the 41 percent growth of Riverside County, the fastest-growing County in the State. Palm Springs by contrast, exhibited modest total growth attributable primarily to the fact that Palm Springs is the most established, mature, and built-out City in the Coachella Valley. According to the US Census Bureau, the City population grew to approximately 44,552 in 2010. According to the Department of Finance, as of January 2016, the City had a population of approximately 46,654,[1] an increase of approximately 5 percent.

Employment

Employment in Palm Springs has grown overall approximately 1 percent annually since 2000, more than double the 0.4 per annual rate of population growth. However, from 2002 to 2010, with the exception of Health Care and Social Assistance and Educational Services which increased from 1,839 jobs to 4,564 jobs, an increase of 148 percent, losses occurred in most other major job categories within Palm Springs. Retail trade jobs decreased from 1,894 jobs to 1,751 jobs, a decrease of 8 percent and arts, entertainment, and recreation decreased from 775 jobs to 580 jobs, a decrease of 25 percent.[2]

Housing

Demand for nearly all real estate uses in Palm Springs suffered during the great recession. Palm Springs residential demand has been driven historically by both the in-migration of retirees and second home purchases for seasonal, recreational, or occasion use. As a result, the City has a high ratio of residential

1 Department of Finance, 2016 City Population Rankings, http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/, accessed November 2, 2016.

2 Final Report Market and Fiscal Analysis Section 14 Master Development Plan, June 13, 2013.

units per capita, a ratio that increased from 0.72 in 1990 to 0.81 in 2010. By comparison, the Coachella Valley averaged 0.59 units per capita in 1990 and 0.54 in 2010.[3]

In 2013, the number of existing housing units within the City was 35,022, of which approximately 56.2 percent are owner occupied.[4]

2. Regulatory Setting

State

California Housing Element Law

California planning and zoning law requires each city and county to adopt a general plan for future growth.[5] This plan must include a housing element that identifies the housing need for all economic segments and provides opportunities for housing development to meet that need. At the State level, the Housing and Community Development Department estimates the relative share of California's projected population growth that would occur in each county within the State based on California Department of Finance (DOF) population projections and historical growth trends. Where there is a regional council of governments, the California Housing and Community Development Department provides the regional housing need to the regional council. The regional council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. The Housing and Community Development Department oversees the process to ensure that the regional council of governments adequately distributes its share of the State's projected housing need.

Each city and county must update its general plan housing element on a regular basis (generally, every 5 years). Among other things, the housing element must incorporate policies and identify potential sites that would accommodate the city's share of the regional housing need. Before adopting an update to its housing element, the city or county must submit the draft to the State Housing and Community Development Department for review. The department will advise the local jurisdiction whether its housing element complies with the provisions of California Housing Element Law.

The regional councils of governments are required to assign regional housing shares to the cities and counties within their region on a similar 5-year schedule. At the beginning of each cycle, the Housing and Community Development Department provides population projections to the councils of governments,

3 Section 14 Master Development Plan Update, Market and Fiscal Analysis, Final Report June 13, 2013.
4 City of Palm Springs General Plan, Housing Element, 2014.
5 California Government Code, sec. 65300.

which then allocate shares to their cities and counties. The shares of regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

Regional and Local

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region, which encompasses more than 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region's MPO, SCAG cooperates with the Southern California Air Quality Management District (SCAQMD), the California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives.

SCAG is also responsible for the designated Regional Transportation Plan (RTP) including its Sustainable Communities Strategy (SCS) component pursuant to SB 375. The Sustainable Communities Strategy has been formulated to reduce GHG emissions from passenger vehicles by 8 percent per capita by 2020, by 18 percent per capita by 2035, and 21 percent by 2040 compared to 2005 targets set by the California Air Resources Board.[6] The SCAG population, households, and employment projections for Palm Springs are shown in **Table 5.7-1, SCAG Projections for Palm Springs**.

Table 5.7-1
SCAG Projections for Palm Springs

	Year		Average Annual Growth?
	2012	2040	
Population	45,600	56,900	0.8%
Employment	26,300	45,800	2.6%
Household	22,900	31,300	1.3%

Source: SCAG RTP 2016 Growth Forecast, by City; Economic & Planning Systems

6 The 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, April 2016.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have a significant population and housing impact if it would:

Threshold 5.7-1: Induce substantial population growth?

Threshold 5.7-2: Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

2. Methodology

The analysis in this section is based on SCAG regional growth projections through 2040. The most recent California DOF population estimates for the County were used in conjunction with the SCAG population projections to determine potential population impacts.

The Project will not directly result in population or housing growth, as it only includes commercial uses; however, it will generate new employment opportunities which may result in indirect population growth in the area that could also increase demand for housing. As shown in **Table 5.7-2, Proposed Employment Opportunities**, it is estimated the Project would generate an increase of approximately 935 employees.

Table 5.7-2
Proposed Employment Opportunities

Land Use Designation	SF/Employee	Existing		Proposed		Net Difference
		Square Feet[a]	Employees	Square Feet	Employees	Proposed-Existing
Commercial Tourist	500	392,500	785	860,000	1,720	**935**

Source: County of Riverside General Plan, Appendix E, Socioeconomic Build-out Projections Assumptions & Methodology, 2015.
Notes:
[a] Includes former Spa Hotel rooms, meeting space, and spa/fitness center square footage that was demolished in 2015.
Parking square footage excluded from employment generation as it would not need full-time employees.

3. Project Impacts

Threshold 5.7-1 Induce substantial population growth?

Population and Employment

The Project would not induce substantial population and employment growth and impacts would be less than significant. As of January 2016, the City population was 46,654. As shown in **Table 5.7-1**, the City population is projected to steadily increase at a rate of 0.8 percent through the year 2040. When the

Project will be completed, in 2026, the City is projected to have a population of approximately 50,707 people.

As discussed above, the Project does not include the construction of housing of any kind and, for this reason, will not generate any direct increase in population. However, the commercial uses included in the Project would generate jobs which could indirectly generate population growth and demand for housing. As shown in **Table 5.7-2**, it is estimated that the Project could generate approximately 935 jobs.

For analysis purposes, if all 935 additional employees relocated to Palm Springs, by the year 2026, they would only account for 1.8 percent of the total population and 23 percent of the projected growth in population by this date. This is a conservative estimate as employees may already live in the area, or may reside in other cities in the Coachella Valley. This minimal increase in population would not be substantial and, for this reason, population impacts would be less than significant.

Additionally, as shown in **Table 5.7-1**, the employment opportunities within the City are supposed to steadily increase at 2.6 percent per year through the year 2040. By 2026, when the Project will be complete, the City would have approximately 33,243 employees. The Project's addition of 935 employees would be consistent with the projections per SCAG.

Housing

The Project would not induce substantial housing growth and impacts would be less than significant. As previously mentioned, the City has a high ratio of residential units per capita, a ratio that increased from 0.72 in 1990 to 0.81 in 2010. A reasonably conservative method of estimating future residential demand is to assume a consistent ratio of units per capita based on historical norms. The population is expected to grow roughly 1 percent per year, based on SCAG projections, with a ratio of 760 homes per 1,000 permanent residents (an average of 1990, 2000, and 2010, which encompasses both boom and recession periods for vacation home development).

Again, for analysis purposes, if all 935 additional employees relocated to the City, there would need to be an increase of approximately 711 housing units.[7] This is a conservative estimation as not all 935 employees would need to relocate, but during this time the exact number that would need to relocate, is unknown.

As of 2013, Section 14 included 67 acres of vacant, residentially-zoned land with a capacity for approximately 2,178 housing units according to the Market and Fiscal Analysis included as Appendix B to the Section 14 Specific Plan. The conservative estimation of 711 housing units needed would be able to

7 760 homes per 1,000 permanent residents = 0.760. Projected residents (935) * 0.760 = 710.6 additional homes needed.

be accounted for within the 2,178 units projected for Section 14. Therefore, impacts to housing would be considered less than significant.

Threshold 5.7-2 Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The Project would not displace substantial numbers of existing housing and impacts would be less than significant. The Project Site does not contain any existing residential development. Because there is no housing located on the site or near the site that would be displaced by implementation of the Project, impacts would be less than significant.

4. Cumulative Impacts

The Project would not cause a significant adverse impact with respect to cumulative population, housing, and employment growth. Implementation of the Project, in combination with other development projects in the in accordance with the adopted Palm Springs General Plan, would contribute to future population, housing, and employment growth within the area. Though Project buildout would contribute to the growth within the City, significant population, housing, and employment growth in the City and specifically Section 14, is already anticipated. Additionally, the Project's cumulative employment and population increase would be consistent with the citywide projections. As a result, the Project would not cause a significant adverse impact with respect to cumulative population and employment growth.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

No significant impacts have been identified and no Mitigation Measures are necessary.

5.8 PUBLIC SERVICES

This Section addresses the potential impacts of the Project on fire protection, emergency medical services, and police protection. Each subsection includes an introduction, followed by discussions of existing conditions, regulatory framework, methodology, environmental impacts, cumulative impacts, and Mitigation Measures.

5.8.1 FIRE SERVICES

A. ENVIRONMENTAL SETTING

This Section evaluates the potential for the Project to impact fire services provided by the Palm Springs Fire Department (PSFD) to the extent that construction of new facilities is required. See **Section 9.0** for definitions of terms, definitions, and acronyms used in this Draft TEIR.

1. Existing Conditions

The Project Site is located within the area served by the PSFD, which provides fire protection services to the City. The PSFD protects a permanent population of 55,000 and a seasonal population of over 100,000. The City currently operates four fire stations that protect 96 square miles staffed by 16 firefighters on a daily basis; Station 1 located approximately 200 feet west of the Project Site, Station 2 located approximately 1.8 miles to the east, Station 3 located approximately 1.7 miles to the north, and Station 5 located approximately 4 miles to the southeast. Station 4 is located approximately 2 miles to the south but it is temporarily closed for repairs/remodel and is currently unstaffed. In 2014, the PSFD responded to 9,320 calls for service.

Firefighting resources in the Palm Springs area are located throughout the City so that the response time to any resident is under 5 minutes, the standard used by the PSFD for maximum first-response time. All structures built beyond the 5-minute response area are required by the City's Community Fire Protection Plan and Municipal Code to install automatic fire sprinklers and other built-in fire protection equipment, as deemed appropriate by the PSFD. In addition, the PSFD strives to meet the National Fire Protection Association (NFPA) Standard 1710 requirements for response time. NFPA 1710 requires that fire departments establish a 6-minute response time for the first-due engine company 90 percent of the time, which includes one 1 for dispatch, 1 minute for "turnout" in the station, and 4 minutes for travel to the incident. NFPA 1710 also requires an 8-minute response 90 percent of the time for a full-alarm assignment.[1]

The PSFD received its most current Insurance Services Office (ISO) rating as a Class 3 in 2012. The ISO rating examines considerations including a fire department's call times, how long it takes them to reach areas, coverage area size, water pressure, extent of hydrants, and fire training. The ISO gives a ranking of 1 through 10, 1 being the best and 10 being no protection at all.

1 Palm Springs 2007 General Plan, Safety Element, 2014.

2. Regulatory Setting

Regional and Local

Agua Caliente Band of Cahuilla Indians Tribal Building and Safety Code

As adopted from the 2016 California Building and Fire Codes, the purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety standards of all buildings and structures on the Reservation. These standards are intended to protect the health, safety, and welfare of the general public from any potential building hazards. All building permit approvals from the Tribe are based on this Code.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have a significant impact on public services, including fire services, if it would:

Threshold 5.8.1-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?**

2. Methodology

Analysis of fire protection services considers response times and other factors, such as available fire flows. Response times to an area have large influences on the ability for a fire department to serve a populated project in a timely and efficient manner.

Therefore, an analysis of response times for fire assists in determining if PSFD can provide adequate service from existing facilities or new facilities is required to determine whether the Project will result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

3. Project Impacts

Threshold 5.8.1-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?**

The Project would not create impacts that would require new fire facilities and impacts would be less than significant. The Project Site is currently served by PSFD Station No. 1, located at 277 North Indian Canyon Drive, approximately 200 feet west of the Project Site.

The Master Plan would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet to 200,000 square feet as well as the development and replacement of up to 350 new hotel rooms within a maximum 510,000 square feet of hotel space, to replace a previous 229 room hotel that was in operation until 2014. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed use/cultural/retail space, 40,000 square feet of a spa/fitness center, and approximately 650 parking spaces that complements and provides incidental benefit to the Spa Resort Casino. These facilities would be primarily built on vacant land and the surface parking lots within the Project Site, but would also replace the existing Post Office. These allowed uses may incrementally and indirectly, increase the population of the area served by the PSFD.

It should be noted that funds, as described in Section 4.3 of the 2016 Compact, are collected by the State from gaming device proceeds at tribal gaming operations. An approved use of such funds consists of "[g]rants…for the support of State and local agencies impacted by tribal government gaming…."[2] Historically, the Tribe has made substantial contributions to fire entities in the communities in which it operates commercial enterprises, including the City. For the years 2003–2016, Tribal charitable donations to the PSFD and Firemen's Association was approximately $245,000.[3] The Tribe will continue to undertake appropriate consultation with the PSFD for the Project, and continue to contribute funds in accordance with Section 4.3 of the Compact and plans to make charitable donations to the PSFD. As described below, the Project would not require the expansion of existing fire department facilities to maintain response times and performance objectives.

Consistent with the Tribal Building and Safety Code, the Project will be required to provide approved final fire-flow plans to the Tribal Fire Marshal, which include fire-flow requirements for commercial projects

2 Tribal-State Compact Between the State of California and the Agua Caliente Band of Cahuilla Indians, dated August 4, 2016, Section 4.3.1.

3 Information generated by the Tribe (2016).

based on square footage and on intensity of use. Additionally, the fire flow requirements factor the type of construction associated with development of the structures. Consistent with the Tribal Building and Safety Code, the Tribe will also provide final fire-flow plans to the Tribal Fire Marshal ensuring that all water mains and fire hydrants providing required fire flows would be constructed in accordance with the appropriate development schedule sections of the Tribal Building and Safety Code.

In addition to the permanent closure of the public streets located within the Project Site, construction activities associated with the Project may result in temporary and partial closures of public roads surrounding the Project Site, including Amado Road, Calle Encilia, Indian Canyon Drive, Andreas Road, and Calle El Segundo. However, the Project would not interfere with PSFD's accessibility to the surrounding uses along these roadways, as the Project would be required to install fire hydrants, as well as the provision of adequate emergency access, including ingress and egress points, for emergency services in accordance with the Tribal Building and Safety Code standard. Any such closures would be temporary in nature and would be coordinated with the Tribe's Planning and Development Department, the City's Public Works and Engineering Department, and/or the PSFD. Project development would not impair implementation of or physically interfere with the City of Palm Springs Emergency Response Plan and Local Hazard Mitigation Plan (LHMP).[4]

As previously described, the PSFD responded to 9,320 calls for service in 2014. The replacement of the hotel and expansion of the Spa Resort Casino, additional meeting space, mixed-use/cultural/retail space, and spa/fitness center would not substantially increase the number of calls for service. Furthermore, based on the relatively short distance from PSFD Station No. 1 to the Project Site approximately 200 feet to the west, fire protection response time would be within the City's 5-minute standard. Based on the foregoing and compliance with the Tribal Building and Safety Code, impacts to fire resources would be less than significant.

4. Cumulative Impacts

Cumulative impacts would be less than significant to fire facilities. Related projects within the Reservation, or within the City could contribute to a potentially significant adverse cumulative impact on PSFD's fire protection services and their ability to provide acceptable response times. These impacts would include increased numbers of emergency and public service calls due to the increased presence of structures, traffic volume, and people within the area. Development projects within the City would be reviewed by the City and PSFD, and payment of fees, as appropriate, would be required to minimize impacts to local

4 City of Palm Springs, *General Plan,* "Safety Element" (2007).

fire services. Therefore, implementation related projects would not adversely impact future demand on fire protection services provided by PSFD. Accordingly, cumulative impacts would be less than significant.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

Compliance with existing Tribal Building and Safety Code and Tribal Fire Marshal requirements would ensure potential impacts associated with fire protection services are less than significant. Cumulative impacts would also result in less than significant impacts on fire protection services.

5.8.2 LAW ENFORCEMENT

This Section evaluates the potential for the Project to impact police services provided by the Palm Springs Police Department (PSPD) to the extent that construction of new facilities is required. See **Section 9.0** for definitions of terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Law enforcement responsibilities for Native American tribes are defined under federal legislation signed into law in 1953. This legislation, Public Law 83-280, commonly referred to as PL 280, transferred certain criminal and civil jurisdiction from the federal government to states. California is a Public Law 280 state which means that local law enforcement has criminal jurisdiction on the Reservation. In this case, the PSPD has criminal jurisdiction on the Project Site. The PSPD offers response service, criminal investigation, traffic enforcement, and preventive patrol services throughout the City.

The PSPD headquarters is located approximately 1.8 miles east of the Project Site. The PSPD divides the City into six beats for purposes of providing patrol services: Beats 1 through 6. The Project Site is located within Beat 3.

The PSPD is divided into two divisions, Operations and Services, and is authorized 93 sworn police officer positions, which includes the Chief, 2 Captains, 4 Lieutenants, 14 Sergeants, and 72 Officers.[1] Operations include patrols, jail and airport operations. Services include investigation, records, animal control, and communications. The Palm Springs 2007 General Plan also has a goal to maintain a ratio of 1 sworn police officer per 1,000 residents in the City.[2] The City has a population of 46,654 as of January 2016;[3] therefore, based on the total number of authorized sworn officers, the City currently has a ratio of 1.99 sworn police officers per 1,000 people.[4]

The desired response times for priority one calls (emergencies) and priority two calls (non emergencies) are 5 minutes and 30 minutes, respectively. The PSPD has mutual-aid agreements with other local law enforcement agencies in the event of a major incident that exceeds the PSPD's resources. In 2014, the

1 City of Palm Springs, Frequently Asked Questions, http://www.palmspringsca.gov/government/departments/police/faqs, accessed December 13, 2016.
2 City of Palm Springs General Plan, "Safety Element", 2007.
3 Department of Finance, 2016 City Population Rankings, http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/, accessed November 2, 2016.
4 (93 sworn police officers/ 46,654 City residents = 0.001993 x 1,000 = 1.99 sworn police officers per 1,000 residents)

Police Department responded to 61,548 calls for service.[5] In the last 6 months, from June 15th to December 12th, the existing casino received 33 calls for service of which 15 were property, 4 were violent, and 14 affected quality of life.[6]

2. Regulatory Setting

Local

Palm Springs General Plan

The Safety Element of the City's General Plan includes policies related to the police protection services that are needed to support the City.[7] It identifies the formulation of the City's police protection services, the station that services the City, general statistics of the police force, programs that are currently in place and the plans to expand existing police services based on the City's continued growth and development. The Safety Element also expands on factors that affect the effectiveness of police protection in the City.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impacts on public services, including law enforcement services, if it would:

Threshold 5.8.2-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?**

2. Methodology

Analysis of police services incorporates a review of response times and officer-to-population service ratios. Response times to an area influence the ability for law enforcement to serve a population, city, or other populated area in a timely and efficient manner. Police officers are typically mobile, which allows them to respond more quickly than if they were stationed at one particular place.

5 Palm Springs Police Department, Service Report 2014, http://www.palmsprings-ca.gov/home/showdocument?id=35951.
6 City of Palm Springs, Crime Map, http://www.palmspringsca.gov/government/departments/police/crime-map. Accessed December 12, 2016.
7 City of Palm Springs General Plan, "Safety Element", 2007.

Law enforcement agencies also use standardized officer-to-population ratios to determine if they are capable of providing adequate service to an area. If a new development is built and the population in the area is increased, the local law enforcement agency's ability to properly provide service to the area may be affected.

3. Project Impacts

Threshold 5.8.2-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?**

The Project would result in less than significant impacts and no new police facilities would be required. The Master Plan would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet to 200,000 square feet as well as the development and replacement of up to 350 new hotel rooms within a maximum 510,000 square feet of hotel space to replace a previous 229 room hotel that was in operation until 2014. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed use/cultural/retail space, 40,000 square feet of a spa/fitness center, and approximately 650 parking spaces. These facilities would be primarily built on vacant land and the surface parking lots within the Project Site, but would also replace the existing Post Office. These allowed uses may incrementally, indirectly increase the population, which may increase the demand for law enforcement services.

As discussed in **Section 5.7, Population and Housing,** the Project would generate approximately 935 additional employees which would be consistent with the employment projections per SCAG. When the Project will be completed, in 2026, the City is projected to have a population of approximately 50,707 people.[8] For analysis purposes, it is assumed that the incremental increase from 935 employees in potential indirect population growth, would be accounted for in SCAG's projections. Based on this information, the City's officer to resident ratio in 2026, without the addition of sworn police officers, would be 1.83 sworn police officers per 1,000 residents,[9] well above the threshold of 1 sworn police officer per 1,000 residents. The Project would not require additional sworn police officers or additional Police facilities. Therefore, impacts would be considered less than significant.

8 SCAG RTP 2016 Growth Forecast, by City; Economic & Planning Systems.

9 (93 sworn police officers/ 50,707 City residents = 0.001834 x 1,000 = 1.83 sworn police officers per 1,000 residents).

Additionally, as described in Section 4.3 of the Tribal-State Gaming Compact, funds would be provided to pay for additional services. These funds are collected by the State from gaming device proceeds at tribal gaming operations. An approved use of such funds consists of "[g]rants…for the support of State and local agencies impacted by tribal government gaming…."[10] Historically, the Tribe has also made substantial contributions to police agencies in the communities in which it operates commercial enterprises, including the City. For the years 2003-2016, Tribal charitable donations to the PSPD and related associations/groups was approximately $421,000.[11] The Tribe would continue to contribute funds in accordance with Section 4.3 of the Compact and plans to make charitable donations to the PSPD. As a result, impacts would remain less than significant.

4. Cumulative Impacts

Cumulative impacts to police facilities would be less than significant. Related projects within the Reservation, or within the City could result in a cumulative impact on the PSPD's emergency and non-emergency services and their ability to provide acceptable response times. These impacts would include increased numbers of requests for law enforcement services due to the increased presence of structures, traffic volume, and people within the area. Development projects within the City would be reviewed by the City and the PSPD and payment of development fees, as appropriate, would be made to minimize impacts to local police services. Therefore, implementation of related projects would not adversely impact future demand on law enforcement services provided by the PSPD. Accordingly, cumulative impacts would be less than significant.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

No significant project or cumulative impacts have been identified and no Mitigation Measures are necessary.

10 Tribal-State Compact Between the State of California and the Agua Caliente Band of Cahuilla Indians, dated August 4, 2016, Section 4.3.1.

11 Information generated by the Tribe (2016).

5.9 TRAFFIC AND TRANSPORTATION

This Section of the Draft TEIR evaluates the potential for the Project to result in transportation and traffic impacts within the Coachella Valley, the Reservation, the City, and surrounding communities. Information from the following study of the Project Site and surrounding area is incorporated into this Section:

- *Traffic Study for the Vision Agua Caliente Master Plan,* Gibson Transportation Consulting Inc., December 2016.

A complete copy of this study is included in the Technical Appendices to this Draft TEIR (**Appendix 5.9**). Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Regional Access

The Project Site is located within the westerly portion of the Coachella Valley, which is separated from the Greater Los Angeles Area to the northwest by the San Gorgonio Pass, through which the I-10 and the Union Pacific Railroad are the major transportation corridors. The Project Site is located in the City of Palm Springs which is situated between the San Jacinto Mountains to the west and Cathedral City to the east.

Regional access in the Coachella Valley is provided by I-10, which provides access through the valley from the northwest to the southeast. I-10 extends from western Los Angeles County, through San Bernardino County and Riverside County to the east across Arizona and the rest of the United States.

Regional access to the Project Site is currently available from State Route 111 (SR 111), which provides access from I-10 into Palm Springs along Palm Canyon Drive. At Vista Chino, SR 111 travels east along Vista Chino and then south on Gene Autry Drive until it reconnects with East Palm Canyon. Palm Canyon Drive and Indian Canyon Drive pass directly to the west of the Project Site.

Highways and Local Streets

Highways

The I-10 is located 4 miles northeast of the Project Site. I-10 is currently an eight-lane freeway west of the Monterey Avenue interchange and a six-lane freeway east of this interchange. The posted speed limit on I-10 in the Project vicinity is 70 miles per hour (mph).

SR 111 is located approximately one and a quarter miles north of the Project Site. SR 111 is primarily four lanes, with some portions along Vista Chino having five lanes.

Local Streets

The Palm Springs General Plan identifies the following classifications for streets:

Major Thoroughfare. Major thoroughfares serve mostly through-traffic, with some local access allowed; in most cases, they do not allow on-street parking except in the Downtown. Typically four or more lanes, these roadways form the basic element of the City's circulation system, connecting Palm Springs to regional highways and tying together different areas of the City.

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

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

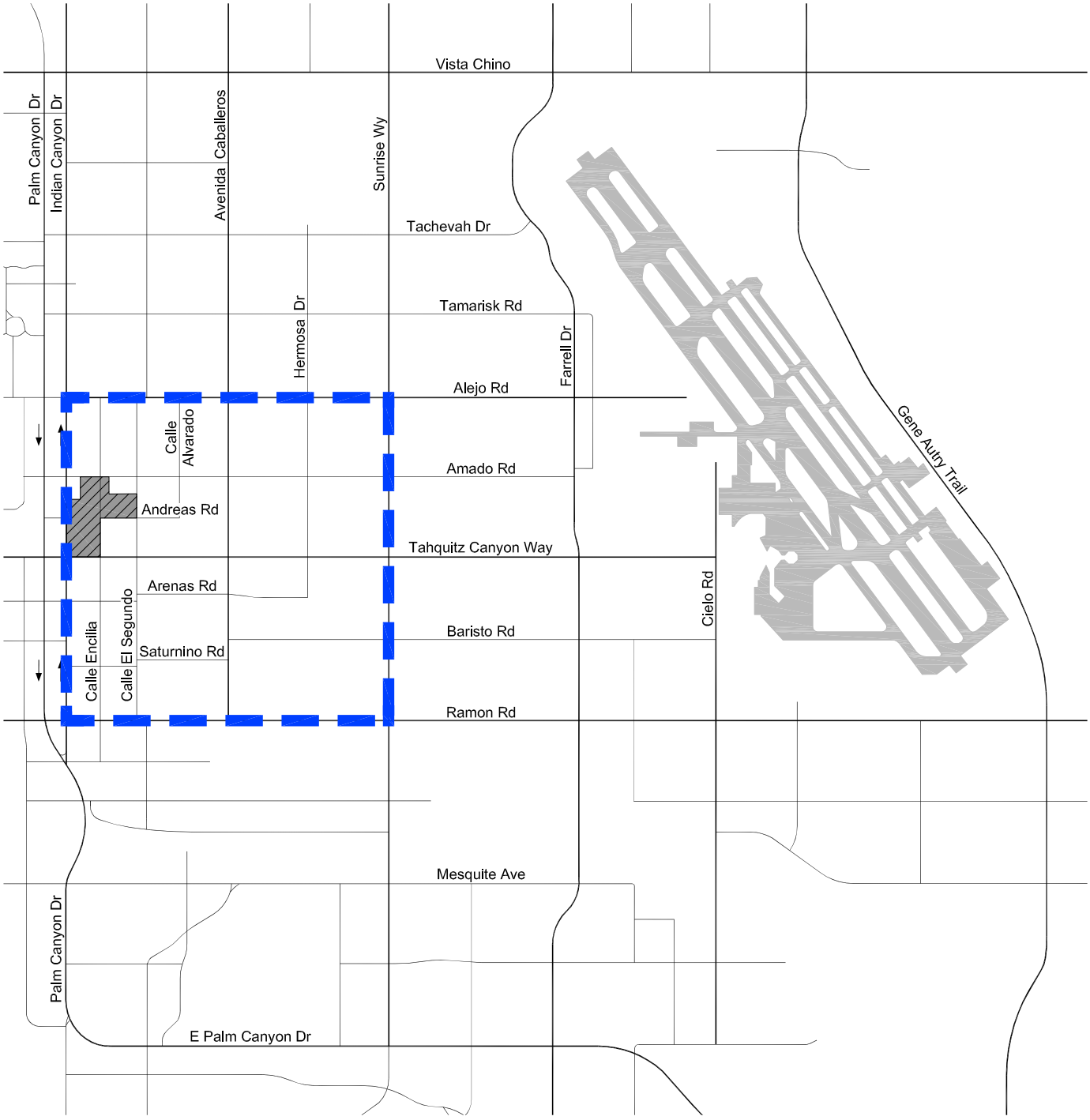
Local and Private Streets. These types of streets primarily provide access to individual parcels of land. Minimum right-of-way is 50 feet for public local streets. Typical street widths for local public and private streets is 36 feet.

Additionally, the Section 14 Specific Plan reclassified several streets within the Section 14 as "modified secondary thoroughfares", which allow allocation of more of the public right-of-way for pedestrians and bicycles and can accommodate angled on-street parking. Modified secondary thoroughfares typically provide 80 feet of right-of-way with street widths of 64 feet. They provide one travel lane in each direction, a center two-way left-turn lane, bicycle lanes, and on-street parking.

Study Area Streets

Based on a consultation with the City of Palm Springs, the location of the Project Site, the configuration of the roadway network near the Project Site, the amount of traffic the proposed uses would generate, and existing and projected traffic conditions, a "Study Area" was defined to identify the traffic impacts of the Project.

Palm Canyon Drive is a major thoroughfare that runs north–south along the west edge of the Study Area, as shown in **Figure 5.9-1, Traffic Study Area,** before turning east and running east–west along the south edge of the Study Area as East Palm Canyon Drive.



SOURCE: Gibson Transportation Consulting – December 2016

FIGURE **5.9-1**

Traffic Study Area

097-002-16

It provides four lanes of two-way traffic north of Alejo Road and south of Indian Canyon Drive, as well as along the length of East Palm Canyon Drive. Between Alejo Road and Indian Canyon Drive, it provides three lanes of one-way, southbound travel through Downtown Palm Springs. Parking is generally permitted on both sides of Palm Canyon Drive and is unavailable on East Palm Canyon Drive. Beyond the limits of the Study Area, Palm Canyon Drive/East Palm Canyon Drive is designated as SR 111.

Indian Canyon Drive is a major thoroughfare that runs north/south parallel to, and one block east of, Palm Canyon Drive. It provides four lanes of two-way traffic north of Alejo Road and four lanes of one-way northbound travel south of Alejo Road through Downtown Palm Springs. On-street parking is generally permitted on both sides of the street. Indian Canyon Drive provides access to I-10.

Calle Encilia is a collector street traveling north–south between Alejo Road and Ramon Road; however, between Amado Road and Tahquitz Canyon Way it is designated a local street. Calle Encilia provides two lanes and on-street bicycle lanes and it currently runs through the middle of the Project Site, though the Project would fully remove the portion of Calle Encilia between Amado Road and Andreas Road, and also would remove the western half of the street between Andreas Road and Tahquitz Canyon Way. The stretch of Calle Encilia between Amado Road and Tahquitz Canyon Way is designated a local street. On-street parking is permitted where space allows between the bicycle lanes and the edge of the paved roadway.

Calle El Segundo is a collector street traveling north–south between Alejo Road and Ramon Road. It provides two or four lanes and on-street parking is permitted on both sides of the street. It runs adjacent to the eastern edge of the existing Spa Resort Casino between Andreas Road and Amado Road.

Avenida Caballeros is a modified secondary thoroughfare running north–south through the Study Area north of Ramon Road. It provides two lanes and on-street bicycle lanes. On-street parking is generally permitted on both sides of the street.

Sunrise Way is a major thoroughfare running north–south through the Study Area. It provides four lanes and a center two-way left-turn lane. On-street parking is not permitted.

Alejo Road is a secondary thoroughfare running east–west through the Study Area. It provides on-street bicycle lanes or sharrows. It provides two travel lanes, and on-street parking is generally permitted on both sides of the street.

Amado Road is a modified secondary thoroughfare within Section 14 (between Indian Canyon Drive and Sunrise Way), and a collector street east of Sunrise Way. Amado Road generally provides two travel lanes. On-street parking is generally permitted on both sides of the street.

Andreas Road is a local street running east–west between Palm Canyon Drive and Calle Alvarado, just east of Calle El Segundo. It provides two lanes and permits on-street parking on both sides. It currently runs through the middle of the Project Site, though the Project would fully remove the portion of Andreas Road between Indian Canyon Drive and Calle Encilia and would remove the northern half of the street between Calle Encilia and Calle El Segundo.

Tahquitz Canyon Way is a major thoroughfare running east–west through the Study Area, terminating at the Palm Springs International Airport at El Cielo Road. It provides four lanes with a center median. It provides on-street bicycle lanes or sharrows in both directions. On-street parking is permitted on both sides of the street west of Calle El Segundo, but is not permitted to the east.

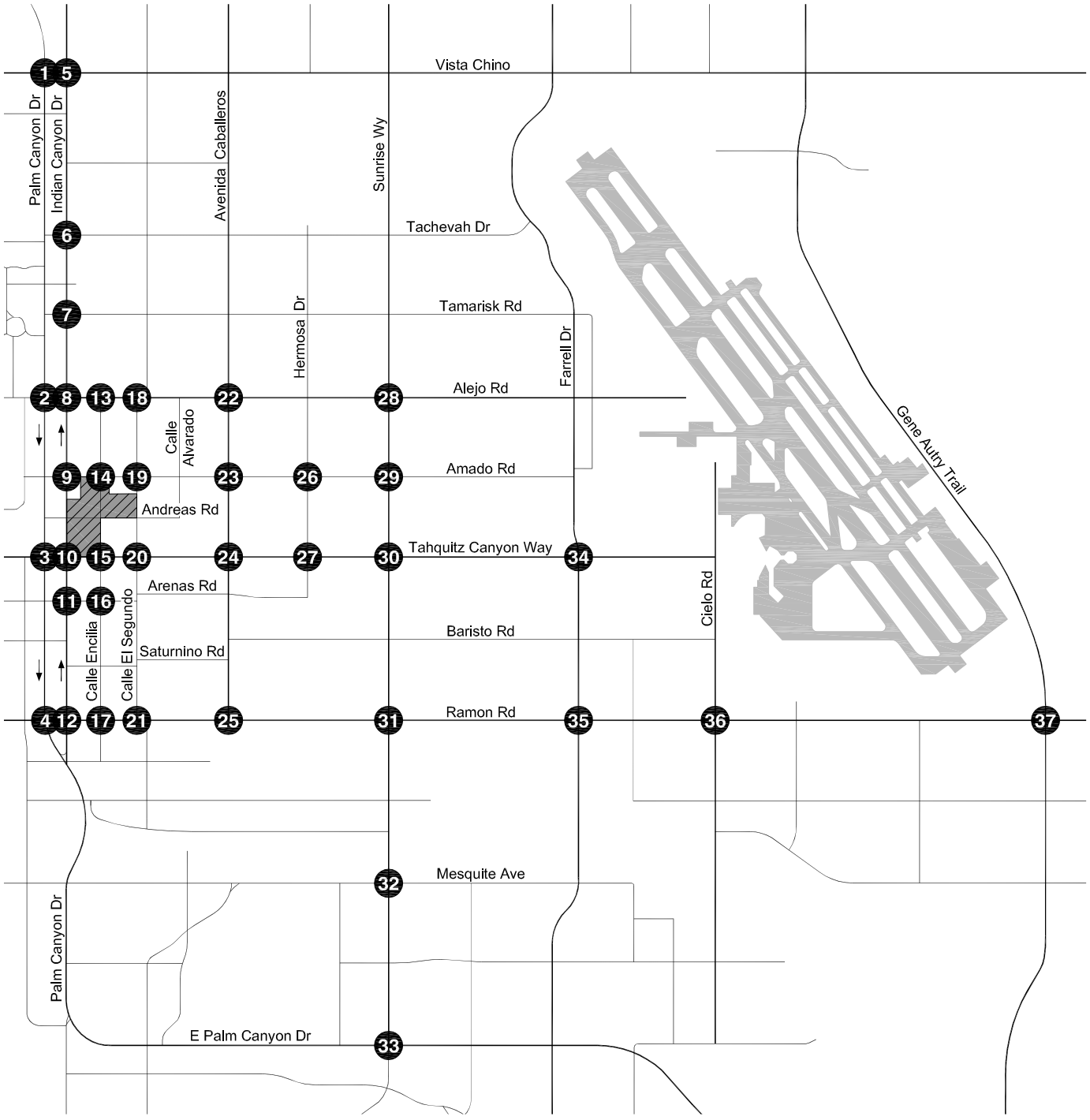
Arenas Road is a modified secondary thoroughfare running east–west from west of Palm Canyon Drive to east of Avenida Caballeros. It provides two lanes and on-street parking is permitted on both sides.

Ramon Road is a major thoroughfare running east–west through the Study Area. It provides four travel lanes and a center two-way left-turn lane. On-street parking is generally permitted west of Sunrise Way, but seldom used.

Traffic Study Intersections

The Project Site is bounded by four of the roadways described above: Amado Road to the north, Calle El Segundo to the east, Tahquitz Canyon Way to the south, and Indian Canyon Drive to the west.

For purposes of analysis, the Traffic Study looked at intersections as well as street segments. The locations of the study intersections are shown on **Figure 5.9-2, Study Area Intersections.**



SOURCE: Gibson Transportation Consulting – December 2016

FIGURE **5.9-2**

Study Area Intersections

097-002-16

The 37 existing intersections in this Study Area include:

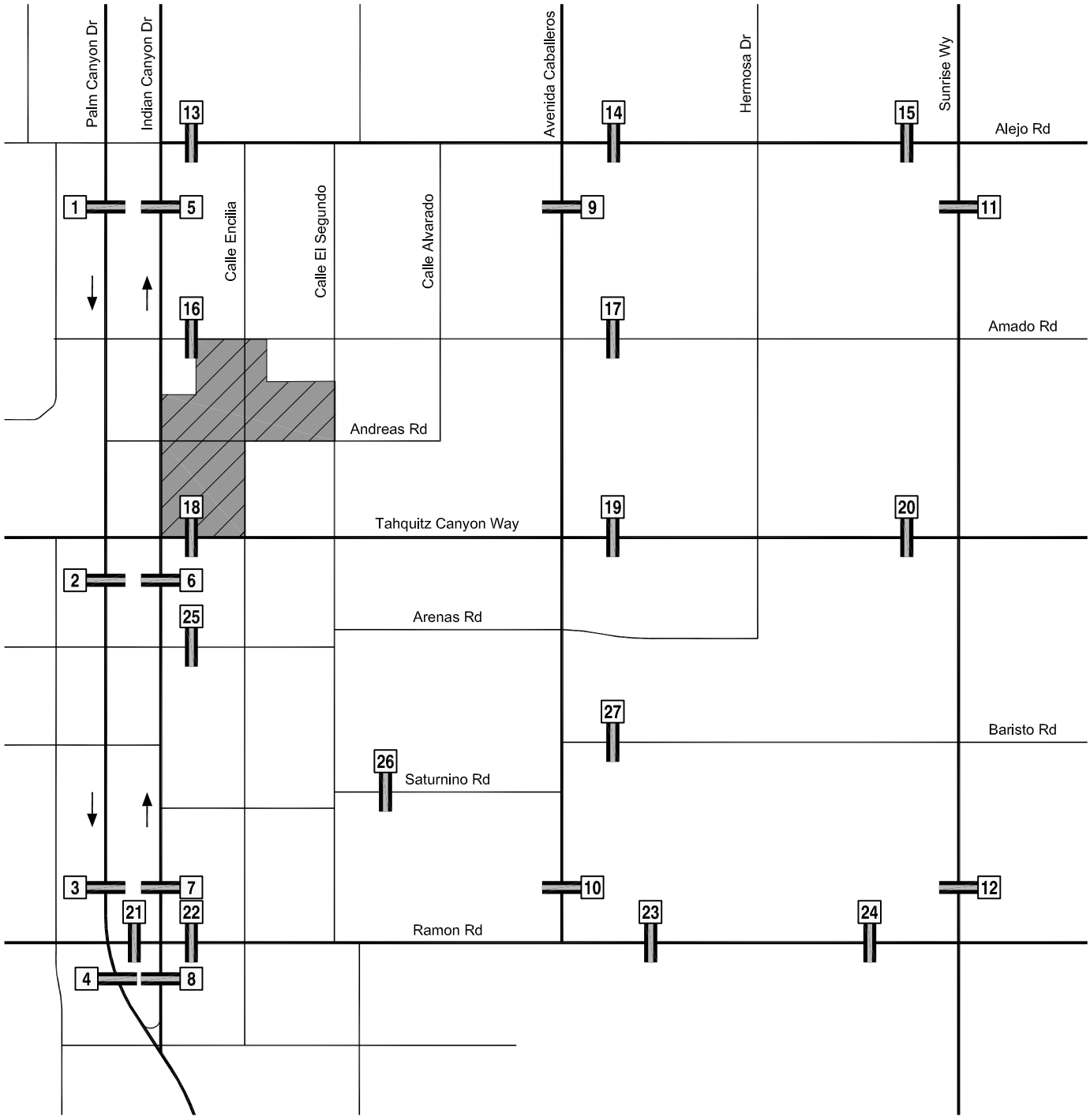
1. Palm Canyon Drive and Vista Chino Road
2. Palm Canyon Drive and Alejo Road
3. Palm Canyon Drive and Tahquitz Canyon Way
4. Palm Canyon Drive and Ramon Road
5. Indian Canyon Drive and Vista Chino
6. Indian Canyon Drive and Tachevah Drive
7. Indian Canyon Drive and Tamarisk Road
8. Indian Canyon Drive and Alejo Road
9. Indian Canyon Drive and Amado Road
10. Indian Canyon Drive and Tahquitz Canyon Way
11. Indian Canyon Drive and Arenas Road
12. Indian Canyon Drive and Ramon Road
13. Calle Encilia and Alejo Road (two-way stop controlled location)
14. Calle Encilia and Amado Road (all-way stop controlled location)
15. Calle Encilia and Tahquitz Canyon Way
16. Calle Encilia and Arenas Road (all-way stop controlled location)
17. Calle Encilia and Ramon Road
18. Calle El Segundo and Alejo Road (two-way stop controlled location)
19. Calle El Segundo and Amado Road (all-way stop controlled location)
20. Calle El Segundo and Tahquitz Canyon Way
21. Calle El Segundo and Ramon Road (two-way stop controlled location)
22. Avenida Caballeros and Alejo Road (all-way stop controlled location)
23. Avenida Caballeros and Amado Road (all-way stop controlled location)
24. Avenida Caballeros and Tahquitz Canyon Road
25. Avenida Caballeros and Ramon Road
26. Hermosa Drive and Amado Road (two-way stop controlled location)
27. Hermosa Drive and Tahquitz Canyon Way (two-way stop controlled location)
28. Sunrise Way and Alejo Road
29. Sunrise Way and Amado Road
30. Sunrise Way and Tahquitz Canyon Way
31. Sunrise Way and Ramon Road
32. Sunrise Way and Mesquite Avenue
33. Sunrise Way and East Palm Canyon Drive
34. Farrell Drive and Tahquitz Canyon Way
35. Farrell Drive and Ramon Road
36. El Cielo Road and Ramon Road
37. Gene Autry Trail/SR 111 and Ramon Road

Additionally, the Traffic Study included street segments as shown on **Figure 5.9-3, Study Area Street Segments.** The 27 analyzed street segments in this Study Area include:

1. Indian Canyon Drive south of Alejo Road
2. Indian Canyon Drive south of Tahquitz Canyon Way
3. Indian Canyon Drive north of Ramon Road
4. Indian Canyon Drive south of Ramon Road
5. Avenida Caballeros south of Alejo Road
6. Avenida Caballeros north of Ramon Road
7. Alejo Road east of Indian Canyon Drive
8. Alejo Road east of Avenida Caballeros
9. Amado Road east of Indian Canyon Drive
10. Amado Road east of Avenida Caballeros
11. Tahquitz Canyon Way east of Indian Canyon Drive
12. Tahquitz Canyon Way east of Avenida Cavalleros
13. Arenas Road east of Indian Canyon Drive
14. Ramon Road east of Indian Canyon Drive
15. Ramon Road east of Avenida Caballeros
16. Palm Canyon Drive south of Alejo Road
17. Palm Canyon Drive south of Tahquitz Canyon
18. Palm Canyon Drive north of Ramon Road
19. Palm Canyon Drive south of Ramon Road
20. Sunrise Way south of Alejo Road
21. Sunrise Way north of Ramon Road
22. Alejo Road west of Sunrise Way
23. Tahquitz Canyon Way west of Sunrise Way
24. Baristo Road east of Avenida Caballeros
25. Saturnino Road east of Calle El Segundo
26. Ramon Road between Palm Canyon Drive and Indian Canyon Drive
27. Ramon Road west of Sunrise Way

Existing Traffic Conditions

Existing peak hour turning movement traffic volumes for the intersections and the 24-hour volumes for the street segments were analyzed for May 2016. The turning movement counts collected in May 2016 at the analyzed intersections and street segments were increased by 10 percent to represent peak winter conditions.



SOURCE: Gibson Transportation Consulting – December 2016

FIGURE **5.9-3**

Study Area Street Segments

Existing weekday midday and evening peak-hour level of service (LOS) for intersections are provided in **Table 5.9-1 Existing Intersection Conditions (Year 2016)**. Out of the 37 analyzed intersections, 36 intersections currently operate at LOS C or better during both analyzed peak hours. Intersection No. 21, Calle El Segundo and Ramon Road, operates at LOS E during the evening peak hour. That intersection is currently unsignalized, and the methodology for analysis of unsignalized intersections reports the worst-case delay experienced at any movement through the intersection. Given that traffic on Ramon Road is not stopped (and therefore experiences no delay through the intersection), the worst-case delay is experienced by the relatively small volume of vehicles turning left from Calle El Segundo to Ramon Road.

As shown in Table 7 of the traffic study in **Appendix 5.9**, all 27 analyzed street segments currently operate at LOS C or better.

Table 5.9-1
Existing Intersection Conditions (Year 2016)

No.	Intersection	V/C	LOS
	Palm Canyon Drive and Vista Chino Road		
1	Midday Peak Hour	17.3	B
	Evening Peak Hour	16.1	B
	Palm Canyon Drive and Alejo Road		
2	Midday Peak Hour	17.7	B
	Evening Peak Hour	17.2	B
	Palm Canyon Drive and Tahquitz Canyon Way		
3	Midday Peak Hour	16.7	B
	Evening Peak Hour	13.2	B
	Palm Canyon Drive and Ramon Road		
4	Midday Peak Hour	15.8	B
	Evening Peak Hour	18.1	B
	Indian Canyon Drive and Vista Chino		
5	Midday Peak Hour	20.4	C
	Evening Peak Hour	20.1	C
	Indian Canyon Drive and Tachevah Drive		
6	Midday Peak Hour	8.8	A
	Evening Peak Hour	8.2	A
	Indian Canyon Drive and Tamarisk Road		
7	Midday Peak Hour	4.0	A
	Evening Peak Hour	3.0	A
	Indian Canyon Drive and Alejo Road		
8	Midday Peak Hour	17.1	B

No.	Intersection	V/C	LOS
	Evening Peak Hour	17.7	B
	Indian Canyon Drive and Amado Road		
9	Midday Peak Hour	7.0	A
	Evening Peak Hour	6.8	A
	Indian Canyon Drive and Tahquitz Canyon Way		
10	Midday Peak Hour	13.3	B
	Evening Peak Hour	16.1	B
	Indian Canyon Drive and Arenas Road		
11	Midday Peak Hour	6.1	A
	Evening Peak Hour	7.4	A
	Indian Canyon Drive and Ramon Road		
12	Midday Peak Hour	16.2	B
	Evening Peak Hour	15.2	B
	Calle Encilia and Alejo Road (two-way stop controlled location)		
13	Midday Peak Hour	16.4	C
	Evening Peak Hour	16.4	C
	Calle Encilia and Amado Road (all-way stop controlled location)		
14	Midday Peak Hour	11.0	B
	Evening Peak Hour	10.7	B
	Calle Encilia and Tahquitz Canyon Way		
15	Midday Peak Hour	12.1	B
	Evening Peak Hour	13.1	B
	Calle Encilia and Arenas Road (all-way stop controlled location)		
16	Midday Peak Hour	12.3	B
	Evening Peak Hour	14.2	B
	Calle Encilia and Ramon Road		
17	Midday Peak Hour	8.9	A
	Evening Peak Hour	11.6	B
	Calle El Segundo and Alejo Road (two-way stop controlled location)		
18	Midday Peak Hour	13.5	B
	Evening Peak Hour	14.0	B
	Calle El Segundo and Amado Road (all-way stop controlled location)		
19	Midday Peak Hour	9.2	A
	Evening Peak Hour	9.3	A
	Calle El Segundo and Tahquitz Canyon Way		
20	Midday Peak Hour	8.1	A
	Evening Peak Hour	8.7	A

No.	Intersection	V/C	LOS
	Calle El Segundo and Ramon Road (two-way stop-controlled location)		
21	Midday Peak Hour	24.1	C
	Evening Peak Hour	**35.5**	**E**
	Avenida Caballeros and Alejo Road (all-way stop-controlled location)		
22	Midday Peak Hour	12.2	B
	Evening Peak Hour	15.9	C
	Avenida Caballeros and Amado Road (all-way stop-controlled location)		
23	Midday Peak Hour	10.3	B
	Evening Peak Hour	10.9	B
	Avenida Caballeros and Tahquitz Canyon Road		
24	Midday Peak Hour	14.1	B
	Evening Peak Hour	14.6	B
	Avenida Caballeros and Ramon Road		
25	Midday Peak Hour	11.0	B
	Evening Peak Hour	9.5	A
	Hermosa Drive and Amado Road		
26	Midday Peak Hour	15.2	C
	Evening Peak Hour	11.8	B
	Hermosa Drive and Tahquitz Canyon Way (two-way stop-controlled location)		
27	Midday Peak Hour	15.4	C
	Evening Peak Hour	14.5	B
	Sunrise Way and Alejo Road		
28	Midday Peak Hour	16.3	B
	Evening Peak Hour	16.6	B
	Sunrise Way and Amado Road		
29	Midday Peak Hour	6.8	A
	Evening Peak Hour	7.7	A
	Sunrise Way and Tahquitz Canyon Way		
30	Midday Peak Hour	25.0	C
	Evening Peak Hour	25.2	C
	Sunrise Way and Ramon Road		
31	Midday Peak Hour	28.9	C
	Evening Peak Hour	28.6	C
	Sunrise Way and Mesquite Avenue		
32	Midday Peak Hour	12.2	B
	Evening Peak Hour	10.1	B
	Sunrise Way and Palm Canyon Drive		
33	Midday Peak Hour	29.1	C

No.	Intersection	V/C	LOS
	Evening Peak Hour	27.5	C
	Farrell Drive and Tahquitz Canyon Way		
34	Midday Peak Hour	26.0	C
	Evening Peak Hour	26.8	C
	Farrell Drive and Ramon Road		
35	Midday Peak Hour	22.2	C
	Evening Peak Hour	23.2	C
	El Cielo Road and Ramon Road		
36	Midday Peak Hour	21.3	C
	Evening Peak Hour	21.3	C
	Gene Autry Trail/SR 111 and Ramon Road		
37	Midday Peak Hour	29.9	C
	Evening Peak Hour	29.0	C

Existing Transportation System

Public Transportation

SunLine Transit Authority ("SunLine") provides public transit service within the Coachella Valley. The Study Area is served by four bus lines, which are listed below:

Route 14 provides service between Palm Spring and Desert Hot Springs north of the I-10. Within the Study Area, Route 14 travels primarily on Tahquitz Canyon Way and Farrell Drive, passing adjacent to the Project Site with a 20-minute headway during the analyzed peak periods.

Route 24 provides service within Palm Springs, traveling primarily on Sunrise Way approximately 0.8 miles east of the Project Site with a 40-minute headway during the analyzed peak periods.

Route 30 provides service between Palm Springs and Cathedral City to the east. Within the Study Area Route 30 travels primarily on Ramon Road approximately 0.5 miles south of the Project Site with a 20-minute headway during the analyzed peak periods.

Route 111 provides service between Palm Springs and Coachella to the east. It travels on Palm Canyon Drive and Indian Canyon Drive within the Study Area, passing adjacent to the Project Site with a 20-minute headways during the analyzed peak periods.

Bicycle Network

The existing bicycle network within the Study Area is made up primarily of Class 1 Bike Paths, Class 2 Bike Lanes, and Class 3 Bike Routes, as described below:

Class 1 Bike Paths are fully separated from vehicular traffic via physical barriers. They may be solely dedicated to bicycles or shared with other non-motorized uses such as jogging. Class 1 Bike Paths are found on Sunrise Way, Sunny Dunes Road, Riverside Drive, and East Palm Canyon Drive east of Farrell Drive.

Class 2 Bike Lanes are striped bicycle lanes on roadways. They may be separated from vehicles or by a painted buffer or may be adjacent to vehicular traffic or parking lanes. Class 2 Bike Lanes are found on Tahquitz Canyon Way, Avenida Caballeros, Alejo Road between Calle El Segundo and Sunrise Way, Baristo Road east of Avenida Caballeros, and El Cielo Road.

Class 3 Bike Routes are facilities where bicycles are intended to share the road with vehicles and/or other users. Sharrows, in which bicycle markings are stenciled into the vehicular travel lanes, are common indicators for Class 3 Bike Routes. Class 3 Bike Routes are found on Indian Canyon Drive north of Tachevah Drive, on Tachevah Drive, on Calle Encilia, on Farrell Drive north of Alejo Road, and on East Palm Canyon Drive west of Farrell Drive.

In addition to these facilities, there are several designated routes for cyclists that generally follow the bike network classification as noted above, or remain on low-volume roadways. Two of these routes, the Downtown Loop and the Las Palmas Loop, pass adjacent to the Project Site.

Railroad Facilities

The UPRR line is located south of I-10, approximately 4 miles northeast of the Project Site. The UPRR provides freight rail service to Riverside County.

Amtrak provides regional passenger rail and bus service in the Coachella Valley. The nearest Amtrak station to the Project Site is located approximately 5 miles north of the Project Site on Indian Canyon Drive. Amtrak provides daily bus connections to and from the San Bernardino Amtrak station for other Riverside County areas.

2. Regulatory Setting

Regional and Local Setting

Congestion Management Program

The Congestion Management Program (CMP) links land use, transportation, and air quality with reasonable growth management methods, strategies and programs that effectively utilize new transportation funds to alleviate traffic congestion and related impacts. The Riverside County Transportation Commission (RCTC) is the designated Congestion Management Agency (CMA) that prepares the Riverside County Congestion Management Program updates in consultation with local agencies, the County of Riverside, transit agencies, and subregional agencies like the Coachella Valley Association of Governments (CVAG).

The RCTC has designated a system of highways and roadways to include (at a minimum) all State Highway facilities within Riverside County and a system of principal arterials as the Congestion Management System (CMS). The following facilities are designated as part of the Riverside CMP System of Highways and Roadways in the Coachella Valley:

- I-10 (San Bernardino County line to State line)
- SR 111 (I-10 to Imperial County line)
- Ramon Road (I-10 to SR 111)

Coachella Valley Regional Arterial Program

The CVAG administers the Coachella Valley Regional Arterial Program, which allocates Measure A and Transportation Uniform Mitigation Fee (TUMF) funds for necessary improvements to the regional transportation system.

Measure A, approved by Riverside County voters in 1988, approved a half-cent increase in sales tax over a 20-year period to be used for transportation purposes. In November 2002, Riverside County voters approved a 30-year extension of Measure “A” (2009–2039). Measure A funds contribute a portion of the cost of transportation system improvements projected to be needed over the next 25 years.

The TUMF program was developed to generate additional funds to fund improvements to the regional arterial roadway system. The TUMF is a development impact assessment that provides funding for transportation improvements required to support new development based on the number of vehicle trips new development will generate. Approximately 55 percent of the funding provided by CVAG consists of TUMF funds with the remainder consisting of Measure A funds. CVAG prepares the Transportation

Project Priority Study (TPPS) 5 five years to determine funding availability for improvements to regional arterials by prioritizing the eligible study segments based on an assessment of the need for improvement.

Available TUMF and Measure A revenues are applied to the TPPS projects in order of priority. Because the project priorities set out in the TPPS control the order of funding, it also generally controls the approximate timeframe for each project.

To conform to CVAG policies, all CVAG member agencies require the construction of adopted road construction standard improvements for missing regional roads segments located adjacent to land development projects.

Palm Springs 2007 General Plan Circulation Element

The Project Site is located within the City of Palm Springs. The circulation element of the general plan has established LOS D as the minimum acceptable standard for intersection and street segment operations.

Section 14 Specific Plan

The Project Site is located within the boundaries of the Section 14 Specific Plan. The Section 14 Specific Plan was jointly prepared by the Tribe and City to assist with the planning process and guide development and infrastructure within the Specific Plan boundaries. When the Specific Plan was updated in 2014, Section 14 contained approximately 141 undeveloped acres. The Specific Plan defined a buildout development scenario for Section 14 that included 1,377,000 square feet (sq. ft.) of commercial space, 2,867 resort hotel rooms, 5,504 residential units, and open space. For traffic impact analysis purposes, the Traffic Study prepared for the 2014 update to the Specific Plan analyzed a program that would generate 30,594 new daily trips, 2,589 new trips during the weekday midday peak hour, and 2,588 new trips during the weekday peak hour. The Traffic Study also identified measures to mitigate the impacts of traffic generated by the development allowed by the Specific Plan. To fund this mitigation, development within the area that would contribute to impacts would participate in the cost sharing program. The Project would share in the costs of these mitigations.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

Riverside County Transportation Commission

The RCTC has jurisdiction over all intersections and segments along the CMP System of Highways and Roadways within Riverside County. The CMP System includes all State highways (I-10 and SR 111) and the following Principal Arterial: Ramon Road (west of I-10). RCTC requires LOS analyses to be conducted using HCM-based methods.

The minimum level of service standard for intersections and roadway segments within the CMP System of Highways and Roadways is LOS E unless the intersection or segment had a lower level of service (LOS F) in 1991 when the baseline CMP data was collected.

City of Palm Springs

The Circulation Element of the City's General Plan calls for the maintenance of LOS D for the Palm Springs circulation network, based on peak-hour intersection operation.

Additionally, the Project is considered to have a significant impact to traffic and transportation, if it would:

Threshold 5.9-1: **Cause an increase in traffic, which 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)?**

Threshold 5.8-2: **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Threshold 5.9-3: **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)**

Threshold 5.9-4: **Result in inadequate emergency access for responders?**

2. Methodology

The following provides an overview of the methodology utilized to conduct the impact analysis presented in this Section.

Trip Generation and Distribution

The Project would allow the expansion of the existing Spa Resort Casino by up to 68,000 sq. ft. to 200,000 sq. ft., as well as the development of up to 350 rooms within a maximum 510,000 sq. ft. of hotel space, 60,000 sq. ft. of meeting space, 50,000 sq. ft. of commercial, cultural, retail space, a 40,000-square-foot spa/fitness center, and 650 parking spaces to replace the hotel and spa facility operated on the site through 2014. These facilities would be primarily built on vacant land and the surface parking lots within the Project Site, but would also replace the existing Post Office.

The number of trips generated by the planned commercial uses will vary by season and peak during the winter months, when tourists and visitors are attracted to the area. The tourist season in the Coachella Valley extends from October through May, with the peak occurring in January. The seasonal influx of part-

year residents begins in October and reverses by April. The number of tourists and part-year seasonal residents decrease substantially after April.

The planned commercial uses would generate an estimated 6,573 daily trips, including 803 during the midday peak hour (429 inbound and 374 outbound) and 824 during the evening peak hour (432 inbound 392 outbound). After accounting for the trips generated by the existing Post Office on the Project Site, the Project would generate a net increase of 5,826 daily trips, including 668 during the midday peak hour (360 inbound and 308 outbound) and 674 during the evening peak hour (356 inbound and 318 outbound).

The geographic distribution of traffic to and from the Project Site is based on the distribution of residential areas where employees and visitors live. Because the Project would draw both local and regional visitors, the roadway network also plays a key part in the projected trip distribution. The distribution of Project traffic is generally consistent with the distribution found in the Section 14 Specific Plan Traffic Study, which was based on the Riverside County Traffic Analysis Model (RivTAM).

Redistribution of Traffic for Street Closures

The Project includes the planned removal of Calle Encilia between Amado Road and Andreas Road and Andreas Road between Indian Canyon Drive and Calle Encilia. With these closures, any existing traffic on Calle Encilia and Andreas Road would be required to permanently reroute. For the purposes of analysis, Calle Encilia traffic was assumed to divert to Calle El Segundo to the east via Amado Road and Andreas Road. Andreas Road traffic was assumed to divert to Amado Road to the north or Tahquitz Canyon Way to the south. The shifted traffic was based on the existing traffic counts on Calle Encilia and the assumption that 50 trips travel in each direction during the peak hours on Andreas Road (where no traffic counts were conducted). These estimates conservatively exclude the fact that much of the traffic traveling on these streets is likely destined for the existing Spa Resort Casino or the Post Office, and therefore would not actually need to divert with removal of the roads.

Analysis Years and Scenarios

Development of the Master Plan, is expected to be completed by the year 2026. To assess the potential Project and cumulative impacts with the development of the Project by 2026, the following scenarios were studied:

Existing Conditions (Year 2016)

Existing with Project Conditions (Year 2016)

Future with Project Conditions (Year 2026)

Future without Project Conditions (Year 2026)

Riverside County Traffic Analysis Model

The RivTAM, completed in May 2009, was developed with the cooperative efforts of the Riverside County Transportation Department (RCTD), Western Riverside Council of Governments (WRCOG), CVAG, RCTC, Southern California Association of Governments (SCAG), and California Department of Transportation (Caltrans).

The SCAG Regional Transportation Model encompasses a large geographic area that consists of the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The RivTAM incorporates a detailed description of Riverside County, while maintaining consistency with the SCAG Regional Model.

RivTAM is intended for use for transportation planning purposes throughout Riverside County by all levels of governmental jurisdiction and by private entities, and as a tool to determine the potential impacts of large development proposals, general plan land use changes, and forecasting for transportation projects.

As in the Section 14 Specific Plan Traffic study, the difference between RivTAM base year (2007) and forecast year (2035) traffic volumes were used to develop annual growth rates for each roadway within the model, which included most of the roadways on which the intersections and segments analyzed in the traffic study are located. These growth rates were applied to the Existing Conditions intersection approach and departure volumes for each peak period as well as the daily street segment volumes to forecast future traffic conditions without the Project.

Highway Capacity Manual

All study intersections were analyzed using the 2000 Highway Capacity Manual[1] (2000 HCM) methodology. The 2000 HCM methodology calculated the average delay, in seconds, experienced by vehicles traveling through the intersection. From this, the delay is used to determine the LOS at each intersection.

Street segment analysis was conducted based on 24-hour volumes using a volume-to-capacity methodology in which the capacity is determined by the classification and number of lanes on each facility. Capacity was determined consistent with the Section 14 Specific Plan Traffic Study.

1 National Research Council, Transportation Research Board, *Highway Capacity Manual*, (Washington, D.C.: 2000).

Level of Service

The 2000 HCM provides the best available techniques for determining capacity, delay, and levels of service for transportation facilities. The relationship between peak-hour intersection control delay and levels of service is shown in **Table 5.9-2, Intersection Level of Service Definitions.**

Table 5.9-2
Intersection Level of Service Definitions

LOS	Average Total Delay per Vehicle (Seconds)		Description
	Signalized	Unsignalized	
A	≤ 10	≤ 10	EXCELLENT. No vehicle wats longer than one red light and no approach phase is fully used.
B	> 10 and ≤ 20	> 10 and ≤ 15	VERY GOOD. An occasional approach phase is fully utilized; many drivers begin to feel somewhat restricted within groups of vehicles.
C	> 20 and ≤ 35	> 15 and ≤ 25	GOOD. Occasionally drivers may have to wait through more than one red light; backups may develop behind turning vehicles.
D	> 35 and ≤ 55	> 25 and ≤ 35	FAIR. Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive backups.
E	> 55 and ≤ 80	> 35.0 and ≤ 50.0	POOR. Represents the most vehicles intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	> 80	> 50	FAILURE. Backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths.

Source: Highway Capacity Manual, Transportation Research Board, 2010.

3. Project Impacts

Threshold 5.9-1 **Cause an increase in traffic, which 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)?**

Construction

The Project would result in less than significant construction traffic impacts with Mitigation. Project construction would generate traffic from construction worker travel, as well from the arrival and departure of trucks delivering construction materials, and the removal of debris generated by on-site

activities. Both the number of construction workers and trucks would vary throughout the construction process to maintain a reasonable schedule of completion.

Project construction is anticipated to occur intermittently over approximately 8 to 10 years. Temporary impacts would occur during the construction of the Project; however, these impacts would be short-term impacts related to noise, dust, and traffic flows as a result of temporary lane closures. To minimize potential temporary traffic flow impacts during construction, a detailed construction traffic management plan(s) shall be prepared and submitted to the Tribe and the City of Palm Springs for review and approval as required by **Mitigation Measure MM 5.9-1.** The detailed construction traffic management plan would substantially reduce the temporary short term construction related traffic impacts to a level of less than significant.

Operation

Existing Conditions plus Project

The Project would contribute its fair share of fees to help mitigate existing impacts at Calle El Segundo and Ramon Road, and impacts would be mitigated to less than significant. The evaluation of peak hour traffic operations at the 37 key intersections in terms of control delay and LOS are summarized in **Table 5.9-3 Existing Intersection plus Project Conditions (Year 2016)**. All but one of the 37 analyzed intersections, would operate at LOS D or better. Intersection No. 21, Calle El Segundo and Ramon Road, would operate at LOS E during the evening peak hour. However, this intersection currently operates at LOS E during the evening peak hour and therefore is already deficient prior to the addition of Project traffic. Additionally, the intersection is currently unsignalized and therefore the reported delay is based on the worst-case traffic movement at the intersection: southbound left turns from Calle El Segundo to Ramon Road.

As shown in Table 14 of the traffic study in **Appendix 5.9**, there was only one change in the LOS between with and without Project conditions at Street Segment No. 5, from LOS A to LOS B, and all of the other 26 street segments had no change in LOS. All of the analyzed street segments would operate at LOS C or better. Therefore, no mitigation is required.

Table 5.9-3
Existing Intersection plus Project Conditions (Year 2016)

No.	Intersection	Without Project V/C	LOS	With Project V/C	LOS	Change in Delay V/C	Impact?
	Palm Canyon Drive and Vista Chino Road						
1	Midday Peak Hour	17.3	B	17.4	B	0.1	No
	Evening Peak Hour	16.1	B	16.5	B	0.4	No
	Palm Canyon Drive and Alejo Road						
2	Midday Peak Hour	17.7	B	18.0	B	0.3	No
	Evening Peak Hour	17.2	B	17.5	B	0.3	No
	Palm Canyon Drive and Tahquitz Canyon Way						
3	Midday Peak Hour	16.7	B	17.7	B	1.0	No
	Evening Peak Hour	13.2	B	14.0	B	0.8	No
	Palm Canyon Drive and Ramon Road						
4	Midday Peak Hour	15.8	B	15.5	B	(0.3)	No
	Evening Peak Hour	18.1	B	17.7	B	(0.4)	No
	Indian Canyon Drive and Vista Chino						
5	Midday Peak Hour	20.4	C	20.4	C	0	No
	Evening Peak Hour	20.1	C	20.2	C	0.1	No
	Indian Canyon Drive and Tachevah Drive						
6	Midday Peak Hour	8.8	A	8.4	A	(0.4)	No
	Evening Peak Hour	8.2	A	7.8	A	(0.4)	No
	Indian Canyon Drive and Tamarisk Road						
7	Midday Peak Hour	4.0	A	3.8	A	(0.2)	No
	Evening Peak Hour	3.0	A	2.8	A	(0.2)	No
	Indian Canyon Drive and Alejo Road						
8	Midday Peak Hour	17.1	B	17.7	B	0.6	No
	Evening Peak Hour	17.7	B	18.3	B	0.6	No
	Indian Canyon Drive and Amado Road						
9	Midday Peak Hour	7.0	A	7.9	A	0.9	No
	Evening Peak Hour	6.8	A	7.7	A	0.9	No
	Indian Canyon Drive and Tahquitz Canyon Way						
10	Midday Peak Hour	13.3	B	14.0	B	0.7	No
	Evening Peak Hour	16.1	B	17.1	B	1.0	No
	Indian Canyon Drive and Arenas Road						
11	Midday Peak Hour	6.1	A	5.9	A	(0.2)	No
	Evening Peak Hour	7.4	A	7.2	A	(0.2)	No

No.	Intersection	Without Project V/C	LOS	With Project V/C	LOS	Change in Delay V/C	Impact?
	Indian Canyon Drive and Ramon Road						
12	Midday Peak Hour	16.2	B	16.2	B	0	No
	Evening Peak Hour	15.2	B	15.1	B	(0.1)	No
	Calle Encilia and Alejo Road (two-way stop controlled location)						
13	Midday Peak Hour	16.4	C	18.8	C	2.4	No
	Evening Peak Hour	16.4	C	18.5	C	2.1	No
	Calle Encilia and Amado Road (all-way stop controlled location)						
14	Midday Peak Hour	11.0	B	12.2	B	1.2	No
	Evening Peak Hour	10.7	B	11.5	B	0.8	No
	Calle Encilia and Tahquitz Canyon Way						
15	Midday Peak Hour	12.1	B	11.6	B	(0.5)	No
	Evening Peak Hour	13.1	B	12.8	B	(0.3)	No
	Calle Encilia and Arenas Road (all-way stop controlled location)						
16	Midday Peak Hour	12.3	B	12.3	B	0	No
	Evening Peak Hour	14.2	B	14.2	B	0	No
	Calle Encilia and Ramon Road						
17	Midday Peak Hour	8.9	A	8.6	A	(0.3)	No
	Evening Peak Hour	11.6	B	11.4	B	(0.2)	No
	Calle El Segundo and Alejo Road (two-way stop controlled location)						
18	Midday Peak Hour	13.5	B	14.6	B	1.1	No
	Evening Peak Hour	14.0	B	15.0	B	1.0	No
	Calle El Segundo and Amado Road (all-way stop controlled location)						
19	Midday Peak Hour	9.2	A	17.0	C	7.8	No
	Evening Peak Hour	9.3	A	21.8	C	12.5	No
	Calle El Segundo and Tahquitz Canyon Way						
20	Midday Peak Hour	8.1	A	9.9	A	1.8	No
	Evening Peak Hour	8.7	A	10.3	B	1.6	No
	Calle El Segundo and Ramon Road (two-way stop controlled location)						
21	Midday Peak Hour	24.1	C	29.4	D	5.3	No
	Evening Peak Hour	**35.5**	**E**	46.2	**E**	**10.7**	**YES**
	Avenida Caballeros and Alejo Road (all-way stop controlled location)						
22	Midday Peak Hour	12.2	B	12.5	B	0.3	No
	Evening Peak Hour	15.9	C	16.3	C	0.4	No
	Avenida Caballeros and Amado Road (all-way stop controlled location)						
23	Midday Peak Hour	10.3	B	11.3	B	1.0	No
	Evening Peak Hour	10.9	B	12.1	B	1.2	No

No.	Intersection	Without Project V/C	LOS	With Project V/C	LOS	Change in Delay V/C	Impact?
	Avenida Caballeros and Tahquitz Canyon Road						
24	Midday Peak Hour	14.1	B	13.9	B	(0.2)	No
	Evening Peak Hour	14.6	B	14.3	B	(0.3)	No
	Avenida Caballeros and Ramon Road						
25	Midday Peak Hour	11.0	B	10.9	B	(0.1)	No
	Evening Peak Hour	9.5	A	9.2	A	(0.3)	No
	Hermosa Drive and Amado Road						
26	Midday Peak Hour	15.2	C	21.1	C	5.9	No
	Evening Peak Hour	11.8	B	13.3	B	1.5	No
	Hermosa Drive and Tahquitz Canyon Way (two-way stop controlled location)						
27	Midday Peak Hour	15.4	C	18.3	C	2.9	No
	Evening Peak Hour	14.5	B	16.9	C	2.4	No
	Sunrise Way and Alejo Road						
28	Midday Peak Hour	16.3	B	16.1	B	(0.2)	No
	Evening Peak Hour	16.6	B	16.4	B	(0.2)	No
	Sunrise Way and Amado Road						
29	Midday Peak Hour	6.8	A	8.5	A	1.7	No
	Evening Peak Hour	7.7	A	9.4	A	1.7	No
	Sunrise Way and Tahquitz Canyon Way						
30	Midday Peak Hour	25.0	C	25.6	C	0.6	No
	Evening Peak Hour	25.2	C	25.8	C	0.6	No
	Sunrise Way and Ramon Road						
31	Midday Peak Hour	28.9	C	28.9	C	0	No
	Evening Peak Hour	28.6	C	28.6	C	0	No
	Sunrise Way and Mesquite Avenue						
32	Midday Peak Hour	12.2	B	12.1	B	(0.1)	No
	Evening Peak Hour	10.1	B	10.0	A	(0.1)	No
	Sunrise Way and Palm Canyon Drive						
33	Midday Peak Hour	29.1	C	29.0	C	(0.1)	No
	Evening Peak Hour	27.5	C	27.4	C	(0.1)	No
	Farrell Drive and Tahquitz Canyon Way						
34	Midday Peak Hour	26.0	C	25.9	C	(0.1)	No
	Evening Peak Hour	26.8	C	26.8	C	0	No
	Farrell Drive and Ramon Road						
35	Midday Peak Hour	22.2	C	22.0	C	(0.2)	No
	Evening Peak Hour	23.2	C	22.9	C	(0.3)	No

No.	Intersection	Without Project V/C	LOS	With Project V/C	LOS	Change in Delay V/C	Impact?
	El Cielo Road and Ramon Road						
36	Midday Peak Hour	21.3	C	21.1	C	(0.2)	No
	Evening Peak Hour	21.3	C	21.1	C	(0.2)	No
	Gene Autry Trail/SR 111 and Ramon Road						
37	Midday Peak Hour	29.9	C	29.7	C	(0.2)	No
	Evening Peak Hour	29.0	C	29.0	C	0	No

As discussed above, the Section 14 Specific Plan identifies a series of mitigation measures based on the analysis provided in the traffic study conducted for the Specific Plan, including improvements planned to mitigate traffic impacts at Intersection No. 21 Calle El Segundo and Ramon Road, which is projected to operate at LOS E during evening peak hour. The 2002 EIS/EIR completed for Section 14 identified mitigation for individual projects specific to traffic that was adopted as a condition of approval. To minimize impacts at this intersection, **Mitigation Measure MM 5.9-2** incorporates a similar condition of approval for the Project and requires that the Project contribute a proportional share of the cost to alleviate impacts at Calle El Segundo and Ramon Road. The Project would be required to contribute on a "fair share" basis to the cost of this future traffic signal and its coordination with other synchronized traffic signals along Ramon Road to reduce impacts during the midday and evening peak hours. In addition, the Tribe will undertake appropriate consultation with the City to address funding provided by the Tribe to the City for traffic improvements, and how these funds would be used to cover the Project's fair share contribution for **Mitigation Measure MM 5.9-2**.

In addition to mitigation described above, the Section 14 Specific Plan Traffic Study recommended that the City or the Tribe monitor two roadway segments every 5 years to determine if geometry changes are necessary to increase capacity, which was adopted as a condition of approval. The two segments are Avenida Caballeros between Tahquitz Canyon Way and Alejo Road (street segment No. 9) and the western portion of Alejo Road (street segment No. 13, Alejo Road east of Indian Canyon Drive). As shown in Table 14 of the traffic study in **Appendix 5.9**, street segment No. 9 is projected to continue operating at LOS A through year 2026, including after completion of the Project. Street segment No. 13 is projected to operate at LOS D, both before and after completion of the Project. Because LOS D is still within the City's standards and consistent with the Section 14 Specific Plan Traffic Study, **Mitigation Measure MM 5.9-3** would ensure that these street segments would be monitored every five years so that impacts would remain less than significant.

Parking

The Section 14 Specific Plan proposes alternate minimum parking standards for select nonresidential uses that are consistent with the mixed-use nature of the area. The Section 14 Specific Plan requires that all parking needed for individual development projects is required to be provided on the site containing the use or uses generating the demand, or on a different legal parcel, provided that all of the spaces are within acceptable walking distance of the building entrance of any use, and shared parking covenants and easements are in place. Based on the proposed uses, the Project would need to supply 2,354 parking spaces per the requirements of the Section 14 Specific Plan; however, this total number of required spaces is a conservative estimate as no credit is being taken for shared parking between uses.

Currently, there are 528 spaces within the Project Site, and upon completion the Project would provide an additional 122 spaces, totaling 650 spaces. In addition, there will be approximately 850 parking spaces available in the parking structure that is currently under construction adjacent to the northeast corner of the Project Site, and 1,145 parking spaces in surface parking lots north of Amado drive, bringing the parking space total to 2,645. These off-site parking facilities serve the Project Site and are within walking distance; therefore, the Project will have adequate parking for the proposed uses. To ensure adequate parking as required by the Section 14 Specific Plan, **Mitigation Measure MM 5.9-4** requires a parking study be conducted prior to the issuance of any building permit. As a result, impacts to parking would be considered less than significant.

Threshold 5.9-2 **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

The Project would not exceed the LOS standard established in the CMP and impacts would be mitigated to less than significant. The CMP identifies LOS E as the minimum level of service standard for intersections and roadways segments within the CMP System of Highways and Roadways, including Ramon Road. The City of Palm Springs has identified LOS D as the minimum performance standard for the circulation network, based upon peak-hour intersection operation. The City experiences seasonal variations in traffic demand, which must be addressed in maintaining LOS D. As shown in **Tables 5.9-3, Existing Intersection Plus Project Conditions (Year 2016)** and **5.9-4, Future Intersection with Project Conditions (Year 2026),** 36 out of 37 intersections studied along these roadways would operate at an acceptable LOS (LOS D or better) under Existing and Future (Year 2026) conditions. **Mitigation Measure MM 5.9-2** identifies the Project's fair share contribution of fees to install a traffic signal and improve intersection No. 21. In addition, the Tribe will undertake appropriate consultation with the City to address funding provided by

the Tribe to the City for traffic improvements. Impacts to CMP System of Highways and Roadways would be less than significant with mitigation.

Additionally, the Tribe will consult with City to determine the appropriate funding mechanism for the CVAG TUMF, or an in-lieu fee equal to TUMF, which is the major source of regional roadway improvement fees in the Coachella Valley. The TUMF is a traffic mitigation fee program developed to ensure that fair share contribution is made to future roadway infrastructure improvements of area-wide benefit prior to the issuance of building permits that results in a change of use and generates additional vehicular trips.

Threshold 5.9-3 Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)

Threshold 5.9-4 Result in inadequate emergency access for responders?

The Project would not increase hazards or result in inadequate emergency access and impacts would be mitigated to less than significant. The Project consists of the redevelopment of 18 acres of Tribal Trust land within Section 14. The Project Site is bounded by Amado Road to the north, Calle El Segundo to the east, Tahquitz Canyon Way to the south, and Indian Canyon Drive to the west. Calle Encilia will be closed between Amado Road and Andreas Road, and the western half of the roadway will be removed between Andreas Road and Tahquitz Canyon Way. Andreas Road will be removed between Calle Encilia and Indian Canyon Drive, as well as the northern half of Andreas Road between Calle Encilia and Calle El Segundo. These street vacations are shown on **Figure 3.0-4, Approved Street Vacations**.

Access to the Project Site would be provided by various streets. The primary hotel access would be located on Indian Canyon Drive, as would the access for the commercial retail space. The spa/fitness center would be accessed from Tahquitz Canyon Way and through the hotel. Casino parking and access would be primarily from Amado Road.

As discussed in **Section 5.8, Public Services**, the Tribe will implement appropriate consultation with Palm Springs and the City's Fire and Police Departments prior to construction to minimize potential traffic hazard conflicts. Additionally, as previously mentioned, **Mitigation Measure MM 5.9-1** would ensure public safety during construction of the Project. Accordingly, the Project would not increase hazards due to design features or incompatible uses and there would be adequate emergency access for responders. Therefore, impacts would be less than significant.

4. Cumulative Impacts

The Project would contribute its fair share of fees to help mitigate existing impacts at Calle El Segundo and Ramon Road, and cumulative impacts would be mitigated to less than significant. Future traffic

conditions in 2026 were projected to allow for identification of the impacts both with and without the development of the Project. The future traffic forecasts include growth rates based on the difference between RivTAM base year (2007) and forecast year (2035) traffic volumes, as well as growth in traffic due to other projects proposed, approved, or under construction in and around the Study Area. As shown in **Table 4.0-1, Related Projects List,** there is a total of eight related projects in and around the Study Area. The trip generation from the related projects would result in a total of 6,539 additional daily trips, including a total of 504 midday peak hour in and out trips and 524 evening peak hour in and out trips.

The roadway network for Future without Project Conditions within the Study Area would be affected by regional improvement plans, including the General Plan Circulation Element and the Section 14 Specific Plan. The improvements listed in the Palm Springs General Plan Circulation Element were conservatively assumed not to be in place by year 2026, because these improvements depend on acquisition of substantial additional right-of-way and all result in increases to intersection capacity. The Section 14 Specific Plan also listed improvements including the reduction of Indian Canyon Drive to three lanes with a bicycle lane, which was accounted for at the intersections and street segments along the one-way section of Indian Canyon Drive as it would reduce the number of vehicular travel lanes.

As shown in **Table 5.9-4, Future Intersections with Project Conditions (Year 2026)**, for Future conditions without the Project, out of the 37 analyzed intersections, 36 intersections currently operate at LOS C or better during both analyzed peak hours. Intersection No. 21, Calle El Segundo and Ramon Road, operates at LOS E during the evening peak hour, as under existing conditions.

The results from the Future with Project conditions show that 36 out of the 37 intersections would operate at LOS C or better. Intersection No. 21, Calle El Segundo and Ramon Road, would operate at LOS E during the evening peak hour. However, this intersection currently operates at LOS E during the evening peak hour and therefore, is already deficient prior to the addition of Project traffic. As shown in Table 16 of the traffic study in **Appendix 5.9**, all of the 27 analyzed street segments currently operate at LOS D or better during Future conditions with and without the Project.

The Project would be required to contribute on a “fair share” basis to the cost of this future traffic signal and its coordination with other synchronized traffic signals along Ramon Road to reduce impacts during the midday and evening peak hours. In addition, the Tribe will undertake appropriate consultation with the City to address funding provided by the Tribe to the City for traffic improvements, and how these funds would be used to cover the Project’s fair share contribution for **Mitigation Measure MM 5.9-2**. Cumulative impacts would be less than significant with mitigation.

Table 5.9-4
Future Intersection with Project Conditions (Year 2026)

No.	Intersection	Without Project V/C	Without Project LOS	With Project V/C	With Project LOS	Change in Delay V/C	Change in Delay Impact?
	Palm Canyon Drive and Vista Chino Road						
1	Midday Peak Hour	23.2	C	23.6	C	0.4	No
	Evening Peak Hour	21.9	C	22.3	C	0.4	No
	Palm Canyon Drive and Alejo Road						
2	Midday Peak Hour	23.8	C	24.3	C	0.5	No
	Evening Peak Hour	23.7	C	24.0	C	0.3	No
	Palm Canyon Drive and Tahquitz Canyon Way						
3	Midday Peak Hour	20.7	C	21.9	C	1.2	No
	Evening Peak Hour	16.1	B	17.0	B	0.9	No
	Palm Canyon Drive and Ramon Road						
4	Midday Peak Hour	21.0	C	20.7	C	(0.3)	No
	Evening Peak Hour	23.9	C	23.5	C	(0.4)	No
	Indian Canyon Drive and Vista Chino						
5	Midday Peak Hour	27.2	C	27.1	C	(0.1)	No
	Evening Peak Hour	26.4	C	26.5	C	0.1	No
	Indian Canyon Drive and Tachevah Drive						
6	Midday Peak Hour	11.2	B	10.8	B	(0.4)	No
	Evening Peak Hour	10.2	B	9.7	A	(0.5)	No
	Indian Canyon Drive and Tamarisk Road						
7	Midday Peak Hour	7.8	A	7.4	A	(0.4)	No
	Evening Peak Hour	5.9	A	5.5	A	(0.4)	No
	Indian Canyon Drive and Alejo Road						
8	Midday Peak Hour	22.7	C	23.5	C	0.8	No
	Evening Peak Hour	23.3	C	23.9	C	0.6	No
	Indian Canyon Drive and Amado Road						
9	Midday Peak Hour	10.1	B	10.8	B	0.7	No
	Evening Peak Hour	9.8	A	10.4	B	0.6	No
	Indian Canyon Drive and Tahquitz Canyon Way						
10	Midday Peak Hour	18.2	B	19.0	B	0.8	No
	Evening Peak Hour	22.7	C	23.6	C	0.9	No
	Indian Canyon Drive and Arenas Road						
11	Midday Peak Hour	7.9	A	7.7	A	(0.2)	No
	Evening Peak Hour	9.5	A	9.3	A	(0.2)	No

No.	Intersection	Without Project V/C	Without Project LOS	With Project V/C	With Project LOS	Change in Delay V/C	Change in Delay Impact?
	Indian Canyon Drive and Ramon Road						
12	Midday Peak Hour	21.8	C	21.7	C	(0.1)	No
	Evening Peak Hour	20.4	C	20.2	C	(0.2)	No
	Calle Encilia and Alejo Road (two-way stop controlled location)						
13	Midday Peak Hour	16.0	C	17.9	C	1.9	No
	Evening Peak Hour	18.1	C	20.6	C	2.5	No
	Calle Encilia and Amado Road (all-way stop controlled location)						
14	Midday Peak Hour	10.7	B	11.0	B	0.3	No
	Evening Peak Hour	10.7	B	10.7	B	0	No
	Calle Encilia and Tahquitz Canyon Way						
15	Midday Peak Hour	16.3	B	15.7	B	(0.6)	No
	Evening Peak Hour	17.2	B	16.8	B	(0.4)	No
	Calle Encilia and Arenas Road (all-way stop controlled location)						
16	Midday Peak Hour	9.8	A	9.8	A	0	No
	Evening Peak Hour	15.8	C	15.8	C	0	No
	Calle Encilia and Ramon Road						
17	Midday Peak Hour	11.6	B	11.3	B	(0.3)	No
	Evening Peak Hour	15.5	B	15.3	B	(0.2)	No
	Calle El Segundo and Alejo Road (two-way stop controlled location)						
18	Midday Peak Hour	13.2	B	14.1	B	0.9	No
	Evening Peak Hour	14.6	B	15.6	C	1.0	No
	Calle El Segundo and Amado Road (all-way stop controlled location)						
19	Midday Peak Hour	9.1	A	13.7	B	4.6	No
	Evening Peak Hour	9.1	A	15.2	C	6.1	No
	Calle El Segundo and Tahquitz Canyon Way						
20	Midday Peak Hour	10.2	B	12.5	B	2.3	No
	Evening Peak Hour	10.7	B	12.8	B	2.1	No
	Calle El Segundo and Ramon Road (two-way stop controlled location)						
21	Midday Peak Hour	23.8	C	28.2	D	4.4	No
	Evening Peak Hour	**39.3**	**E**	**48.9**	**E**	**10.6**	**YES**
	Avenida Caballeros and Alejo Road (all-way stop controlled location)						
22	Midday Peak Hour	14.3	B	14.7	B	0.4	No
	Evening Peak Hour	18.3	C	18.9	C	0.6	No
	Avenida Caballeros and Amado Road (all-way stop controlled location)						
23	Midday Peak Hour	12.0	B	13.2	B	1.2	No
	Evening Peak Hour	12.6	B	13.9	B	1.3	No

No.	Intersection	Without Project V/C	Without Project LOS	With Project V/C	With Project LOS	Change in Delay V/C	Change in Delay Impact?
	Avenida Caballeros and Tahquitz Canyon Road						
24	Midday Peak Hour	17.0	B	16.7	B	(0.3)	No
	Evening Peak Hour	17.4	B	17.2	B	(0.2)	No
	Avenida Caballeros and Ramon Road						
25	Midday Peak Hour	14.3	B	14.2	B	(0.1)	No
	Evening Peak Hour	12.8	B	12.5	B	(0.3)	No
	Hermosa Drive and Amado Road						
26	Midday Peak Hour	10.7	B	11.5	B	0.8	No
	Evening Peak Hour	11.3	B	12.3	B	1.0	No
	Hermosa Drive and Tahquitz Canyon Way (two-way stop controlled location)						
27	Midday Peak Hour	13.9	B	15.6	C	1.7	No
	Evening Peak Hour	13.8	B	15.5	C	1.7	No
	Sunrise Way and Alejo Road						
28	Midday Peak Hour	17.4	B	17.2	B	(0.2)	No
	Evening Peak Hour	17.8	B	17.7	B	(0.1)	No
	Sunrise Way and Amado Road						
29	Midday Peak Hour	7.6	A	9.2	A	1.6	No
	Evening Peak Hour	8.2	A	9.7	A	1.5	No
	Sunrise Way and Tahquitz Canyon Way						
30	Midday Peak Hour	28.2	C	28.7	C	0.5	No
	Evening Peak Hour	28.0	C	28.4	C	0.4	No
	Sunrise Way and Ramon Road						
31	Midday Peak Hour	31.7	C	31.7	C	0	No
	Evening Peak Hour	30.9	C	31.0	C	0.1	No
	Sunrise Way and Mesquite Avenue						
32	Midday Peak Hour	13.2	B	13.1	B	(0.1)	No
	Evening Peak Hour	11.1	B	11.0	B	(0.1)	No
	Sunrise Way and Palm Canyon Drive						
33	Midday Peak Hour	26.4	C	26.3	C	(0.1)	No
	Evening Peak Hour	24.8	C	24.7	C	(0.1)	No
	Farrell Drive and Tahquitz Canyon Way						
34	Midday Peak Hour	24.4	C	24.6	C	0.2	No
	Evening Peak Hour	24.6	C	24.7	C	0.1	No
	Farrell Drive and Ramon Road						
35	Midday Peak Hour	25.9	C	25.7	C	(0.2)	No
	Evening Peak Hour	27.2	C	27.1	C	(0.1)	No

No.	Intersection	Without Project V/C	Without Project LOS	With Project V/C	With Project LOS	Change in Delay V/C	Change in Delay Impact?
	El Cielo Road and Ramon Road						
36	Midday Peak Hour	23.5	C	23.3	C	(0.2)	No
	Evening Peak Hour	23.8	C	23.6	C	(0.2)	No
	Gene Autry Trail/SR 111 and Ramon Road						
37	Midday Peak Hour	27.4	C	27.2	C	(0.2)	No
	Evening Peak Hour	26.9	C	26.9	C	0	No

C. MITIGATION MEASURES

The following mitigation measures would be implemented to reduce potential significant traffic and circulation impacts to less than significant.

MM 5.9-1 Prior to issuance of a grading permit, a detailed construction traffic management plan shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. The Tribe will implement appropriate consultation with the City of Palm Springs for each individual project. This plan will identify planned temporary street closure, detour plans, haul routes, and staging plans necessary for any off-site work that would encroach on public right-of-way. The construction traffic management plan shall include the following elements, as appropriate:

- Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag person);
- Construction-related vehicles shall not park on surrounding public streets;
- Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Schedule construction-related deliveries to reduce travel during peak travel periods;
- Obtain the required permits for truck haul routes from the City of Palm Springs prior to the issuance of any permit for a project;
- Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities;
- Outline adequate measures to ensure emergency vehicle access during all aspects of the project's construction, including, but not limited to, the use of flagmen during

partial closures to streets surrounding the Project Site to facilitate the traffic flow until construction is complete; and

- Include the implementation of security measures during construction in areas that are accessible to the general public to help reduce any increased demand on law enforcement services, including fencing construction areas, providing security lighting, and providing security personnel to patrol construction sites.

MM 5.9-2 The intersection of Calle El Segundo and Ramon Road shall be signalized as a four-legged intersection with Calle Abronia. The Tribe shall undertake measures to implement appropriate consultation with the City to fund the Project's "fair share" of the cost of improvements, including application of funding provided by the Tribe to cover the cost. The Tribe shall contribute, either directly or indirectly, a fair share cost (up to 17.8 %) for improvements of this future traffic signal and its coordination with other synchronized traffic signals along Ramon Road.

MM 5.9-3 Every 5 years, the City or the Tribe shall monitor the following two roadway segments to determine if geometry changes are necessary to increase capacity.

- Avenida Caballeros between Tahquitz Canyon Way and Alejo Road (Street Segment No. 9) and;

- The western portion of Alejo Road east of Indian Canyon Drive (Street Segment No. 13).

MM 5.9-4 Prior to issuance of any building permit, a detailed parking study shall be prepared and submitted to the Tribal Public Works Engineer for review and approval. This parking study shall determine the location and number of required parking spaces, consistent with the Section 14 Specific Plan off-street parking requirements.

D. LEVEL OF SIGNIFICANCE

With implementation of existing regulations and standards, and **Mitigation Measures MM 5.9-1** through **MM 5.9-4**, any potential impacts associated with traffic and transportation would remain less than significant. The Tribe will undertake appropriate consultation with the City to address funding provided by the Tribe to the City for traffic improvements, and how these funds would be used to cover the Project's fair share contribution for **Mitigation Measure MM 5.9-2.** Therefore, no significant unavoidable adverse impacts relating to traffic and transportation have been identified.

5.10 UTILITIES AND SERVICE SYSTEMS

This Section addresses the potential impacts of the Project on water supply, wastewater, drainage, solid waste, and energy use and conservation. Each subsection includes an introduction, followed by discussions of existing conditions, regulatory framework, methodology, environmental impacts, cumulative impacts, and Mitigation Measures.

5.10.1 UTILITIES AND SERVICE SYSTEMS—WATER SUPPLY

This Section relied on DWA's 2015 UWMP, 2014 Annual Water Quality Report, 2016-2017 Engineer's Reports on the Groundwater Replenishment and Assessment Program for the Whitewater River, Mission Creek and Garnet Hill Subbasins, and the Coachella Valley Integrated Regional Water Management Plan. To comply with Tribal, local, State, and federal law, the Tribe relied, in substantial part, on this documentation prepared by DWA and CVWD, although the Tribe does not necessarily agree with the analysis or all of the conclusions contained in each of the respective documents. The Project would rely on groundwater as a water supply source for water demand.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

The Coachella Valley Groundwater Basin encompasses much of the Valley floor. Geologic faults and structures divide the basin into five subbasins: San Gorgonio Pass, Whitewater River (Indio), Garnet Hill, Mission Creek, and Desert Hot Springs Subbasins. The largest of these is the Whitewater River Subbasin, which lies between the San Andreas Fault on the northeast and the surrounding San Jacinto and Santa Rosa Mountains on the southwest. The subbasin extends from Whitewater in the northwest to the Salton Sea in the southeast. A common groundwater source, the Whitewater River Subbasin, is shared by the Tribe, Desert Water Agency (DWA), Coachella Valley Water District (CVWD), the cities of Indio and Coachella, Mission Springs Water District (MSWD), Myoma Dunes Water Company, and numerous private groundwater users. Except for DWA's surface water diversions, which are further described in this Section, all water produced within the Whitewater River Subbasin is groundwater. DWA extracts groundwater for municipal use from the upper portion of the Whitewater River Subbasin of the Coachella Valley Groundwater Basin.[1]

Development throughout the Coachella Valley has been dependent on groundwater as a source of supply, and the demand for groundwater has annually exceeded the limited natural recharge of the Coachella Valley Groundwater Basin; therefore, imported water is used by the local water purveyors to recharge the aquifer and counter groundwater overdraft.

Historical Context

The need to enhance the public water supply in the Coachella Valley has been recognized for many years. The formation of DWA in 1961 was to assure an adequate water supply for the northwesterly portion of

1 California Department of Water Resources, Coachella Valley Investigation; Bulletin 108, (July 1964).

the Upper Coachella Valley. In 1962, DWA entered into a water supply contract with the State of California through the California Department of Water Resources (DWR) to ensure that State Water Project (SWP) water would be available. CVWD entered into a similar contract the following year. In 1968, DWA purchased the Palm Springs and Cathedral City Water Company water systems to provide domestic and municipal water service (hereafter municipal water service) to Palm Springs and vicinity.[2]

Under State law, DWA has assumed responsibility for groundwater supply management within its institutional boundary, which encompasses 335 square miles, including the City of Palm Springs, the southwestern portion of the City of Cathedral City, the City of Desert Hot Springs, essentially all of MSWD, and some unincorporated areas within Riverside County.

Historically, droughts have had little effect on DWA's ability to supply water. Since DWA relies primarily on groundwater and imported water for groundwater replenishment, the droughts of 1965-1967, 1976-1977, and 1989-1992 had negligible effects on DWA's ability to supply water to its customers.[3] The drought period 2012 - 2015 has been the driest on record in the State[4], though DWA's ability to supply water to its customers has not been significantly impacted. In response to the current drought and State mandates, and in addition to its existing water conservation programs, DWA has had to implement several water conservation programs to reduce water demands within its service area.

Because a direct pipeline from the SWP system to the Coachella Valley does not exist, CVWD and DWA entered into an exchange agreement with the Metropolitan Water District of Southern California (MWD) to receive water from the MWD Colorado River Aqueduct, which crosses the upper portion of the Coachella Valley near Whitewater. In exchange, CVWD and DWA send their SWP water allocations to MWD. Since 1973, CVWD and DWA have been receiving Colorado River water from MWD's Colorado River Aqueduct turnout located at Whitewater Canyon to replenish groundwater in the Coachella Valley.

As a state water contractor, DWA is susceptible to the uncertainty of supply and delivery from the SWP and the Delta due to legal, environmental, and climatic restrictions. DWA's contract for receiving SWP water is set to expire in 2035; however, it is expected that it will be extended prior to that time.

DWA and CVWD entered into a joint Water Management Agreement in 1976 (amended in 1992), wherein the two parties agree to in the management of the Whitewater River Subbasin.[5] The water management

2 Desert Water Agency (DWA), 2015 Urban Water Management Plan (UWMP), (June 2016) I-5.
3 DWA, 2015 UWMP, (June 2016) I-10.
4 DWA, 2015 UWMP, (June 2016) I-10.
5 DWA, 2015 UWMP, (June 2016) II-4.

agreements were developed following numerous investigations that all concluded that a groundwater deficiency existed within the Whitewater River Subbasin.

In 2002, DWA and CVWD also began using Colorado River water to replenish the Mission Creek Subbasin, which is within DWA's institutional boundary. Of the total SWP (exchange) water allocated to DWA and CVWD, approximately 93 percent is directed to the Whitewater River Subbasin, and approximately 7 percent is directed to the Mission Creek Subbasin. According to DWA, the Whitewater River and Mission Creek Subbasins are capable of meeting the demands that will be placed on them, provided they continue to be replenished with sufficient quantities of imported water to meet future needs.[6]

In November 2015, DWA submitted to DWR a "Notice of Election to become a Groundwater Sustainability Agency" for certain portions of the Indio Subbasin, Mission Creek Subbasin, and San Gorgonio Pass Subbasin that are within or surrounded by DWA's statutory boundaries. DWR has designated these basins as "medium priority" under the California Sustainable Groundwater Management Act (SGMA), and none of these basins are on DWR's list of critically overdrafted basins.[7]

Tribal Water History

The United States originally established the Tribe's Reservation in 1876, and then expanded it in 1877. Reports by Federal Indian Agents in the Coachella Valley in the mid-1890s confirmed substantial ongoing Cahuilla agricultural activities, as well as the presence of an elaborate system of irrigation ditches and dams developing the water from the Whitewater River system, including a more than one mile long irrigation conveyance ditch from Tahquitz Canyon which was constructed around 1830.

In 1910, the United States Indian Irrigation Service initiated a systematic effort to provide the Tribe with water resource development in support of the Tribe's irrigation, including household and other water needs. In 1922, the Division of Water of the California Department of Public Works began the process of determining rights to the Whitewater River system and the resulting 1938 Whitewater River decree awarded the Tribe rights to Andreas and Tahquitz Creeks.

On May 14, 2013, the Tribe filed a lawsuit in federal District Court against CVWD and DWA. The Tribe seeks for the court to declare, quantify, and protect the rights of the Tribe to groundwater in the Coachella Valley. With respect to quantity, the Tribe requests that the court quantify an amount necessary and sufficient to satisfy, foster, and promote the purposes of the Tribe's Reservation.[8] In June 2014, the

6 DWA, 2015 UWMP, (June 2016) II-6.

7 DWA, 2015 UWMP, (June 2016) II-7.

8 Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, Case 5:13-cv-00883-JGB-SP, United States District Court, Central Division of California—Eastern Division, *Complaint for Declaratory and Injunctive Relief*, 19.

District Court granted the United States' motion to intervene as a Plaintiff in its capacity as trustee for the Tribe's Reservation.

The case is ongoing. On March 20, 2015, the court issued an order granting in part and denying in part the parties' motions for partial summary judgment addressing the issue of whether the Tribe has both federal reserved and aboriginal rights to groundwater. The court concluded that, the Tribe's aboriginal rights were extinguished long ago; however, the Court concluded "the federal government impliedly reserved groundwater, as well as surface water, for the Agua Caliente when it created the reservation"[9]

On June 10, 2015, the Ninth Circuit Court of Appeals granted CVWD and DWA's petition for permission to appeal the ruling that the Tribe has a federal reserved right to groundwater. The issue has been fully briefed and argued before the Ninth Circuit Court of Appeals. On September 8, 2015, the District Court stayed proceedings pending resolution of the appeal, except that the parties briefed the issue of whether CVWD and DWA's defenses to the Tribe's claim for a declaration and quantification of its water right were valid. The court held a hearing on the motions on December 14, 2015, and on February 23, 2016, found that CVWD and DWA cannot raise the equitable defenses of laches, balance of the equities, or unclean hands to the Tribe's claim for a federal reserved water right.10 As previously explained, oral arguments were held before the Ninth Circuit Court of Appeals and the parties are awaiting a decision on CVWD and DWA's appeal. Primary Water Sources

The primary source of water supply for the Coachella Valley is the Coachella Valley Groundwater Basin, which is recharged by other sources of water such as Colorado River water, reclaimed water, SWP supplies and potentially desalinated agricultural drain water. Colorado River water is also available for potential domestic use if treated. Colorado River water via the Coachella Canal supplies water for irrigation of the eastern valley. The Project is located in the western portion of the Coachella Valley, which does not currently have access to this water.

Groundwater

Since the early part of the 20th century, the Coachella Valley has been dependent primarily on groundwater as a source of domestic water supply. Groundwater is also used to supply water for crop

9 Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, Case 5:13-cv-00883-JGB-SP, Document 115, United States District Court, Central District of California, *Order Granting in Part and Denying in Part Plaintiffs' and Defendants' motions for partial summary judgment*, 2.

10 Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, Case 5:13-cv-00883-JGB-SP, Document 150, United States District Court, Central District of California, *Order Granting Plaintiffs' Motions for Partial Summary Judgment (Doc. Nos. 137 & 138)*, 9.

irrigation, fish farms, duck clubs, golf courses, greenhouses, and industrial uses in the Coachella Valley. California Water Code section 10910 requires that cities and counties conduct a water supply assessment for projects that are subject to the California Environmental Quality Act (CEQA). If the water supply for the proposed project includes groundwater, the water supply assessment is required to include additional information such a description of the basin in question, the rights of the public water system (PWS) to use the basin, the overdraft of the basin, any past or planned overdraft mitigation efforts, historical use of the basin by the PWS, use of the basin by the proposed project and a sufficiency analysis of the basin. While the Tribe is not subject to the water supply assessment requirements of Section 10910, this Section contains information comparable to a water supply assessment prepared for a project whose water supply includes groundwater so that the Tribe can more accurately determine the Project's impact on existing and future water service infrastructure and water supply.[11]

Description of the Aquifer

The Coachella Valley Groundwater Basin can be described as a giant tilted bathtub full of sand, with the high end at the northwest edge of the Coachella Valley near the community of Whitewater and the low end at the Salton Sea. The aquifer underlies the cities of Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, and Coachella, and the unincorporated communities of Thousand Palms, Thermal, Bermuda Dunes, Oasis, and Mecca. The Coachella Valley Groundwater Basin is sub divided into smaller subbasins based on different geologic characteristics. The subbasins, with their groundwater storage reservoirs, are defined without regard to water quality or quantity. They delineate areas underlain by formations that readily yield the stored water through water wells and offer natural reservoirs for the regulation of water supplies. Minor subareas have been delineated based on one of more of the following geologic of hydrologic characteristics: type of water bearing formations, water quality, areas of confined groundwater, forebay areas, groundwater divides, and surface drainage divides.

A common groundwater source, the Whitewater River Subbasin, is shared by the Tribe, DWA, CVWD, the cities of Indio and Coachella, Mission Springs Water District, Myoma Dunes Water Company, and numerous private groundwater users.

The Whitewater Subbasin includes four subareas: Palm Springs, Thermal, Thousand Palms, and Oasis.[12] The Palm Springs Subarea is the forebay or main area of recharge to the subbasin, and the Thermal Subarea comprises the pressure or confined area within the basin. The Thousand Palms and Oasis subareas are peripheral areas having unconfined groundwater conditions. From a management

11 See California Water Code section 10910(f).

12 CVWD, *2010 Urban Water Management Plan* (June 2011), p. 4-9; CVWD, *Coachella Valley WMP 2010 Update* (January 2012), p. 4-3.

perspective, the Whitewater River Subbasin is commonly divided into a west and east portion, with the dividing line extending from Point Happy in La Quinta to the northeast, terminating at the San Andreas Fault and the Indio Hills at Jefferson Street. The west portion of the Whitewater River Subbasin is defined generally as that portion of the Thermal Subarea west of this line including the Palm Springs Subarea, and the Thousand Palms Subarea.

The Whitewater River Subbasin is recharged naturally with runoff from the San Jacinto, Santa Rosa, and San Bernardino Mountains. Since the 1950s (if not earlier), groundwater extractions in the Whitewater River Subbasin have exceeded the long-term natural recharge, a condition termed overdraft, resulting in declining groundwater levels. [13]

Groundwater Storage

As shown in **Table 5.10.1-1, Groundwater Storage Capacity of the Coachella Valley Groundwater Basin**, DWR estimated that the Coachella Valley Groundwater Basin contained a total of approximately 39.2 million acre-feet of water in the first 1,000 feet below the ground surface, much of which originated from runoff from adjacent mountains. However, the amount of water in the aquifer has decreased over the years due to pumpage to serve urban, rural, and agricultural development in the Coachella Valley, which has withdrawn water from the aquifer at a rate faster than its natural rate of recharge. DWR has calculated the storage capacity of the subbasin to be 28.8 million acre-feet.

13 DWA, 2015 UWMP, (June 2016) II-3.

Table 5.10.1-1
Groundwater Storage Capacity of the Coachella Valley Groundwater Basin

Area	Storage (acre-feet)
San Gorgonio Pass Subbasin	2,700,000
Mission Creek Subbasin	2,600,000
Desert Hot Springs Subbasin	4,100,000
Garnet Hill Subbasin	1,000,000
Subtotal	**10,400,000**
Whitewater River Subbasin	
Palm Springs Subarea	4,600,000
Thousand Palms Subarea	1,800,000
Oasis Subarea	3,000,000
Thermal Subarea	19,400,000
Subtotal Whitewater River Subbasin	**28,800,000**
Total all Subbasins	**39,200,000**

Source: CVWD, Engineer's Report on Water Supply and Replenishment Assessment, Whitewater River Subbasin Area of Benefit 2016-2017. *(April 2016). Table III-1.*

Groundwater Levels

The rate of groundwater level decline has increased since the early 1980s due to increasing urbanization and increased groundwater use by domestic water purveyors, golf courses, and public parks. The historic declining water table in the Whitewater River Subbasin led to a determination by DWA and CVWD that a management program is required to stabilize water levels and prevent other adverse effects such as water quality degradation and land subsidence within the west portion of the Whitewater River Subbasin. DWA and CVWD's East and West Whitewater River Subbasin Groundwater Replenishment Programs[14] are reducing declining water levels in this subbasin. Groundwater recharge in the West Whitewater River Subbasin began in 1973, and the results of this recharge can be seen in recent groundwater-level measurements.

Water surface elevations in the western area of the Coachella Valley are highest at the northwest end of each subbasin, illustrating that regional groundwater flow is from the northwest to the southeast in the center of the Coachella Valley.

14 DWA, 2015 UWMP, (June 2016) III-9.

Groundwater Production

As illustrated in **Table 5.10.1-2, Estimated Groundwater Production within the West Whitewater River Subbasin**, total groundwater production within the West Whitewater River Subbasin was estimated to be 147,429 acre-feet in 2015. Annual water production within the West Whitewater River Subbasin (groundwater extractions plus surface water diversions) for all producers, has averaged 175,434 acre-feet per year for the past 6 years (2010–2015), down from 207,809 acre-feet per year average from the previous 5-year period (2005–2009). Based on production records, approximately 22 to 25 percent of annual water production within the Whitewater River Subbasin is allocable to DWA and the remaining 75 to 78 percent is allocable to CVWD.

Table 5.10.1-2
Estimated Groundwater Production within the
West Whitewater River Subbasin

Year	Acre-Feet
2005	204,341
2006	213,850
2007	211,014
2008	210,693
2009	199,149
2010	182,415
2011	182,823
2012	183,108
2013	182,640
2014	174,186
2015	147,429
(2015-2010 Average)	175,434
(2009-2005 Average)	207,809

Source: DWA, *Engineer's Report on Groundwater Replenishment and Assessment Program for the Whitewater River, Mission Creek, and Garnet Hill Subbasins.* (May *2016), Table 1.*

As illustrated in **Table 5.10.1-3, DWA Groundwater Production within the Whitewater River Subbasin**, total groundwater production from DWA within the Whitewater River Subbasin DWA Area of Benefit was estimated to 28,849 acre-feet in 2015, averaging 34,966 acre-feet over the past six years (2015-2010).

Table 5.10.1-3
DWA Groundwater Production within the Whitewater River Subbasin

Year	Acre-Feet
2010	36,716
2011	37,011
2012	36,990
2013	35,816
2014	34,416
2015	28,849
(2015–2010 Average)	34,966

Source: DWA 2015 Urban Water Management Plan (UWMP), Table II-2.

Groundwater Inflows and Outflows

Total inflows and outflows to the Upper Whitewater River Subbasin Area of Benefit for the year 2015 are summarized in **Table 5.10.1-4**, **Annual Water Balance in the West Whitewater River Subbasin.** The natural inflow of 52,100 acre-feet includes natural recharge and flow across Subbasin boundaries. The non-consumptive return of applied water is estimated at 52,700 acre-feet, which is 36 percent of the reported production of 148,000 acre-feet. The total inflow includes the natural inflow, the non-consumptive return, and the 865 acre-feet of actual water replenished. Total outflow is the reported groundwater production estimate plus the 25,800 acre-feet of natural outflow. The annual balance is the total inflow less the total outflow for a loss of approximately 68,100 acre-feet of water in storage to the Subbasin.

Table 5.10.1-4
Annual Water Balance in the West Whitewater River Subbasin

Item	Annual Calculation (acre-feet)
2015 Groundwater Production	-148,000
Non-consumptive Return	52,700
Natural Inflow	52,100
Natural Outflow	-25,800
Groundwater Replenishment	865
Annual Balance[a]	**-68,100**

Source: CVWD, Engineer's Report on Water Supply and Replenishment Assessment, Whitewater River Subbasin Area of Benefit 2016-2017. *(April 2016), Table VI-4.*

Surface runoff and subsurface inflow are significant sources of recharge to the Whitewater River Subbasin. In addition, the Whitewater River spreading grounds northwest of Palm Springs receives Colorado River Aqueduct water and has a maximum capacity of 300,000 acre-feet per year (afy).[15] Average historical natural recharge is approximately 49,000 afy. The Whitewater River spreading grounds recharged 61,200 afy in 1999.[16] Colorado River water is conveyed into the subbasin via the Coachella Canal, which also supplies recharge project facilities located in the southwestern part of the subbasin.[17]

Status of the Aquifer

Groundwater overdraft is manifested not only as a prolonged decline in groundwater storage but also through secondary adverse effects including decreased well yields, increased energy costs, water quality degradation, and land subsidence. The DWA Engineer's Report defined overdraft as groundwater extractions or water production in excess of natural groundwater replenishment or recharge, as an annual rate in acre-feet per year.[18]

The Coachella Valley Groundwater Basin (and its subbasins) is in an overdraft condition and will most likely remain so, even with the importation and exchange of available SWP water, until a higher proportion of the maximum SWP Table A allocations becomes available. With maximum Table A allocations, recharge in the Whitewater River Subbasin would offset the current annual overdraft, although overdraft in future years is virtually unpredictable, due to the difficulty of projecting long-term growth and reliability of SWP supplies.[19]

Although artificial replenishment with imported water, augmenting natural replenishment, has met increasing average annual groundwater demands during the past 30 years, it has not, for all practical purposes, reduced or diminished cumulative groundwater overdraft within the Coachella Valley Groundwater Basin, which existed prior to artificial replenishment of the groundwater basin. In effect, the groundwater overdraft condition that existed prior to imported water becoming available for groundwater replenishment has not been significantly altered, but the trend has been arrested. Although current groundwater levels have generally stabilized in the subbasins within the management areas, current cumulative gross overdraft (not yet offset by cumulative artificial recharge) is estimated at roughly

15 CVWD, Engineer's Report on Water Supply and Replenishment Assessment, West Whitewater River Subbasin Area of Benefit 2016–2017 (Coachella, CA: CVWD, April 2016), III-9.

16 DWA, Engineer's Report on Groundwater Replenishment and Assessment Program, (May 2016) Exhibit 5.

17 CVWD, Engineer's Report on Water Supply and Replenishment Assessment, West Whitewater River Subbasin Area of Benefit 2016–2017 (Coachella, CA: CVWD, April 2016), III-9.

18 DWA, Engineer's Report on Groundwater Replenishment and Assessment Program, (May 2016) II-7.

19 DWA, Engineer's Report on Groundwater Replenishment and Assessment Program, (May 2016) II-20.

3,661,000 acre-feet in the Whitewater River Subbasin. Cumulative net overdraft, (overdraft offset by artificial replenishment) is currently estimated at 783,000 acre-feet in the Whitewater River Subbasin.[20]

Projected water requirements (demands) through 2035 for the Whitewater River Subbasin is based on the water balance model utilized in the 2010 Coachella Valley Water Management Program (CVWMP) Update and the 2014 Status Report for the 2010 CVWMP Update. The projected requirements are largely offset by potable supplies; however, the cumulative annual change in storage will remain in the negative through 2035 under currently projected conditions. [21]

Conservation Programs

Within DWA's service area, most water use is used outdoors; therefore, DWA has focused conservation efforts on developing outdoor water conservation measures.

On March 1, 2016, DWA adopted Ordinance No. 65, Ordinance of Desert Water Agency Establishing a Water Conservation Plan and Restricting the Use of Water During Threatened or Existing Water Shortage Conditions. Ordinance No. 65 sets forth a water conservation plan for five stages of water supply emergencies, as listed below:

- Stage No. 1 Voluntary Conservation and Prohibited Uses
- Stage No. 2 Alert: Mandatory Conservation Measures
- Stage No. 3 Warning: Mandatory Conservation Measures
- Stage No. 4 Emergency: Mandatory Conservation Measures
- Stage No. 5 Water Allocations

Water use prohibitions set forth in DWA's Ordinance No. 65 are as summarized as follows:

- Washing hardscape, such as driveways, parking lots, and walkways;
- Vehicle washing without the use of buckets and shut off nozzles on hoses;
- Serving water in restaurants unless requested;
- Outdoor irrigation between 7 AM and 7 PM, and on specified days of the week;

20 DWA, Engineer's Report on Groundwater Replenishment and Assessment Program, (May 2016) II-16.
21 DWA, Engineer's Report on Groundwater Replenishment and Assessment Program, (May 2016) II-17.

- Use of non-recirculating fountains;
- Outdoor irrigation of newly constructed homes and buildings without drip or micro-spray systems;
- Use of potable water to irrigate turf within street medians or public street rights-of-way.

Aquifer Adjudication

The groundwater basin has not been adjudicated. DWA shares a common groundwater source with other public water systems, including CVWD, the Mission Springs Water District, the City of Coachella, the City of Indio, and the Myoma Dunes Mutual Water Company. Other groundwater users include the Tribe, some individual residents, farmers, golf courses, businesses, and commercial facilities. DWA and CVWD both operate groundwater replenishment programs whereby groundwater pumpers (other than minimal pumpers) pay a per acre-foot charge that is used to pay the cost of importing and recharging the aquifer.

Water Quality Impacts on Reliability

Constraints on DWA's groundwater supplies resulting from water quality include those that could result from high concentrations of nitrate and uranium in the groundwater. DWA's Well 19 was taken out of service approximately 10 years ago because of high nitrate concentrations in the underlying groundwater, which are caused by discharges from septic systems in the area. As a result of the high nitrate concentrations, Well 19 remains inoperable and groundwater in the vicinity of the well is unusable.[22]

Additionally, several of DWA's wells, namely Wells 9, 14, 16, and 43, are intermittently inoperable due to high levels of uranium in the groundwater.

Additional Water Sources

Groundwater provides the main supply of water for users within the Coachella Valley. Additional water sources are considered as a supplement to groundwater in that they are used to recharge the aquifer, serve as a source substitution for groundwater, or are used for irrigation in other locations of the subbasin.

Colorado River Water

DWA exchanges Colorado River water for imported SWP water. Colorado River water has been and continues to be exchanged for SWP water per the 2003 and prior Exchange Agreements among DWA,

22 DWA, 2015 UWMP, (June 2016) III-15.

CVWD, and MWD. Currently, approximately 93 percent of exchange water is directed to the Whitewater River Subbasin, of which 25 percent is allocable to DWA and 75 percent is allocable to CVWD.[23]

Water Quality Impacts on Reliability

Colorado River water has a higher total dissolved solids (TDS) concentration (greater than 500 milligrams per liter) than native groundwater (less than 500 milligrams per liter). The Division of Drinking Water has established a secondary maximum contaminant level (MCL) of 1,000 milligrams per liter for TDS, with a recommended level of 500 milligrams per liter. TDS concentrations are not expected to affect the reliability of DWA's water supply.

Due to ammonium perchlorate contamination from manufacturing facilities in Nevada, perchlorate has been detected in Colorado River water. Capture and treatment of perchlorate contamination began in 1999, and concentrations of perchlorate in the Colorado River have been decreasing ever since. The presence of perchlorate in Colorado River water is not expected to affect the reliability of DWA's water supply.

State Water Project Water

Purchases and Deliveries

DWA and CVWD are SWP contractors for the Whitewater River basin aquifer. The SWP includes 660 miles of aqueduct and conveyance facilities extending from Lake Oroville in the north to Lake Perris in the south. The SWP has contracts to deliver 4.1 million afy to 29 contracting agencies. DWA's original SWP water right (Table A Amount) was 38,100 afy and CVWD's original SWP Table A Amount was 23,100 afy—for a combined Table A Amount of 61,200 afy.

In 2004, CVWD purchased an additional 9,900 afy of SWP water from the Tulare Lake Basin Water Storage District, which brought CVWD's SWP allotment to 33,000 afy. In 2007, CVWD made a second purchase of Table A SWP water from Tulare Lake Basin for 5,250 afy. Also in 2007, a transfer was completed for 12,000 AFY of Table A Amounts from the Berrenda Mesa Water District in Kern County. DWA participated in these latter two transfers in amounts of 1,750 AFY and 4,000 AFY, respectively. With these additional transfers, DWA's total SWP Table A Amount is 55,750 afy.[24]

23 DWA, 2015 UWMP, (June 2016) Table II-1, footnote 4; Table III-2, footnote 3; Table VI-2, footnote 3.

24 Notice to State Water Project Contractors 16-06, 2016 State Water Project Allocation – 60 Percent, April 21, 2016.

In addition, DWA and CVWD have also negotiated an exchange agreement with MWD for 100,000 afy of SWP Table A Amount. MWD has permanently transferred 88,100 afy and 11,900 afy of its SWP Table A Amounts to DWA and CVWD, respectively.

Therefore, the total SWP Table A Amount for CVWD and DWA is 194,100 afy, with DWA's portion equal to 55,750 afy. **Table 5.10.1-5, SWP Water Sources (afy)**, summarizes DWA and CVWD total allocations of Table A SWP water to be delivered when available.

Table 5.10.1-5
SWP Water Sources (afy)

	Original SWP Table A	Tulare Lake Basin Transfer #1	Tulare Lake Basin Transfer #2	MWD Transfer	Berrenda Mesa Transfer	Total
CVWD	23,100	9,900	5,250	88,100	12,000	138,350
DWA	38,100	—	1,750	11,900	4,000	55,750
Total	61,200	9,900	7,000	100,000	16,000	194,100

Source: DWA, 2015 Urban Water Management Plan (UWMP), June 2016, Section III.H.

SWP contractors make annual requests to DWR for water allocations and DWR makes an initial SWP Table A allocation for planning purposes, typically in the last month before the next water delivery year. Throughout the year, as additional information regarding water availability becomes available to DWR, its allocation/delivery estimates are updated. **Table 5.10.1-6, Department of Water Resources Table A Water Allocations,** outlines the historic reliability of SWP deliveries, including their initial and final allocations for the past 13 years (2003 through 2015). The 2016 initial allocation of SWP water for DWA is 8,363 acre-feet and CVWD is 20,753 acre-feet, for a combined total of 29,116 acre-feet or 15 percent of the requested total.[25] DWA and CVWD are allowed to schedule up to 60 percent of their allocated Table A to be delivered starting in April 2016.[26]

25 Notice to State Water Project Contractors 16-01, 2016 State Water Project Allocation – 15 Percent, January 26, 2016.
26 Notice to State Water Project Contractors 16-06, 2016 State Water Project Allocation – 60 Percent, April 21, 2016.

Table 5.10.1-6
Department of Water Resources Table A Water Allocations

Year	Initial Allocation	Final Allocation
2003	20%	90%
2004	35%	65%
2005	40%	90%
2006	55%	100%
2007	60%	60%
2008	25%	35%
2009	15%	40%
2010	5%	50%
2011	25%	80%
2012	60%	65%
2013	30%	35%
2014	5%	5%
2015	10%	20%
Average	30%	57%

Source: DWR, Water Contract Branch within the State Water Project Analysis Office, Notices to State Water Contractors, 2003-2015.

As noted previously, DWA and CVWD do not directly receive SWP water. Rather, DWA and CVWD have entered into an exchange agreement with MWD that allows MWD to take delivery of DWA and CVWD SWP Table A water. In exchange, MWD provides an equal amount of Colorado River water that MWD transports through its Colorado River Aqueduct, which crosses the Coachella Valley near Whitewater. The advanced delivery agreement allows for advanced delivery and storage of water, thereby providing better and more efficient water management. As a result, water is not recharged in every year, but when SWP and exchange waters are available. The large storage capacity of the Coachella Valley aquifer and the large volume of water in storage allow DWA and CVWD to pump from the aquifer for a number of years without recharging and to recharge large amounts of water to refill the aquifer when the water is available.

Factors Potentially Impacting SWP Delivery Reliability

In the Final State Water Project Delivery Reliability Report 2015, DWR presents its method for calculating SWP delivery reliability, the factors affecting SWP delivery reliability, and the limitations to estimating future water delivery reliability. In the report, "water delivery reliability" is defined as the annual amount

of water that can be expected to be delivered with a certain numeric frequency. SWP delivery reliability is calculated using CALSIM II, a computer model jointly developed by DWR and Reclamation, which simulates operation of the CVP/SWP system based upon 82 years of historic data. The annual amounts of SWP water deliveries are ranked from smallest to largest and a probability is calculated for each amount. These results are then displayed graphically as an exceedance plot and presented in tabular format.

The amount of SWP water supply delivered to the SWP Contractors in a given year depends on the demand for the supply; the amount of rainfall, snowpack, runoff, water in storage, pumping capacity from the Delta; and legal constraints on SWP operation. According to DWR, more generally, water delivery reliability depends on three general factors: (1) the availability of water at the source; (2) regulatory restrictions on SWP Delta exports (imposed by federal biological opinions [BOs] and State water quality plans); and (3) the effects of climate change. Each of these uncertainties is discussed below.

SWP Availability of Source Water

As to the availability of source water, the factors of uncertainty include the inherent annual variable location, timing, amount, and form of precipitation in California. The second source of uncertainty is due to global climate change. Current literature suggests that global warming is likely to significantly impact the hydrological cycle, changing California's precipitation pattern and amount from that shown by the historical record. According to DWR, there is evidence that some changes have already occurred, such as an earlier beginning of snowmelt in the Sierras, an increase in water runoff as a fraction of the total runoff, and an increase in winter flooding frequency. More variability in rainfall, wetter at times, and drier at times would place more stress on the reliability of existing flood management and water supply systems, such as the SWP.

SWP Ability to Convey Source Water

As to the ability to convey source water to the desired point of availability, DWR reports that an uncertainty factor exists with respect to SWP operations, because they are closely regulated by Delta water quality standards established by the State Water Resources Control Board and set forth in Water Rights Decision 1641. DWR also reports other factors of uncertainty due to the continuing unexplained decline in many pelagic (open water) fish species, including the Delta smelt since the early 2000s, and the legal challenges to SWP operation and ongoing planning activities related to the Delta. Other uncertainties include future sea level rise associated with global climate change, which could increase salinity in the Delta, and the risk of interruptions in SWP diversions from the Delta due to levee failures. The referenced litigation challenges are described in more detail in the *Final State Water Project Delivery Reliability Report 2015*.

Demand for System Water

As to estimating future demand for SWP water, DWR has identified uncertainty factors, including population growth, water conservation, recycling efforts, other supply sources, and global climate change. In addition to the previously identified factors affecting water delivery reliability, DWR has reported other limitations and assumptions, all of which are explained in the *Final State Water Project Delivery Reliability Report 2015*. This report has also identified the status of two large-scale plans for the delta as underway with objectives related to providing a sustainable delta over the long term. These planning efforts may propose changes to SWP operations, which in turn could affect SWP delivery reliability. The planning efforts are the Delta Plan and the Bay-Delta Conservation Plan. According to DWR, each planning effort could affect SWP and CVP operations in the Delta and each are explained in detail in the *Final State Water Project Delivery Reliability Report 2015*.

Federal ESA Litigation

Litigation filed by several environmental interest groups (*NRDC v. Kempthorne* and *Pacific Coast Federation of Fishermen's Associations v. Gutierrez*) in the U.S. District Court for the Eastern District of California alleged that the 2004 and 2005 biological opinions and incidental take statements inadequately analyzed impacts on listed species under the Federal ESA.

On May 25, 2007, Federal District Judge Wanger issued a decision on summary judgment in *NRDC v. Kempthorne*, finding the U.S. Fish and Wildlife Service's (USFWS's) biological opinion for Delta smelt to be invalid. The USFWS released a new biological opinion on the impacts of the State Water Project and Central Valley Project on Delta smelt on December 15, 2008. The MWD, the San Luis & Delta Mendota Water Authority, the Westlands Water District, the Kern County Water Agency, the Coalition for a Sustainable Delta and State Water Contractors, a California nonprofit corporation formed by agencies contracting with DWR for water from the State Water Project (the "State Water Contractors"), the Family Farm Alliance, and the Pacific Legal Foundation on behalf of several owners of small farms in California's Central Valley filed separate lawsuits in federal district courts challenging the biological opinion, which the federal court consolidated under the caption Delta Smelt Consolidated Cases.

On December 14, 2010, Judge Wanger issued a decision on summary judgment finding that there were major scientific and legal flaws in the Delta smelt biological opinion. The court found that some but not all of the restrictions on project operations contained in the 2008 Delta smelt biological opinion were arbitrary, capricious, and unlawful. On May 18, 2011, Judge Wanger issued a final amended judgment directing the USFWS to complete a new draft biological opinion by October 1, 2011, and a final biological opinion with environmental documentation by December 1, 2013. Later stipulations and orders changed the October 1, 2011 due date for a draft biological opinion to December 14, 2011. A draft biological

opinion was issued on December 14, 2011. The draft biological opinion deferred specification of a reasonable and prudent alternative and an incidental take statement pending completion of environmental impact review under the National Environmental Policy Act (NEPA). The federal defendants and environmental interveners appealed the final judgment invalidating the 2008 Delta smelt biological opinion to the U.S. Court of Appeals for the Ninth Circuit. The State Water Project and Central Valley Project contractor plaintiffs, including MWD, have cross-appealed from the final judgment. Those appeals and cross-appeals were argued on September 10, 2012.

On February 25, 2011, the federal court approved a settlement agreement modifying biological opinion restrictions on Old and Middle River flows that would have otherwise applied in spring 2011. The settlement agreement expired on June 30, 2011. State Water Project and Central Valley Project contractors also moved to enjoin certain fall salinity requirements in the biological opinion that were set to become operable in September and October 2011. After an evidentiary hearing on the water contractors' motion in July 2011, Judge Wanger issued a decision on August 31, 2011, modifying the fall salinity-related requirements in the biological opinion. The effect of the injunction was to reduce water supply impacts from the biological opinion's fall salinity requirements. The federal defendants and the environmental interveners appealed the injunction on fall salinity requirements, but the federal defendants subsequently dismissed their appeal in October 2011. The environmental interveners' appeal to the Ninth Circuit on the fall salinity requirement injunction is pending. The State Water Project and Central Valley Project contractors have moved to dismiss the environmental interveners' appeal of the fall salinity requirement on the ground that the salinity requirement for 2011 has expired and is therefore invalid.

On April 16, 2008, in *Pacific Coast Federation of Fishermen's Associations v. Gutierrez*, the court invalidated the 2004 National Marine Fisheries Service's (NMFS's) biological opinion for the salmon and other fish species that spawn in rivers flowing into the Bay-Delta. Among other things, the court found that the no-jeopardy conclusions in the biological opinion were inconsistent with some of the factual findings in the biological opinion, that the biological opinion failed to adequately address the impacts of State Water Project and Central Valley Project operations on critical habitat, and that there was a failure to consider how climate change and global warming might affect the impacts of the projects on salmonid species.

The NMFS released a new biological opinion for salmonid species to replace the 2004 biological opinion on June 4, 2009. The 2009 salmonid species biological opinion contains additional restrictions on State Water Project and Central Valley Project operations. The NMFS calculated that these restrictions will reduce the amount of water the State Water Project and Central Valley Project combined will be able to export from the Bay-Delta by 5 to 7 percent. DWR had estimated a 10 percent average water loss under

this biological opinion. See **State Water Project Operational Constraints**, which follows, for the estimated impact to MWD's water supply. Six lawsuits were filed challenging the 2009 salmon biological opinion. These various lawsuits have been brought by the San Luis & Delta Mendota Water Authority, the Westlands Water District, the Stockton East Water District, the Oakdale Irrigation District, the Kern County Water Agency, the State Water Contractors, and the Metropolitan Water District. The court consolidated the cases under the caption: Consolidated Salmon Cases.

On May 25, 2010, the court granted the plaintiffs' request for preliminary injunction in the Consolidated Salmon Cases, restraining enforcement of two requirements under the salmon biological opinion that limit exported water during the spring months based on San Joaquin River flows into the Bay-Delta and reverse flows on the Old and Middle Rivers. Hearings on motions for summary judgment in the Consolidated Salmon Cases were held on December 16, 2010. On September 20, 2011, Judge Wanger issued a decision on summary judgment, finding that the salmon biological opinion was flawed, and that some but not all of the project restrictions in the biological opinion were arbitrary and capricious. On December 12, 2011, Judge O'Neill (who was assigned to this case following Judge Wanger's retirement) issued a final judgment in the Consolidated Salmon Cases. The final judgment remands the 2009 salmon biological opinion to the NMFS and directs that a new draft salmon biological opinion be issued by October 1, 2014, and that a final biological opinion be issued by February 1, 2016, after completion of environmental impact review under NEPA. On January 19, 2012, Judge O'Neill approved a joint stipulation of the parties that specifies how to comply with one of the salmon biological opinion restrictions that applies to water project operations in April and May of 2012. In January and February 2012, the federal defendants and environmental interveners filed appeals of the final judgment in the Consolidated Salmon Cases, and the State Water Project and Central Valley Project contractors filed cross-appeals. The Ninth Circuit Court of Appeals issued its opinion on the appeals and cross-appeal for the Consolidated Salmon Cases on December 22, 2014. On December 22, 2014, the Ninth Circuit reversed in part and affirmed in part the district court's decision. The Ninth Circuit reversed those portions of the district court decision which had found the 2009 salmon biological opinion to be arbitrary and capricious, and held, instead, that the 2009 biological opinion was valid and lawful. Any adverse impact of this ruling on Metropolitan's State Water Project supplies cannot be determined at this time. See "—State Water Project Operational Constraints," below.

On November 13, 2009, the Center for Biological Diversity filed separate lawsuits challenging the USFWS's failure to respond to a petition to change the Delta smelt's federal status from threatened to endangered and the USFWS's denial of federal listing for the longfin smelt. On April 2, 2010, the USFWS issued a finding that uplisting the Delta smelt was warranted but precluded by the need to devote resources to higher priority matters. This "warranted but precluded" finding did not change the regulatory restrictions

applicable to Delta smelt. For the longfin smelt litigation, a settlement agreement was approved on February 2, 2011. Under the agreement, the USFWS agreed to complete a range-wide status review of the longfin smelt and consider whether the Bay-Delta longfin smelt population, or any other longfin smelt population from California to Alaska, qualifies as a "distinct population" that warrants federal protection. On April 2, 2012, the USFWS issued its finding that the Bay-Delta longfin smelt population warrants protection under the ESA but is precluded from listing as a threatened or endangered species by the need to address other higher priority listing actions. The review identified several threats facing longfin smelt in the Bay-Delta, including reduced freshwater Bay-Delta outflows. The finding includes the determination that the Bay-Delta longfin smelt will be added to the list of candidates for ESA protection, where its status will be reviewed annually.

California ESA Litigation

In addition to the litigation under the Federal ESA, other environmental groups sued DWR on October 4, 2006, in the Superior Court of the State of California for Alameda County alleging that DWR was "taking" listed species without authorization under the California ESA. This litigation (*Watershed Enforcers, a project of the California Sportfishing Protection Alliance v. California Department of Water Resources*) requested that DWR be mandated to either cease operation of the SWP pumps, which deliver water to the California Aqueduct, in a manner that results in such "taking" of listed species or obtain authorization for such "taking" under the California ESA. On April 18, 2007, the Alameda County Superior Court issued its Statement of Decision finding that DWR was illegally "taking" listed fish through operation of the SWP export facilities. The Superior Court ordered DWR to "cease and desist from further operation" of those facilities within 60 days unless it obtained take authorization from the California Department of Fish and Game.

DWR appealed the Alameda County Superior Court's order on May 7, 2007. This appeal stayed the order pending the outcome of the appeal. The Court of Appeal stayed processing of the appeal in 2009 to allow time for DWR to obtain incidental take authorization for the Delta smelt and salmon under the California ESA, based on the consistency of the federal biological opinions with California ESA requirements ("Consistency Determinations"). After the California Department of Fish and Game issued the Consistency Determinations under the California ESA, authorizing the incidental take of both Delta smelt and salmon, appellants DWR and State Water Contractors dismissed their appeals of the Watershed Enforcers decision. The Court of Appeal subsequently issued a decision finding that DWR was a "person" under the California ESA and subject to its take prohibitions, which was the only issue left in the case. The State Water Contractors and Kern County Water Agency have filed suit in State courts challenging the Consistency Determinations under the California ESA that have been issued for both Delta smelt and salmon. Those lawsuits challenging the Consistency Determinations are pending. The parties are

continuing discussions of adjustments to the incidental take authorizations in light of the summary judgment ruling in the Delta Smelt Consolidated Cases and the Consolidated Salmon Cases, discussed under the heading **Federal ESA Litigation**, discussed previously.

The California Fish and Game Commission listed the longfin smelt as a threatened species under the California ESA on June 25, 2009. On February 23, 2009, in anticipation of the listing action, the California Department of Fish and Game issued a California ESA section 2081 incidental take permit to DWR authorizing the incidental take of longfin smelt by the SWP. This permit authorizes continued operation of the SWP under the conditions specified in the section 2081 permit. The State Water Contractors filed suit against the California Department of Fish and Game on March 25, 2009, alleging that the export restrictions imposed by the section 2081 permit have no reasonable relationship to any harm to longfin smelt caused by SWP operations, are arbitrary and capricious, and are not supported by the best available science. A decision was filed on March 13, 2014. The decision partially reversed, and partially affirmed, the district court's judgment invalidating the 2008 biological opinion by the Department of Fish and Wildlife that concluded that the Central Valley and State Water Projects jeopardized the existence of the smelt and its habitat.[27]

State Water Project Operational Constraints

DWR has altered the operations of the SWP to accommodate species of fish listed under the ESA. These changes in project operations have adversely affected SWP deliveries. The impact on total SWP deliveries attributable to the Delta smelt and salmonid species biological opinions combined is estimated to be 1 million acre-feet in an average year, reducing SWP deliveries from approximately 3.3 million acre-feet to approximately 2.3 million acre-feet for the year under average hydrology, and are estimated to range from 0.3 million acre-feet during critically dry years to 1.3 million acre-feet in above normal water years. SWP deliveries to contractors were reduced by approximately 285,000 acre-feet of water in calendar year 2011 as a result of pumping restrictions, with 135,000 acre-feet of export reductions in January and February, and 150,000 acre-feet in the fall. Despite operational restrictions in 2011, high flows from above normal precipitation in late 2010 and early 2011 reaching the Bay-Delta resulted in above average storage levels remaining in Lake Oroville through May 2012. As of January 2014, the storage levels remaining in Lake Oroville are 36 percent of total capacity as a result of well below average precipitation and snowpack levels.

Operational constraints likely will continue until long-term solutions to the problems in the Bay-Delta are identified and implemented. The Delta Vision process, established by then-Governor Schwarzenegger,

27 United States Court of Appeals for the Ninth Circuit, San Luis v. Jewell, 11-15871 (March 13, 2014).

was aimed at identifying long-term solutions to the conflicts in the Bay-Delta, including natural resource, infrastructure, land use, and governance issues. In addition, State and federal resource agencies and various environmental and water user entities are currently engaged in the development of the Bay-Delta Conservation Plan, which is aimed at addressing ecosystem needs and securing long-term operating permits for the SWP, and includes the Delta Habitat Conservation and Conveyance Program (DHCCP) (together, the "BDCP"). The DHCCP's current efforts consist of the preparation of the environmental documentation and preliminary engineering design for Bay-Delta water conveyance and related habitat conservation measures under the BDCP. In July 2012, the governor and U.S. Interior Secretary outlined revisions and alternative proposals to the proposed Bay Delta Conservation Plan (BDCP). Subsequently, the California Natural Resources Agency released four draft chapters of the BDCP in March 2013. Most recently on December 9, 2013, the State released an updated BDCP, along with a draft EIR/Environmental Impact Statement (EIS) for formal public review. The formal public review and comment period for the draft EIR/EIS is from December 13, 2013 through April 14, 2014. In April 2015, state and federal agencies announced a new sub-alternative—Alternative 4A (California WaterFix)—which preplaced Alternative 4 (the proposed BDCP) as the state's proposed project. Alternative 4A reflects the state's proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. These two efforts are a direct reflection of public comments and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals.[28]

Other issues, such as the decline of some fish populations in the Bay-Delta and surrounding regions and certain operational actions in the Bay-Delta, may significantly reduce MWD's water supply from the Bay-Delta. SWP operational requirements may be further modified under new biological opinions for listed species under the Federal ESA or by the California Department of Fish and Game's issuance of incidental take authorizations under the California ESA. Biological opinions or incidental take authorizations under the Federal ESA and the California ESA might further adversely affect SWP and Central Valley Project operations. Additionally, new litigation, listings of additional species, or new regulatory requirements could further adversely affect SWP operations in the future by requiring additional export reductions, releases of additional water from storage, or other operational changes impacting water supply operations. MWD has indicated that it cannot predict the ultimate outcome of any of the litigation or regulatory processes described previously, but believes they could have a materially adverse impact on the operation of the SWP pumps, MWD's SWP supplies, and MWD's water reserves.

28 Bay Delta Conservation Plan, Alternative 4A (California WaterFix), http://baydeltaconservationplan.com/Home.aspx.

"Area of Origin" Litigation

Four SWP contractors located north of the SWP's Bay-Delta pumping plant filed litigation against DWR on July 17, 2008, asserting that since they are located in the "area of origin" of SWP water, they are entitled to receive their entire contract amount before any water is delivered to contractors south of the Bay-Delta. If the plaintiffs are successful in this litigation, SWP water available to MWD in a drought period could be reduced by approximately 25,000 afy of a multiyear drought or by as much as 40,000 acre-feet in an exceedingly dry year. MWD and 12 other SWP contractors located south of the Bay-Delta filed motions to intervene in this litigation, which were granted on February 25, 2009. In May 2012, the parties reached an agreement, in principle, that plaintiffs will dismiss the action with prejudice and agree to certain limitations on asserting area of origin arguments in the future; in return, DWR and the interveners will agree to operational changes that will increase the reliability of plaintiffs' SWP supplies at little or minimal cost to other SWP water contractors. The DWR completed and adopted a Final Initial Study/Mitigated Negative Declaration (IS/MND) in September 2013 for the SWP Allocation Settlement Agreements. The Final IS/MND which describes the potential environmental impacts as a result of the proposed changes to SWP operations determined there were no potentially significant impacts.

Surface Water

Surface water sources are secured from Snow and Falls Creeks, Chino Creeks North and West, and the Whitewater River. The creeks are all tributary to the Whitewater River. However, the diversion at Chino Creek North was taken out of service in 2000 due to turbidity spikes in the source water, and it cannot be restored to potable service without filtration. DWA continues to monitor the water quality of Chino Creek North to determine when it may be put back into service.[29]

Table 5.10.1-7, Quantities of Surface Water Diverted, represents the diversions by DWA for the years 2010 to 2015.

Table 5.10.1-7
Quantities of Surface Water Diverted (acre-feet per year)

Sources	2010	2011	2012	2013	2014	2014
Surface Water	1,582	1,724	2,222	1,802	1,787	1,540
% of Total Water Supply	3.7%	4.1%	5.1%	4.3%	4.4%	4.6%

Source: DWA, 2015 Urban Water Management Plan 2015 Update (June 2016).

29 DWA, 2015 Urban Water Management Plan 2015 Update (June 2016).

DWA projects quantities of surface water for 2020 through 2040 to be approximately 1,800 afy, ranging from 3.4% to 2.8% of DWA's total water supply.

Water Quality Impacts on Reliability

As previously mentioned, DWA's surface water diversions are occasionally taken out of service due to water quality. In the summer months Snow and Falls Creeks are subject to high levels of coliform bacteria and therefore require additional disinfection equipment. DWA installed ultraviolet treatment facilities at the Snow Creek and Chino Creek West intakes in accordance with revisions to the California Code of Regulations, pertaining to disinfection, which became effective in 2014. To augment the potential shortage in water supply from this source in the event of loss of service of the disinfection equipment, DWA proposed a new groundwater well pumping plant in 2015 to provide safe and reliable water service to residences in Snow Creek Village. However, the project was considered cost-prohibitive at the time and was not constructed. As a result, DWA staff is reviewing other options to provide standby water to Snow Creek Village when the creek supply is unavailable.

Wastewater and Recycled Water

Wastewater that has been highly treated and disinfected can be reused for landscape irrigation and other purposes; treated wastewater is not suitable for potable use. Recycled wastewater has historically been used for irrigation of golf courses and municipal landscaping in the Coachella Valley since the early 1960s.

The use of recycled water plays a key role in DWA's Basin Management Program as it serves to conserve and protect the valuable groundwater and surface water supplies for potable uses. In 1988, DWA and the City entered into an agreement to treat wastewater. Under the agreement, the City provides primary and secondary treatment at the City of Palm Springs Wastewater Treatment Plant (CPS WWTP), after which the secondary effluent is piped to DWA's Recycled Water Treatment Facility for tertiary treatment or to a collection of percolation ponds for recharge back into the groundwater basin.

In 2014, DWA constructed two non-potable, shallow groundwater wells (1,200 gpm capacity each) that are intended to extract shallow, low-quality groundwater to supplement recycled water demands in the summer months in-lieu of potable water. Production at these two wells began in early 2015 and has completely replaced potable water as a supplement to meet recycled water demands within DWA's service area. It is estimated that approximately 500 afy of supplemental water is required to meet existing recycled water demands, primarily in the summer.

Production from the shallow groundwater wells can potentially recover 100 percent of the 2,000 afy of secondary effluent that is discharged to the percolation ponds. This would be adequate to supply the 500

afy supplementing existing demands and the 1,500 afy estimated demand for potential recycled water customers.

DWA will plan additional pipelines which will expand municipal use of recycled water as supplies and funding are made available. Future wastewater flows are projected to increase as the population increases, but as previously stated, significant increases in wastewater supplies is unlikely. Currently (2015), DWA collects approximately 6,700 afy of wastewater, of which 4,100 afy meets the recycled water standard. By the year 2040, DWA is expecting to collect approximately 7,600 afy of wastewater and have approximately 7,000 afy of that meet the recycled water standard. The current and projected tertiary and secondary recycled water and groundwater recharge quantities are shown in **Table 5.10.1-8, Current and Projected Recycled Water Uses within DWA's Service Area**.

Table 5.10.1-8
Current and Projected Recycled Water Uses within DWA's Service Area

Types of Use	Treatment Level	2015	2020	2025	2030	2035	2040
Landscape	Tertiary	4,045	6,100	7,000	7,000	7,000	7,000
Groundwater Recharge	Secondary	2,100	800	100	200	400	600
Tertiary-Treated Water Percentage of Total Water Supply		7%	11%	12%	12%	12%	12%
Total		**6,145**	**6,900**	**7,100**	**7,200**	**7,400**	**7,600**

Source: DWA, 2015 Urban Water Management Plan, July 2016. Table II-10.

Permanent Water Purchases

DWA purchases Table A Amounts from SWP contractors as they have become available and meet DWA's needs. Additional purchases from the SWP and from others with water rights, mainly in the Central Valley of California, will be evaluated as they become available to determine whether they meet DWA 's needs. If they do, DWA may purchase additional SWP water rights.

Summary of Primary and Additional Water Sources

Table 5.10.1-9, Current and Projected Water Supplies, shows all of DWA's current and projected water supplies.

Table 5.10.1-9
Current and Projected Water Supplies (afy)

Water Supply Sources	2015	2020	2025	2030	2035	2040
External Sources						
Surface Water[a]	1,800	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge[b]	6,600	8,400	8,900	8,900	9,600	9,700
Imported Water[c]	9,300	25,600	25,600	25,600	25,600	25,600
Groundwater from Storage[b]	2,035	0	0	0	0	0
Internal Sources						
Non-consumptive Return[d]	10,000	10,900	11,400	11,800	12,700	13,500
Recycled Water[e]	4,600	6,100	7,000	7,000	7,000	7,000
Water Supply Sources Total	34,335	52,800	54,700	55,100	56,700	57,600

[a] DWA diverts surface water from Snow Creek and Falls Creek (per State Water Resources Control Board Water Rights Division and Licenses 2592, 3097, and 8226) and Chino Creek and the Whitewater River (per the Whitewater River Adjudication Decree, Case No. 18035, dated September 28, 1938.

[b] DWA extracts groundwater comprising natural recharge, non-consumptive return, and groundwater from storage. Net natural replenishment for the Whitewater River Subbasin is described in the 2010 Update to the Coachella Valley Water Management Plan, its 2014 Status Report, with DWA's share being about 23 to 25 percent of the net natural replenishment, reflecting long term average supply. "Groundwater from storage" is continued groundwater extraction required to meet demands in addition to natural and imported supplies.

[c] Colorado River water has been and continues to be exchanged for State Water Project water per the 2003 and prior Exchange Agreements among DWA, CVWD, and Metropolitan. Currently, approximately 93 percent of exchange water is directed to the Whitewater River Subbasin, of which 25 percent is allocable to DWA and 75 percent is allocable to CVWD. State Water Project water consists of DWA's apportionment of its Table A allocation, Article 21 surplus water allocation (when available), and other surplus water acquired and conveyed through the State Water Project. Herein, projected Table A and Article 21 State Water Project water deliveries are based on the 2013 State Water Project Reliability Report. Other surplus water includes State Water Project Pools A and B Turnback water, Yuba River Accord water, and Central Valley flood waters (Kern River and other rivers).

[d] Non-consumptive return to the aquifer is estimated to be 29 to 35 percent of groundwater and surface water produced and used but not consumed, per the 2010 Update to the Coachella Valley Water Management Plan and its 2014 Status Report, with annual quantities varying with varying production.

[e] DWA's Recycled Water Treatment Facility reclaims secondary effluent from the City of Palm Springs Wastewater Treatment Plant. Currently, DWA reclaims over half of the secondary effluent available from the City, which is approximately 6.0 million gallons per day (6,500 afy). Potential future recycled water demands are described in DWA's 2008 General Plan. Due to the fact that the use of recycled water does not change the nature of consumptive water use, use of recycled water is considered herein to have a negligible effect on the assumed rate of non-consumptive return to the aquifer based on the total groundwater and surface water production. However, increased recycled water use can help offset the use of other sources (such as pumped groundwater) to meet total demand.

Water Demand

Future Water Demands

Average Year

Future population increase will result in a substantial increase in water deliveries. The actual water demands for 2015 and projected water demands for the period 2020 through 2040 in 5-year increments are listed in **Table 5.10.1-10, Supply and Demand Comparison—Average Year (afy).**

Table 5.10.1-10
Supply and Demand Comparison—Average Year (afy)

	2015[a]	2020	2025	2030	2035	2040
Water Supply Sources						
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	6,600	8,400	8,900	8,900	9,600	9,700
Non-consumptive Return	10,000	10,900	11,400	11,800	12,700	13,500
Groundwater from Storage[b]	2,035	0	0	0	0	0
Table A	8,800	25,600	25,600	25,600	25,600	25,600
Other Surplus Water[c]	500	500	500	500	500	500
Recycled Water	4,600	6,100	7,000	7,000	7,000	7,000
Supply Totals	**34,340**	**53,300**	**55,200**	**55,600**	**57,200**	**58,100**
Water Demand						
Recycled Water	4,600	6,100	7,000	7,000	7,000	7,000
Produced Water	29,731	36,608	38,383	40,157	41,932	43,575
Demand Totals	**34,331**	**42,708**	**45,383**	**47,157**	**48,932**	**50,575**

Source: DWA, 2015 Urban Water Management Plan, *(July 2016). Table VII-1.*
[a] Based on actual usage in 2015.
[b] Groundwater from storage means demand exceed supply.
[c] Other surplus water includes State Water Project Pools A and B Turnback water, Yuba River Accord water, and Central Valley flood waters (Kern River and other rivers).

Dry Water Years

Table 5.10.1-11, Supply and Demand Comparison—Single Dry Year (afy), shows DWA's projected urban water supplies and demands in a single dry year.

Table 5.10.1-11
Supply and Demand Comparison—Single Dry Year (afy)

	2015[a]	2020	2025	2030	2035	2040
Water Supply Sources						
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	6,600	8,400	8,900	8,900	9,600	9,700
Non-consumptive Return	10,000	10,900	11,400	11,800	12,700	13,500
Groundwater from Storage[b]	6,435	10,605	11,385	12,755	12,935	13,675

	2015[a]	2020	2025	2030	2035	2040
Table A	4,900	4,900	4,900	4,900	4,900	4,900
Other Surplus Water[c]	0	0	0	0	0	0
Recycled Water	4,600	6,100	7,000	7,000	7,000	7,000
Supply Totals	**34,340**	**42,710**	**45,390**	**47,160**	**48,940**	**50,580**
Water Demand						
Recycled Water	4,600	6,100	7,000	7,000	7,000	7,000
Produced Water	29,731	36,608	38,383	40,157	41,932	43,575
Demand Totals	**34,331**	**42,708**	**45,383**	**47,157**	**48,932**	**50,575**

Source: DWA, 2015 Urban Water Management Plan, *(July 2016). Table VII-1.*
[a] *Based on actual usage in 2015.*
[b] *Groundwater from storage means demand exceed supply.*
[c] *Other surplus water includes State Water Project Pools A and B Turnback water, Yuba River Accord water, and Central Valley flood waters (Kern River and other rivers).*

Table 5.10.1-12, Supply and Demand Comparison—Multiple Dry-Year Events (afy), shows DWA's projected urban water supplies and demand through 2040. As previously mentioned, groundwater production is driven by demand; therefore, supplies are equal to demand. According to the 2015 UWMP Update, the aquifer and other sources of supply are adequate for a single dry year and also multiple dry years, for a 25-year period. With the reliability of its groundwater, surface water, and recycled water supplies, DWA is confident in its ability to meet demands through 2040. However, without consistently importing water to offset overdraft in the Whitewater River Subbasin, significant reduction of groundwater in storage will occur, and DWA may be required to "mine" groundwater in order to meet anticipated water demands within the next 25 years. Should DWA receive greater than 58 percent of its Table A allocations, demand would not exceed supply in the Whitewater River Subbasin for at least the next 25 years.[30]

30 DWA, 2015 Urban Water Management Plan, (June 2016).

Table 5.10.1-12
Supply and Demand Comparison—Multiple Dry-Year Events (afy)

		2018–2020	2023–2025	2028–2030	2033–2035	2038–2040
Multiple-Dry Year First Year Supply	Supply Totals	39,500	43,780	46,450	48,230	49,920
	Demand Totals	37,926	43,733	46,447	48,222	49,918
	Difference	1,574	47	3	8	2
Multiple-Dry Year Second Year Supply	Supply Totals	40,200	44,130	46,810	48,580	50,250
	Demand Totals	39,567	44,128	46,802	48,577	50,246
	Difference	633	2	8	3	4
Multiple-Dry Year Third Year Supply	Supply Totals	42,710	45,390	47,160	48,940	50,580
	Demand Totals	42,708	45,383	47,157	48,932	50,575
	Difference	2	7	3	8	5

Source: DWA, 2015 Urban Water Management Plan, *(June 2016). Table VII-3 through VII-7.*

Water Quality

Basinwide groundwater quality is difficult to characterize because groundwater quality varies with such factors as depth (or the screened interval of a water supply well), proximity to faults, presence of surface contaminants, proximity to the recharge basin, and other hydro-geologic or cultural features. A complete discussion of water quality may be found in **Section 5.4, Water Resources.**

Project Site

The amount of existing development within the Project Site includes approximately 35,000 square foot Post Office, approximately 1.8 acres of open space (i.e., ornamental landscaping within parking lots), and approximately 132,000 square feet of casino related space (Spa Resort Casino). The existing water demand within the Project Site is estimated at approximately 24 acre-feet per year, as indicated in **Table 5.10.1-13, Existing Uses Water Demand**. For post office and casino uses, a demand factor of 0.096 gallons per square foot was used.[31] For landscaping, the Maximum Water Allotment from the City's Municipal Code Chapter 8.60 (Water Efficient Landscaping), which implements DWR's model for water efficient landscape is 3.108 acre feet/year/acre.

31 Office building demand is established using prior accepted reference (rate of 35 gallons/year/square foot of office space as obtained from Commercial and Institutional End Used of Water, AWWA Research Foundation Table 6.18.

Table 5.10.1-13
Existing Uses Water Demand

Land Use	Bldg. Area (sq. ft.)	Demand Multiplier (gpd)	Demand (gpd)	Annual Demand (afy)
Post Office	35,000	96/1,000 sq. ft.	3,360	3.8
Casino	132,000	96/1,000 sq. ft.	12,672	14.2
Landscaping	78,408[a]	3.108 afy/ac	4,994	5.6
Total			**21,026**	**23.6**

Abbreviations:
sq. ft. = square feet; gpd = gallons per day; afy = acre-feet per year
[a] *Approximately 1.8 acres of landscaping x 43,560 square feet per acre = 78,408 square feet.*
Landscape water demand was calculated assuming 10 percent of the site is landscaped. Moderate Desert Landscaping is assumed for Zone 3A.

2. Regulatory Setting

Federal

Safe Drinking Water Act

The federal Clean Water Act (CWA) Section 401 regulates the discharges of pollutants into "waters of the US" from any point or non-point source.

In 1972, the CWA was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA focused on tracking point sources, primarily from wastewater treatment facilities and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges. The CWA was amended again in 1987 to provide a framework for regulating municipal and industrial stormwater discharges. In November 1990, the US Environmental Protection Agency (US EPA) published final regulations that establish application requirements for specific categories of industries, including construction projects that encompass greater than or equal to 5 acres of land. The Phase II Rule became final in December 1999, thus expanding regulated construction sites to those greater than or equal to 1 acre. The regulations require that stormwater and non-stormwater runoff associated with construction activity which discharges either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4s) must be regulated by an NPDES permit.

In the State of California, the program is administered by the local Regional Water Quality Control Board (RWQCB).

State

Urban Water Management Planning Act

The Urban Water Management Planning Act[32] (UWMPA) requires urban water suppliers that provide water for municipal purposes to more than 3,000 customers, or more than 3,000 afy of water, to prepare an UWMP. The intent of an UWMP is to assist water supply agencies in water resource planning given their existing and anticipated future demands. A UWMP must include a water supply and demand assessment comparing total water supply available to the water supplier with the total projected water use over a 20-year period. It is also mandatory that the management plans be updated every 5 years.

In recognition of the State requirements, DWA completed an update of the UWMP in June 2016. Much of the data used in the 2015 UWMP was based on information in the 2010 UWMP.

Regional and Local

Coachella Valley Integrated Regional Water Management Plan

The 2014 Coachella Valley Integrated Regional Water Management Plan (IRWMP) presents an integrated regional approach for addressing water management issues through a process that identifies and involves water management stakeholders from the Coachella Valley. It is aimed at securing long-term water supply reliability within California by first recognizing the inter-connectivity of water supplies, then encouraging the development and implementation of projects that yield combined benefits for water supplies, water quality, and natural resources.

Coachella Valley water supplies are primarily obtained from: imported water supplied through the Coachella Canal and the Colorado River Aqueduct, as well as groundwater pumped from the Coachella Valley Groundwater Basin. Population growth and changes in land use in the context of global climate change correspond to an increase in water demand and pressure on the existing water supply sources, including groundwater basins. The Coachella Valley IRWMP indicates that conservation efforts are critical to reduce water demand over the long term, and to reduce pressure on the groundwater supply. Current water conservation efforts by various agencies have focused on urban use, agricultural irrigation, and golf course irrigation. IRWMP Objectives include:[33]

- Provide reliable water supply for residential and commercial, agricultural community, and tourism needs.

32 Sections 10610–10657, Urban Water Management Planning Act.

33 Coachella Valley Regional Water Management Group, 2014 Coachella Valley Integrated Regional Water Management Plan, (February, 2014).

- Manage groundwater levels to reduce overdraft, manage perched water, and minimize subsidence.
- Secure reliable imported water supply, including restoring/improving reliability of SWP supply and securing other imported water supplies.
- Maximize local supply opportunities, including water conservation, water recycling and source substitution, and capture and infiltration of runoff.
- Protect groundwater quality and improve, where feasible.
- Preserve and improve surface water quality by maintaining integrity of agricultural drainage systems, protecting the quality of natural runoff used for potable supply, and reducing pollution in stormwater runoff.
- Preserve the water-related local environment and restore, where feasible.
- Manage flood risks, including current acute needs and needs for future development.
- Optimize conjunctive use of available water resources.
- Maximize stakeholder involvement and stewardship in water resource management.
- Address water-related needs of local Native American culture.
- Address water and sanitation needs of disadvantaged communities, including those in remote areas.
- Maintain affordability of water.

The Coachella Valley IRWMP engaged the Valley's tribal governments in order to better understand their critical water resources issues and needs. The following six Native American tribes in the region were engaged during outreach for the IRWMP:[34]

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Mission Indians
- Cabazon Band of Mission Indians
- Morongo Band of Mission Indians

34 Coachella Valley Regional Water Management Group, 2014 Coachella Valley Integrated Regional Water Management Plan, (February, 2014).

- Torres-Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Due to their historical presence in the Valley, tribes face specific issues and considerations with relation to the IRWMP. Native Americans are the original inhabitants of the Coachella Valley, having resided in the Coachella Valley for centuries. The water in the Coachella Valley has sustained these Native American people agriculturally, economically, culturally, and spiritually for a long period of time, as it still does today. Key issues on tribal lands include lack of adequate water and wastewater infrastructure, particularly in East Valley areas. The Coachella Valley's tribes are also concerned with protection of culturally significant native plant species and habitats, as well as culturally significant water resources on tribal lands. Establishing new relationships between the IRWMP program and local tribes will improve regional groundwater management. The Coachella Valley Regional Water Management Group intends to collaborate with the local tribes on long-term water management planning to ensure that the water supply within the Coachella Valley is adequate for all users.[35]

Agua Caliente Cahuilla Band of Indians

Agua Caliente Land Use Ordinance

The purpose of the Agua Caliente Band of Cahuilla Indians Land Use Ordinance ("Tribal Land Use Ordinance") is to provide standards and regulations to control land uses on Indian Reservation Lands, maintain and protect the Reservation's unique natural and cultural resources, and to preserve the natural environment. Article VII, Landscaping Standards, of the Tribal Land Use Ordinance promotes the use of native, desert, and other drought tolerant plants to reduce water demand on the Reservation. The landscape management practices identified in this Article of the Tribal Land Use Ordinance ensure maximum water efficiency in comprehensive landscaping plans, irrigation plans, plant materials, decorative water features, and places limitations on turf material.

Tribal Ordinance Regulating Use of Lands Within the Boundaries of the Agua Caliente Indian Reservation for Public Utility Purposes

The purpose of this Tribal Ordinance is to regulate and restrict the use of lands within the exterior boundaries of the Reservation by public utility projects which do not directly benefit and serve the

35 Coachella Valley Regional Water Management Group, 2014 Coachella Valley Integrated Regional Water Management Plan, (February, 2014).

members of the Agua Caliente Band.[36] The Ordinance includes pipelines, canals, aqueducts, and water lines within the realm of public utilities.

Desert Water Agency

Urban Water Management Plan

DWA has prepared the 2015 UWMP in accordance with the UWMPA, as set forth in Part 2.6 of Division 6 of the California Water Code, and the Water Conservation Act of 2009 (also referred to as SB X7-7), as set forth in Part 2.55 of Division 6 of the California Water Code. The 2015 UWMP projects water supply and demand over a 20-year period up to 2040.

Engineer's Report on Groundwater Replenishment and Assessment Program

Since 1973, the DWA and CVWD have utilized Colorado River water exchanged for SWP water to replenish groundwater in the Whitewater River Subbasin of the Coachella Valley Groundwater Basin. DWA's Groundwater Replenishment and Assessment Program was established to augment groundwater supplies and arrest or retard declining water table conditions within the Coachella Valley Groundwater Basin. DWA prepares a report annually documenting these efforts.

City of Palm Springs

The City of Palm Springs has complied with AB 1881 with its water-efficient Landscape Ordinance in Chapter 8.60 (Water Efficient Landscaping) of the City of Palm Springs's Municipal Code. This section of the City's Municipal Code requires project applicants to submit a landscape documentation package, which is required to include a water conservation concept statement, calculation of maximum allowed water allowance (MAWA), calculation of the estimated total water use, a landscape design plan, an irrigation design plan, a landscape grading plan, reclaimed water specifications, irrigation water specifications, and a soil analysis (optional).

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impact on water supply, if it would:

36 Agua Caliente Band of Cahuilla Indians, "Tribal Ordinance Regulating the Use of Lands Within the Boundaries of the Agua Caliente Indian Reservation for Public Utility Purposes," http://www.aguacaliente.org/downloads/Ordinance07.pdf.

Threshold 5.10.1-1 **Require or result in the construction of new water treatment facilities or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Threshold 5.4-2: **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?**

2. Methodology

The available supplies and water demands for DWA's service area were analyzed to assess the DWA's ability to satisfy demands during three scenarios: a normal water year, a single dry year, and multiple dry years.

The analysis of water resources and water supply is based upon the understanding of projected water supplies as developed by DWA including estimates of available groundwater, Colorado River water, and SWP sources.

The analysis relies on the water supply and demand planning considerations established in DWA's 2015 UWMP, 2016-2017 Engineer's Reports on Groundwater Replenishment and Assessment Program for the Whitewater River Subbasin, and 2015 Final Delivery Reliability Report.

According to the 2015 DWA UWMP, the aquifer and other sources of supply are adequate for a single dry year and also multiple dry years, for a 20-year period. DWA will not extract more groundwater than is needed to meet multiple dry year demands. Without consistently importing water to offset overdraft in the Whitewater River Subbasin, significant reduction of groundwater in storage will occur, and DWA may be required to extract groundwater in order to meet anticipated water demands within the next 25 years. Should DWA receive greater than 58 percent of its Table A allocations, demand would not exceed supply in the Whitewater River Subbasin for at least the next 25 years.[37]

It is assumed that indirect population growth associated with the Project is included in the population growth projections for the DWA area. Therefore, it can be assumed that Project water demand is also included within 2015 UWMP growth projections. Since supply is driven by demand, it can be assumed that

37 DWA, 2015 UWMP (June 2016), VII-14.

supply is also included within the 2015 UWMP growth projections, and that adequate water is available to supply the Project.

Quantitative estimates of water supplies and demands were considered as part of the impact assessment. This Section focuses on the adequacy of groundwater and other alternative water sources to supply amounts of water sufficient to meet the water demands of the Project. Additional water sources are considered as a supplement to groundwater in that they are used to recharge the aquifer, serve as a source substitution for groundwater, or are used for irrigation.

Once available to the Project Site, the Project will utilize recycled water on site to supplement non-potable water demands.

Indoor Demand

Potable water demand was calculated for all indoor uses based on Project-specific estimates. An interior demand factor of 0.096 gallons per square foot was used for mixed use/retail, meeting space, and casino uses;[38] and a demand factor of 0.907 was used for spa uses. [39] Demand factors identified for the existing water demand were used to determine the Project demand.

The AWWA Research Foundation's Commercial and Institutional End Uses of Water (2000) was used to estimate indoor non-residential water use. In the absence of documented local indoor non-residential usage factors that would accurately represent water use trends, the AWWA Research Foundation document provides water use data applicable to mixed use commercial development projects in desert areas within southern California and Arizona, and sets water efficiency benchmarks for specific commercial uses.

Outdoor Demand

The Project proposes potable water sources for open space, requiring 19.6 afy of potable water, using a demand factor of 3.108 afy per acre. Initially, the Project would rely on groundwater for its outdoor irrigation demand. The use of recycled water would reduce the demand of the Project on the groundwater basin, once it becomes available.

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38 Office building demand is established using prior accepted reference (rate of 35 gallons/year/square foot of office space as obtained from Commercial and Institutional End Used of Water, AWWA Research Foundation Table 6.18.

39 Restaurant domestic demand, or in this case spa demand, is established using prior accepted reference rate of 331 gallons/year/square foot of restaurant space, or spa space, as obtained from Commercial and Institutional End Uses of Water, AWWA Research Foundation Table 6.16.

3. Project Impacts

Threshold 5.10.1-1 **Require or result in the construction of new water treatment facilities or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Water Service Infrastructure Analysis

The Project would, with mitigation, result in less than significant impacts to water service infrastructure. The Project would result in less than significant impacts to fire flow delivery systems through compliance with requirements of the Palm Springs Fire Department. Development of the Project is expected to increase demand for water service within DWA service boundaries. As a result, additional water supplies would be required to accommodate the demands of the Project. DWA is the PWS for the Project Site and would provide water service for the Project.

As discussed in the Section 14 Specific Plan, water facilities are adequate and pipe distribution grids vary in diameters from 6 to 16 inches. DWA's future General Plan improvements are intended to fill the gaps, as well as up-size pipe diameters to improve efficiency in delivery of water. As indicated in the Section 14 Specific Plan, pipe extensions and upsizing requirements should be reviewed on a project by project basis.

All future water system improvements within Section 14 would follow DWA standards and specifications, American Waterworks Association, American National Standards Institute and the latest Standard Specifications for Public Works Construction (Green Book) for water facilities.

The Project would be required to design water facilities consistent with the above standards. Further, the Project would be required to incorporate water conservation measures, such as high-efficiency irrigation systems and drought-tolerant landscaping consistent with the 2002 EIS/EIR completed for the Section 14 Specific Plan and Tribal Land Use Ordinance requirements, and would use reclaimed water for irrigation wherever feasibly possible.[40] Therefore, consistent with approved 2002 EIR/EIS conditions of approval for Section 14, **Mitigation Measure 5.10.1-1** requires that prior to any building permit for the Project, water conservation measures and applicable water system improvement standards be incorporated into the Project design. Accordingly, the water system infrastructure impacts would be less than significant with the proposed mitigation.

Fire flow delivery is dependent upon the type and size of new structures and the requirements of the Palm Springs Fire Department. Analysis and determination of adequacy of the water system to deliver fire flow

40 City of Palm Springs, "Section 14 Specific Plan" (July 2014).

requirements must be evaluated on a project by project basis.[41] As previously discussed, the improvements as outlined in the Section 14 Specific Plan are intended to improve the efficiency in the distribution system and to meet the needs of future development in Section 14. Therefore, the Project would be required to implement fire flow design consistent with requirements of the Palm Springs Fire Department. As such, the Project would not require the construction of new water treatment facilities or the expansion of existing facilities which would cause significant environmental impacts. Accordingly, fire flow delivery impacts would be less than significant.

Threshold 5.4-2: **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?**

Water Supply and Demand Analysis

The Project would account for 0.63 percent of the total groundwater supply during multiple dry years for the DWA by 2018 and DWA has indicated sufficient supplies would be available to meet growing demand. As a result, Project impacts on water supply would be less than significant. As shown in **Table 5.10.1-14, Projected Annual Project Demand**, the Project would result in a total net demand of 115.1 afy, which is approximately 0.5 percent of the DWA projected total groundwater demand for an average year, approximately 0.3 percent for a single dry year, and approximately 0.4 percent in a multiple dry water year in 2040.

The available supplies and water demands for DWA's service area were analyzed in the 2015 UWMP to assess the region's ability to satisfy demands during three scenarios: a normal water year, a single-dry year, and multiple-dry years. The following discussion presents the supply-demand balance for the various drought scenarios in the DWA service area for the Project. To assess a conservative analysis, it is assumed that the Project net water demand would begin in 2018. However, the spa would be the first anticipated water demand in 2019, while the rest of the Project would be anticipated to be completed by 2026.

Table 5.10.1-15, Dry Water Year Supply and Demand Assessment—2018 to 2020, sets forth the supply and demand scenario, showing DWA growth in water demand and the percentage the total supply, from groundwater, that would be utilized by the Project annually between 2018 and 2020.

41 City of Palm Springs, "Section 14 Specific Plan" (July 2014).

Table 5.10.1-16, Dry Water Year Supply and Demand Assessment—2023 to 2025, sets forth the supply and demand scenario, showing DWA growth in water demand and the percentage the total supply, from groundwater, that would be utilized by the Project annually between 2023 and 2025.

Table 5.10.1-17, Dry Water Year Supply and Demand Assessment—2028 to 2030, sets forth the supply and demand scenario, showing DWA growth in water demand and the percentage the total supply, from groundwater, that would be utilized by the Project annually between 2028 and 2030.

Table 5.10.1-14
Projected Annual Project Demand

Land Use	Rooms	Bldg. Area (sq. ft.)	Demand Multiplier (gpd)	Demand (gpd)	Annual Demand (afy)
Hotel	350	—	115/room	40,250	45.1
Meeting Space	—	60,000	96/1,000 sq. ft.	5,760	6.5
Mixed Use/Retail	—	50,000	96/1,000 sq. ft.	4,800	5.4
Casino	—	200,000	96/1,000 sq. ft.	19,200	21.5
Spa	—	40,000	907/1,000 sq. ft.	36,280	40.6
Landscaping	—	274,428[a]	3.108 afy/ac	17,480	19.6
Project Water Demand Total				*123,770*	138.7
Existing Water Demand Total				*21,026*	23.6
Net Increase Water Demand Total				**102,744**	**115.1**

Abbreviations:
sq. ft. = square feet; gpd = gallons per day; afy = acre-feet per year
[a] *Approximately 6.3 acres of landscaping would be proposed x 43,560 square feet per acre = 274,428 square feet.*

Table 5.10.1-18, Dry Water Year Supply and Demand Assessment—2033 to 2035, sets forth the supply and demand scenario, showing DWA growth in water demand and the percentage the total supply, from groundwater, that would be utilized by the Project annually between 2033 and 2035.

Table 5.10.1-19, Dry Water Year Supply and Demand Assessment—2038 to 2040, sets forth the supply and demand scenario, showing DWA growth in water demand and the percentage the total supply, from groundwater, that would be utilized by the Project annually between 2038 and 2040.

The Project would require an estimated net 115 afy at buildout in 2026. This estimate is based on the demand rates previously noted and is consistent with the maximum water allowance requirements set forth in the Palm Springs Municipal Code. Consistent with the 2002 EIS/EIR completed for the Section 14 Specific Plan, the Project would be required to incorporate water conservation measures into the project design. Landscaped areas would be designed in accordance with the Section 14 Specific Plan and would incorporate water conservation measures, such as high-efficiency irrigation systems and drought-tolerant

landscaping consistent with the Tribal Land Use Ordinance, and would use reclaimed water for irrigation wherever feasibly possible.[42] As shown in **Table 5.10.1-15**, the Project would utilize approximately 0.29 percent of the total DWA water supply during multiple dry years and 0.63 percent of the total groundwater supply during multiple dry years for the DWA by 2018.

The Project's total net water demand estimate is approximately 115 afy. As previously discussed in the Methodology, the 2015 UWMP utilizes approved population projections from CVAG which includes projections from buildout of the Project Site.

In 2030, the Project would account for 0.6 percent of the total DWA's 2015 UWMP groundwater supply and approximately 0.3 percent of DWA's total demand when compared to the urban water demands presented in **Table 5.10.1-17**. Given that the DWA has an adequate supply of water from existing entitlements and resources and that the Project would demand less than 1 percent of groundwater supplies in 2030, Project impacts would be less than significant.

Table 5.10.1-15
Dry Water Year Supply and Demand Assessment—2018 to 2020

	Average Water Year 2020	Single Dry Water Year 2020	Multiple Dry Water Years		
			2018	2019	2020
Supply					
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	8,400	8,400	7,700	8,100	8,400
Non-Consumptive Return	10,900	10,900	10,700	11,000	10,900
Groundwater from Storage[b]	0	10,605	0	0	805
Table A	25,600	4,900	14,700	14,700	14,700
Other Surplus Water[c]	500	0	0	0	0
Recycled Water	6,100	6,100	4,600	4,600	6,100
Total Supply	**53,300**	**42,710**	**39,500**	**40,200**	**42,710**
Project Water Demand	115.1	115.1	115.1	115.1	115.1
Percent of Total Supply	**0.22**	**0.27**	**0.29**	**0.29**	**0.27**
Percent of Groundwater Supply	**0.60**	**0.38**	**0.63**	**0.60**	**0.57**

*Source: See **Table 5.15.1-16** for supply growth rates and for annual Project water demand.*

42 City of Palm Springs, "Section 14 Specific Plan" (July 2014).

Table 5.10.1-16
Dry Water Year Supply and Demand Assessment—2023 to 2025

	Average Water Year 2025	Single Dry Water Year 2025	Multiple Dry Water Years		
			2023	2024	2025
Supply					
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	8,900	8,900	9,000	9,000	8,900
Non-Consumptive Return	11,400	11,400	11,200	11,300	11,400
Groundwater from Storage[b]	0	11,385	975	1,225	1,585
Table A	25,600	4,900	14,700	14,700	14,700
Other Surplus Water[c]	500	0	0	0	0
Recycled Water	7,000	7,000	6,100	6,100	7,000
Total Supply	**55,200**	**45,390**	**43,780**	**44,130**	**45,390**
Project Water Demand	115.1	115.1	115.1	115.1	115.1
Percent of Total Supply	**0.21**	**0.25**	**0.26**	**0.26**	**0.25**
Percent of Groundwater Supply	**0.57**	**0.36**	**0.54**	**0.53**	**0.53**

*Source: See **Table 5.10.1-16** for supply growth rates and for annual Project water demand.*

Table 5.10.1-17
Dry Water Year Supply and Demand Assessment—2028 to 2030

	Average Water Year 2030	Single Dry Water Year 2030	Multiple Dry Water Years		
			2026	2027	2028
Supply					
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	8,900	8,900	9,000	9,000	8,900
Non-Consumptive Return	11,800	11,800	11,700	11,700	11,800
Groundwater from Storage[b]	0	12,755	2,245	2,605	2,955
Table A	25,600	4,900	14,700	14,700	14,700
Other Surplus Water[c]	500	0	0	0	0

	Average Water Year 2030	Single Dry Water Year 2030	Multiple Dry Water Years 2026	2027	2028
Recycled Water	7,000	7,000	7,000	7,000	7,000
Total Supply	**55,600**	**47,160**	**46,450**	**46,810**	**47,160**
Project Water Demand	115.1	115.1	115.1	115.1	115.1
Percent of Total Supply	**0.21**	**0.24**	**0.25**	**0.25**	**0.24**
Percent of Groundwater Supply	**0.56**	**0.34**	**0.50**	**0.49**	**0.49**

*Source: See **Table 5.10.1-16** for supply growth rates and for annual Project water demand.*

Table 5.10.1-18
Dry Water Year Supply and Demand Assessment—2033 to 2035

	Average Water Year 2035	Single Dry Water Year 2035	Multiple Dry Water Years 2033	2034	2035
Supply					
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	9,600	9,600	9,300	9,500	9,600
Non-Consumptive Return	12,700	12,700	12,300	12,500	12,700
Groundwater from Storage[b]	0	12,935	3,125	3,075	3,135
Table A	25,600	4,900	14,700	14,700	14,700
Other Surplus Water[c]	500	0	0	0	0
Recycled Water	7,000	7,000	7,000	7,000	7,000
Total Supply	**57,200**	**48,940**	**48,230**	**48,580**	**48,940**
Project Water Demand	115.1	115.1	115.1	115.1	115.1
Percent of Total Supply	**0.20**	**0.24**	**0.24**	**0.24**	**0.24**
Percent of Groundwater Supply	**0.52**	**0.33**	**0.47**	**0.46**	**0.45**

*Source: See **Table 5.10.1-16** for supply growth rates and for annual Project water demand.*

Table 5.10.1-19
Dry Water Year Supply and Demand Assessment—2038 to 2040

	Average Water Year 2040	Single Dry Water Year 2040	Multiple Dry Water Years		
			2038	2039	2040
Supply					
Surface Water Diversions	1,800	1,800	1,800	1,800	1,800
Natural Groundwater Recharge	9,700	9,700	9,600	9,600	9,700
Non-Consumptive Return	13,500	13,500	13,200	13,300	13,500
Groundwater from Storage[b]	0	13,675	3,615	3,845	3,875
Table A	25,600	4,900	14,700	14,700	14,700
Other Surplus Water[c]	500	0	0	0	0
Recycled Water	7,000	7,000	7,000	7,000	7,000
Total Supply	**58,100**	**50,580**	**49,920**	**50,250**	**50,580**
Project Water Demand	115.1	115.1	115.1	115.1	115.1
Percent of Total Supply	**0.20**	**0.23**	**0.23**	**0.23**	**0.23**
Percent of Groundwater Supply	**0.50**	**0.31**	**0.44**	**0.43**	**0.43**

*Source: See **Table 5.10.1-16** for supply growth rates and for annual Project water demand.*

4. Cumulative Impacts

Future Water Demands

Each related project would be required to implement similar conditions of approval or mitigation (similar to **Mitigation Measure MM 5.10.1-1**) with respect to water conservation and cumulative water supply impacts would be less than significant with mitigation. Regional development of residential, commercial, and industrial sites will result in an increased demand on the potable water supply. The entire Coachella Valley utilizes an underground aquifer for its water supply needs. Therefore, cooperation between regional communities and DWA is required to prevent depletion of this water supply, as identified in the IRWMP.

The 2015 UWMP incorporates permanent year-round population projection beyond 2015 based on data and projections from the Southern California Association of Governments (SCAG) Regional Transportation Plan forecast of population, households, and employment. However, the U.S. Census Bureau and SCAG projections do not count non-permanent residents. The population of the DWA service area is projected

to increase up to 113,100 people by 2040.[43] This population increase will result in a substantial increase in water deliveries. The projected water demands for the period 2010 through 2040 in 5-year increments is shown in **Table 5.10.1-20, Past, Current, and Projected Domestic Water Demand**. As shown, the total estimated domestic water demand for the year 2040 will be 50,460 acre-feet.

Table 5.10.1-20
Past, Current, and Projected Domestic Water Demand

		Potable Water Use[1]				Non-potable Water Use	
Year	Water Use	Single Family[2]	Commercial	Institutional	System Losses[3]	Recycled Water	Total
2010	# Accounts	18,520	2,602	295	—	8	21,425
	Deliveries (afy)	24,125	10,432	1,630	514	4,050	40,751
2015	# Accounts	19,181	10,432	271	—	9	22,082
	Deliveries (afy)	17,800	2,621	1,200	2,391	4,045	33,136
2020	# Accounts	18,519	2,613	291	—	10	42,670
	Deliveries (afy)	23,000	9,900	1,600	2,070	6,100	22,473
2025	# Accounts	19,417	2,740	305	—	11	22,473
	Deliveries (afy)	24,100	10,400	1,600	2,166	7,000	23,513
2030	# Accounts	20,315	2,867	319	—	12	23,513
	Deliveries (afy)	25,200	10,900	1,700	2,268	7,000	47,068
2035	# Accounts	21,212	2,993	333	—	12	24,550
	Deliveries (afy)	26,300	11,400	1,800	2,370	7,000	48,870
2040	# Accounts	22,043	3,111	347	—	12	25,513
	Deliveries (afy)	27,400	11,800	1,800	2,460	7,000	50,460

ource: DWA, 2015 UWMP, (June 2016) Table IV-1.
Future projections of gross potable water demand are based on projections of DWA's total service area population (as described in Section I.B.2 herein) and an estimated water use of 344 gallons per capita per day (gpcd), which is DWA's urban water use target (as described in Section VIII.E in the 2015 UWMP).
Includes accounts and deliveries for lower-income households. Refer also to Section 4.E in the 2015 UWMP.
Water losses in 2015 are based on the Water Audit Report for Calendar Year 2015, a copy of which is included in Appendix I herein. Projections of future system losses are based on a factor of 5.7% of gross water demand based on 2014/2015 fiscal year data.

As previously described, DWA and CVWD jointly manage the Coachella Valley Groundwater Basin. CVWD and its consultant published the 2010 update to the 2002 Coachella Valley Water Management Plan for the Coachella Valley in 2012, in accordance with the Groundwater Management Act, and the 2014 CVWMP Status Report. The updated plan discusses the actions both DWA and CVWD must take to prevent the continuing decline in groundwater levels and water quality degradation. Actions such as groundwater replenishment, source substitution for irrigation, recycled water use, conservation programs, and land

43 DWA, 2015 UWMP, (June 2016) Table I-2.

subsidence monitoring are outlined within the updated plan. Continued water importation, water recycling, water conservation, and long-range planning are necessary to meet current and future water demands without depleting the groundwater in storage.[44]

Groundwater Recharge Demand

Artificial recharge, using Colorado River water in quantities equivalent to SWP Table A and surplus water deliveries (exchange and advance deliveries), has approximated 3,021,700 acre-feet (approximately 2,880,100 acre-feet delivered to the Whitewater River Subbasin from 1973 through 2014 and approximately 141,700 acre-feet delivered to the Mission Creek Subbasin from 2002 through 2014).[45]

As identified in the 2015 UWMP, approximately 35,056 acre-feet of groundwater in 2020 and approximately 42,070 acre-feet of groundwater in 2040[46] are projected to be extracted from the Whitewater River Subbasin by DWA based on DWA's projected population projections and an estimated water use based on DWA's urban water use target of 344 gallons per capita per day (gpcd).

Future Water Supplies

As indicated in the tables above (information obtained from DWA), DWA will have sufficient water supplies for related projects. Again, as explained above, population projections utilized in the 2015 UWMP are provided by regional SCAG and CVAG projections. Variations in supply and demand during dry and multiple dry years are expected to be minimal due to the water supply planning and projects undertaken by DWA. In addition, DWA is required to prepare a UMWP every 5 years to ensure that adequate water supplies exist for future growth. Therefore, based on the above analysis, and the analyses set forth in the 2015 DWA UWMP, 2016/2017 Engineers Report for Groundwater Replenishment and Assessment Program, and CVWD documents specific to the Coachella Valley Groundwater Basin, the total projected water supplies available to DWA over the 20-year period, including normal, single dry, and multiple dry years, is sufficient to meet the projected water demand of the Project in addition to existing and planned future uses. Accordingly, each related project would be required to implement similar conditions of approval or mitigation (similar to **Mitigation Measure MM 5.10.1-1**) with respect to water conservation and cumulative water supply impacts would be less than significant with mitigation.

C. MITIGATION MEASURES

44 DWA, 2015 UWMP, (June 2016) III-13.
45 DWA, 2015 UWMP, (June 2016) III-17.
46 DWA, 2015 UWMP, (June 2016) Table II-3.

The following mitigation measure would be implemented to reduce potential significant water supply impacts to less than significant.

MM 5.10.1-1 Prior to issuance of any building permit for the Project, water conservation measures shall be incorporated into the project design and submitted to the Tribal Public Works Engineer for review and approval.

D. LEVEL OF SIGNIFICANCE

Mitigation Measure MM 5.10.1-1 and compliance with existing regulations would reduce potential impacts associated with water service to less than significant. Cumulative impacts would also result in less than significant impacts to water service with implementation of similar mitigation identified in **MM 5.10.1-1**.

5.10.2 WASTEWATER

This Section of the Draft TEIR evaluates the potential for the Project to impact the City's Wastewater Treatment Plant. See **Section 9.0** for terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Wastewater services in Palm Springs, including the Project Site, are provided by the City. In general, the municipal sanitary sewer system consists of approximately 250 miles of clay, gravity flow, 6- to 42-inch diameter collection lines, approximately 5,000 precast concrete and brick manholes, five sewer lift stations, and the Palm Springs Wastewater Treatment Plant.[1]

The Palm Springs Wastewater Treatment Plant is located on 4375 Mesquite Avenue near Gene Autry Trail. The Wastewater Treatment Plant current design flow is 10.9 million gallons per day (mgd), and as of 2015 was processing a daily average of 6 million gallons, which is approximately 55 percent of capacity.[2] The Wastewater Treatment Plant also includes primary mechanical and secondary biological treatment of all effluent collected within the City. Secondary treated wastewater is transported to the nearby Desert Water Agency tertiary treatment plant for additional processing and distribution for parks and golf course irrigation. Operations, maintenance, and safety at the Palm Springs Wastewater Treatment Plant are conducted in accordance to environmental and regulatory standards.

Some parts of the City sewer system were constructed as early as 1941, the pipes are vitrified clay and plastic truss ranging in diameter from 6 to 42 inches. Sewers within Section 14 vary in diameter from 8 to 24 inches. Sewer conveyance through Section 14 is generally southeasterly, with the large diameter collectors located in the east-west streets.

The Baristo Road Trunk sewer is the major conveyance for all the flow tributary from north of the Baristo Flood Control Channel. Flow from the north half of Section 14 is conveyed east in the Tahquitz Canyon Trunk, south in the Sunrise Way collector, and finally to the Baristo Trunk and ultimately to the City operated treatment facility. The Project Site is currently developed and contains sewer lines and necessary components for wastewater.

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1 City of Palm Springs, Sanitary Sewer System Management Plan, updated January 2014.

2 California Regional Water Quality Control Board Colorado River Basin Region, Board Order R7-2015-0013, Waste Discharge Requirements for City of Palm Springs, Owner Veolia Water West Operating Services, Inc., Operator Palm Springs Wastewater Treatment Plant.

Project Site

The amount of existing development within the Project Site generating wastewater includes the approximately 35,000-square-foot Post Office and approximately 132,000 square feet of casino-related space (Spa Resort Casino). The existing wastewater generation within the Project Site is approximately 1,670 gallons per day, or 0.00167 million gallons per day, as indicated in **Table 5.10.2-1, Existing Uses Wastewater Generation**. For post office and casino uses, an average day generation rate of 20 gallons per 2,000 square feet was used.[3]

Table 5.10.2-1
Existing Uses Wastewater Generation

Land Use	Bldg. Area (sq. ft.)	Rate (gpd)	Flow (gpd)
Post Office	35,000	20/2,000 sq. ft.	350
Casino	132,000	20/2,000 sq. ft.	1,320
Total			**1,670**

Source: Section 14 Specific Plan, Appendix A: Technical Background Data: Utilities Assessment.
Abbreviations:
sq. ft. = square feet; gpd = gallons per day

2. Regulatory Setting

Federal

Clean Water Act

In 1972, the Federal Water Pollution Control Act (Clean Water Act)[4] was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Clean Water Act focused on tracking point sources, primarily from wastewater treatments plants and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges. In 2011, the Tribe received an exemption from NPDES Permit requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage.

3 Generation Rate per Section 14 Specific Plan update, Appendix A: Technical Background Data: Utilities Assessment.
4 Federal Water Pollution Control Act (Clean Water Act), 33 USC Sections 1251-1387, October 18, 1972, as amended.

In the State of California, the program is administered by the local Regional Water Quality Control Board (RWQCB).

Regional and Local

Agua Caliente Band of Cahuilla Indians

Tribal Building and Safety Code

As adopted from the 2016 California Building Code, the purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety standards of all buildings and structures on the Reservation. These standards are intended to protect the health, safety, and welfare of the general public related to any potential building hazards. All building permit approvals from the Tribe are based upon this Code.

Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Reservation

The purpose of this Tribal Ordinance is to regulate and control all pollutant discharges into the waters of the Reservation. Per this Ordinance, no pollutant discharges are allowed into the waters of the Reservation unless there is prior consultation with the Federal, Tribal, or State agency with jurisdiction under the Clean Water Act and/or the Safe Drinking Water Act, and if required, appropriate permit(s) are obtained.

City of Palm Springs

City of Palm Springs Municipal Code

Palm Springs Municipal Code, Title 15, Water and Sewers establishes regulations and procedures pertaining to the proper use and control of public sewers and the quality of industrial wastes and sewage discharged to the public sewers in the City.[5] This title is administered in conjunction with the City's plumbing and building codes.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impact on wastewater, if it would:

Threshold 5.10.2-1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

5 Palm Springs Municipal Code, Title 15, Water and Sewers.

Threshold 5.10.2-2 **Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Threshold 5.10.2-3 **Result in a determination by a wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

2. Methodology

Analysis was conducted using wastewater generation rates from the Section 14 Specific Plan Appendix A Technical Background Data: Utilities Assessment. These flows were used to determine the additional amount of wastewater that the Project would generate over the existing wastewater generation from the Project Site.

3. Project Impacts

Threshold 5.10.2-1 **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

The Project would not exceed wastewater treatment requirements and impacts would be less than significant. The Section 14 Specific Plan used a peak flow factor of 20 gpd per 2,000 square feet (sq. ft.) for commercial development and 60 gpd per room for hotels to determine wastewater generation. Based on the estimated average day flow rates for existing and proposed development, the Project is expected to generate an additional 22,830 gpd, or 0.023 mgd of wastewater, as identified in **Table 5.10.2-2, Projected Wastewater Generation**.

Table 5.10.2-2
Projected Wastewater Generation

Land Use	Rooms	Bldg. Area (sq. ft.)	Rate (gpd)	Flow (gpd)
Hotel	350	—	60/room	21,000
Meeting Space	—	60,000	20/2,000 sq. ft.	600
Mixed Use/Cultural/Retail	—	50,000	20/2,000 sq. ft.	500
Casino	—	200,000	20/2,000 sq. ft.	2,000
Spa	—	40,000	20/2,000 sq. ft.	400
Project Wastewater Generation Total				*24,500*
Existing Wastewater Generation Total				*1,670*
Net Increase Wastewater Total				**22,830**

Source: Section 14 Specific Plan, Appendix A Technical Background Data: Utilities Assessment.
Abbreviations:
sq. ft. = square feet; gpd = gallons per day

The Wastewater Treatment Plant's current design flow is 10.9 mgd, and as of 2015, processed a daily average of 6 million gallons. The Project wastewater flow would increase the existing daily average by 0.023 mgd, or less than 1 percent of the plant's available capacity. The Wastewater Treatment Plant has sufficient available capacity to treat the Project's additional demand. The Project demand is approximately 4 percent of the overall wastewater expected to be generated from full buildout of Section 14, which is 0.62 mgd.[6] The Project would be within the existing treatment capacity of the treatment plant, and impacts would be less than significant.

Threshold 5.10.2-2 Require or result in the construction of wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The Project would not require or result in the construction of wastewater treatment facilities and impacts would be mitigated to less than significant. Development of the Project is expected to increase demand for wastewater services; as a result, additional wastewater facilities and/or facility upgrades may be required in the vicinity of the Project to accommodate the demands of the Project.

The City of Palm Springs Sanitary Sewer System Management Plan contains improvements intended to fill the gaps, as well as up-size pipe diameters, to improve efficiency of wastewater removal. The Section 14

6 Section 14 Specific Plan, Appendix A Technical Background Data: Utilities Assessment, A-4.

Specific Plan notes that pipe extensions and upsizing requirements should be reviewed on a project by project basis.

Consistent with the 2002 EIS/EIR completed for the Section 14 Specific Plan, the capital costs of on-site and off-site facilities necessary to serve individual projects will be the responsibility of the applicant. Therefore, consistent with approved 2002 EIR/EIS conditions of approval for Section 14, **Mitigation Measure 5.10.2-1** requires that prior to the issuance of any building permit for the Project, the Tribe will provide its fair share contribution to upgrade the existing sewer infrastructure adjacent to the Project. Such facilities will be dedicated to the City, after construction, for maintenance and operation. Where such facilities must extend beyond the Project Site to link into existing facilities, a reimbursement agreement can be formulated with the City to reimburse the applicant for costs.

Sewer facilities will be designed and constructed in accordance with the Tribal Building and Safety Code, City standards and specifications, American Waterworks Association, American National Standards Institute, and the Standard Specifications for Public Works Construction, 2012 Edition.

The Project would be required to adhere to the above standards which would ensure that if expansion of wastewater facilities is needed, impacts would be less than significant.

Threshold 5.10.2-3 **Result in a determination by a wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

The Project would not result in a determination of inadequate wastewater treatment capacity and impacts would be less than significant. As shown in **Table 5.10.2-2**, the Project would generate an additional 0.023 mgd of wastewater. The Wastewater Treatment Plant's current design flow is 10.9 mgd, and as of 2015 processed a daily average of 6 million gallons. The Project wastewater flow would increase the existing daily average by less than 1 percent, which is within the existing treatment capacity of the treatment plant and would not result in a determination of inadequate capacity. Impacts would be less than significant.

4. Cumulative Impacts

The Project would not result in cumulative impacts to wastewater conveyance and/or treatment facilities and impacts would be less than significant. Cumulative impacts related to wastewater conveyance and/or treatment would occur when new development would require the use of the same existing facilities as the Project. The wastewater treatment facility would still have plenty of capacity after development of

the Project; however, a cumulative increase in wastewater flow could cause significant impacts to the existing offsite conveyance systems. These projected increases in wastewater flows would require expansion of water treatment facilities.

As indicated in the Section 14 Specific Plan, additional wastewater expected to be generated from full buildout of Section 14 is projected to be 0.62 mgd. Furthermore, the City has developed the Sanitary Sewer System Management Plan which identifies a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system for both existing and future infrastructure needs.

As noted in the Project Impacts analysis, sewer facilities would be designed and constructed in accordance with the Tribal Building and Safety Code, City of Palm Springs standards and specifications, American Waterworks Association, American National Standards Institute and the Standard Specifications for Public Works Construction. Additionally, costs of on-site and off-site facilities necessary to serve individual projects will be the responsibility of the applicant.

C. MITIGATION MEASURES

The following mitigation measure would be implemented to reduce potential significant impacts to wastewater to less than significant.

MM 5.10.2-1 Prior to issuance of any building permit for the Project, the Tribe shall pay applicable fees, or provide equivalent funding, to the City for any necessary sewer line improvements associated with the Project. Such facilities will be dedicated to the City, after construction, for maintenance and operation.

D. LEVEL OF SIGNIFICANCE

Mitigation Measure MM 5.10.2-1 would reduce any potential impacts on the sewer system to less than significant.

5.10.3 DRAINAGE

This Section of the Draft TEIR evaluates the potential for the Project to impact the local storm water facilities. See **Section 9.0** for terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Drainage relief for Section 14 is provided by the RCFCWCD. Section 14 lies within the level valley floor portion of the Coachella Valley and is comprised of an alluvial fan. Surface runoff is primarily generated by the San Jacinto Mountains to the west; water then flows through the Tachevah and Tahquitz Canyons into retention/debris basins constructed on the valley floor at the terminus of both canyons.

Within Section 14, drainage generally flows southeasterly until intercepted by the Baristo Flood Control Channel. Most development in Section 14 could proceed with few storm drain improvements; however, on-site retention facilities may be needed in certain areas. Local flows for the west half of Section 14, generated within the Section and from flows to the north and west, are collected in the Tachevah Outlet and Line 15 storm drain collection systems. The Baristo Channel is a concrete lined trapezoidal channel that was constructed by the RCFCWCD in 1962. Under existing conditions, the drainage area contributing to the upstream end of the channel is approximately 1.5 square miles and is bounded by Alejo Road, Ramon Road, Indian Canyon Drive and the steep foothills to the west. The Baristo channel outlets into Tahquitz Creek Wash near Sunrise Way.

The Tachevah Outlet and detention reservoir and its outlet drain were constructed by the U.S. Army Corps of Engineers in 1965. The earth fill dam is approximately 40 feet high and 3,600 feet long. A storage volume of 900 acre-feet is available for controlling both storm runoff and debris from a 3.2-square-mile drainage area. The outlet storm drain varies from 54 inches to 72 inches in diameter. There is residual capacity in the drain to accommodate some local runoff. The outlet of the drain is Baristo Channel at Avenida Caballeros.

The Project Site is currently developed with parking lots, a casino, and a post office making almost the entirety of the Project Site paved apart from a small corner at the southwest portion of the Project Site. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 06065C1558G, effective August 28, 2008, the Project Site is not located within a designated 100-year flood hazard area. However, approximately 3 acres of the southern boundary of the Project Site are located within the 0.2 percent annual chance flood hazard area.

2. Regulatory Setting

Federal

Clean Water Act

In 1972, the Federal Water Pollution Control Act (Clean Water Act)[7] was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Clean Water Act focused on tracking point sources, primarily from wastewater treatments plants and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges. In 2011, the Tribe received an exemption from NPDES Permit requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage.

Regional and Local

Whitewater River Region Stormwater Management Plan

The County of Riverside, CVWD; the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage, and the RCFCWCD (permittees) developed the White Water River Region Stormwater Management Plan (SWMP) to address stormwater pollution from new development and redevelopment by the private sector with the region. The SWMP describes those activities and programs implemented by the permittees to manage urban runoff to comply with the requirements of the NPDES MS4 permit (Order No. R7-2013-0011) for the Whitewater River Region. One of the major elements of the SWMP is a Storm Water/Urban Runoff Management and Discharge Control Ordinance. Some of the permittees with land use authority, including the City, have adopted such an ordinance as well as ordinances addressing grading and erosion control (collectively, the "Stormwater Ordinance"). The purpose of each Stormwater Ordinance is to prohibit pollutant discharges in the MS4 and to regulate Illicit Connections and Illegal Discharges and non-stormwater discharges to the MS4. The SWMP also contains a list of the minimum required BMPs that must be used for a designated project. Private developers and public agencies must then include these SWMP requirements in their project plans, which are reviewed and approved as part of the development approval process prior to issuing building and grading permits.

7 Federal Water Pollution Control Act (Clean Water Act), 33 USC Sections 1251-1387, October 18, 1972, as amended.

Tribal Building and Safety Code

As adopted from the 2016 California Building Code, the purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety standards of all buildings and structures on the Reservation. These standards are intended to protect the health, safety, and welfare of the general public related to any potential building hazards. All building permit approvals from the Tribe are based upon this Code.

Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Reservation

The purpose of this Tribal Ordinance is to regulate and control all pollutant discharges into the waters of the Reservation. Per this Ordinance, no pollutant discharges are allowed into the waters of the Reservation unless there is prior consultation with the Federal, Tribal, or State agency with jurisdiction under the Clean Water Act and/or the Safe Drinking Water Act, and if required, appropriate permit(s) are obtained.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impact on drainage systems, if it would:

Threshold 5.10.3-1 **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?**

2. Methodology

Analysis of the Project Site and the Section 14 Specific Plan was conducted to determine the need for additional storm water drainage facilities or expansion of existing facilities as a result of the Project.

3. Project Impacts

Threshold 5.10.3-1 **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?**

The Project would not result in the construction of new storm water drainage facilities that would cause significant environmental effects and impacts would be mitigated to less than significant. The Project would involve development of an 18 acre site that is currently fully developed and paved except for a small portion along the southern boundary. Since the Project Site is currently developed, the likelihood that storm water runoff would increase, is low. However, as part of the Project, portions of streets within

the Project Site would be removed. As shown in **Figure 3.0-4**, full closure of Calle Encilia between Amado Road and Andreas Road, and Andreas Road between Indian Canyon and Calle Encilia, as well as the removal of the west half of Calle Encilia between Andreas Road and Tahquitz Canyon Way, and the north half of Andreas Road between Calle Encilia and Calle El Segundo is proposed as part of the Project. As a result, existing storm drainage facilities may need to be altered to account for the loss of roadways and storm drains.

The update of the Section 14 Specific Plan identified one improvement applicable to the Project Site, which would be to install a 30-inch drain on portions of Andreas Road (west of Calle El Segundo). However, the above identified street closures may alter the need or location of this proposed improvement.

As discussed earlier in this Section and in **Section 5.4, Water Resources**, the Tribe received an exemption from NPDES Permit coverage requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e. areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage, however, as discussed in Section 5.4, the Project will comply with USEPA's Construction General Permit CAR05000I requirements. Since the Project Site is located within Section 14, implementation of **Mitigation Measure MM 5.4-1**, which incorporates a similar condition of approval as one identified in the 2002 EIS/EIR completed for the Section 14 Specific Plan, also requires each individual project proponent to prepare a project-specific construction water quality management plan.

The development of the Project would result in similar amounts of impervious surfaces to existing conditions on the Project Site. The 2002 EIS/EIR completed for Section 14 Specific Plan identified mitigation for individual projects specific to water resources that was adopted as a condition of approval. **Mitigation Measure MM 5.4-2** incorporates a similar condition of approval for the Project requiring a drainage study to determine the specific location and size of on-site and off-site drainage facilities for individual developments within the Project Site.

Impacts to storm water drainage facilities would be considered less than significant with **Mitigation Measure MM 5.4-1**.

4. Cumulative Impacts

The Project would not result in cumulative impacts to storm drainage facilities and impacts would be less than significant. Cumulative impacts related to storm water drainage facilities would occur when new development would require the use of the same existing facilities as the Project. As noted in the Project Impacts analysis, new storm drains required to serve future developments will need to be approved by both the City of Palm Spring and RCFCWCD to assure compliance with the Master Drainage Plan for the

Palm Springs area and their respective standards of design. Accordingly, cumulative impacts would be less than significant.

C. MITIGATION MEASURES

Mitigation Measures MM 5.4-1 and **MM 5.4-2** identified **in Section 5.4** shall be implemented.

D. LEVEL OF SIGNIFICANCE

Mitigation Measures MM 5.4-1 and **MM 5.4-2** would reduce any potential impacts on the storm water drainage facilities to less than significant.

5.10.4 SOLID WASTE

This Section of the Draft TEIR evaluates the potential for the Project to impact the local solid waste disposal service to the City provided by Palm Springs Disposal Services. See **Section 9.0** for terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Palm Springs Disposal Services provides solid waste disposal service to the City and sphere of influence areas. According to the California Integrated Waste Management Board, in the year 2015, 66,352.75 tons of solid waste was generated within the City. Palm Springs Disposal Services transports solid waste from Palm Springs to Edom Hill Transfer Station in Cathedral City. The Edom Hill Transfer Station processes an average of 1,500 tons per day, with a maximum permitted capacity of 3,500 tons per day.[8] From Edom Hill, waste is trucked to Lamb Canyon Sanitary Landfill in Beaumont, approximately 24 miles west of Palm Springs. The Lamb Canyon Landfill has a permitted daily capacity of 5,500 tons per day with an average intake of 1,548 tons per day.[9] The remaining capacity of the landfill is approximately 19,242,950 cubic yards of waste and its estimated closing date is 2029. Palm Springs Disposal Services also uses Badlands Landfill in Moreno Valley as an alternate disposal site. The Badlands Sanitary Landfill has a permitted daily capacity of 4,000 tons per day with an average intake of 2,846 tons per day.[10] The remaining capacity of the landfill is approximately 15,748,799 cubic yards with an estimated closing date of 2022.

Additionally, the El Sobrante Landfill is available to receive solid waste and typically includes cities/communities within southwestern Riverside County, as well as multiple jurisdictions within the counties of Los Angeles, Orange, San Bernardino and San Diego. Located near the center of the highly populated western third of Riverside County, El Sobrante processes approximately 43 percent of Riverside County's annual waste. This landfill is open 311 days per year, has a permitted daily capacity of 5,000 tons per day for Riverside County, an average intake of 2,201 tons per day, a current design capacity of 145,530,000 tons, with an estimated landfill closure date of 2045.

Project Site

The amount of existing development within the Project Site generating solid waste includes the approximately 35,000 square foot Post Office and approximately 132,000 square feet of casino-related

8 Riverside County Waste Management Department, Riverside County Nondisposal Facility Element, (2009), Table A-4; Riverside County Waste Management Department, Solid Waste Facility Permit, Edom Hill Transfer Station, May 2011.

9 Cal Recycle, Lamb Canyon Daily Landfilled Tonnage & Total Traffic by Site, July 2016.

10 Cal Recycle, Badlands Daily Landfilled Tonnage & Total Traffic by Site, September 2016.

space (Spa Resort Casino). The existing solid waste generation within the Project Site is approximately 762 tons per year based on the conservative estimates from the 2002 EIS/EIR, as indicated in **Table 5.10.4-1, Existing Uses Solid Waste Generation**. For post office and casino uses, a solid waste generation rate of 2.5 pounds per 100 square feet was used.[11] The full amount estimated would not be landfilled since waste from the existing uses is currently recycled through existing programs.

Table 5.10.4-1
Existing Uses Solid Waste Generation

Land Use	Bldg. Area (sq. ft.)	Rate (lbs/day)	Solid Waste (lbs/day)	Solid Waste (tons/year)
Post Office	35,000	2.5/100 sq. ft	875	160
Casino	132,000	2.5/100 sq. ft	3,300	602
Total			**4,175**	**762**

Source: Section 14 Master Plan EIS/EIR.
Abbreviations:
sq. ft. = square feet; lbs/day = pounds per day

2. Regulatory Setting

Federal

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 and is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. The U.S. Environmental Protection Agency (USEPA) oversees waste management regulation pursuant to Title 40 of the Code of Federal Regulations. Under RCRA, however, states are authorized to carry out many of the functions of the federal law through their own hazardous waste programs and laws, as long as they are at least as stringent (or more so) than the federal regulations. Thus, the California Department of Resources Recycling and Recovery (CalRecycle) manages the State of California's solid waste and hazardous materials programs pursuant to USEPA approval.

Regional and Local

Riverside Countywide Integrated Waste Management Plan

The Riverside County Waste Management Division (RCWMD) oversees solid waste activities in the County. The Riverside Countywide Integrated Waste Management Plan (CIWMP) outlines the goals, policies, and

11 Generation rates per Section 14 Master Plan EIS/EIR.

programs the County of Riverside and its cities would implement to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates.[12] The CIWMP is composed of the Riverside Countywide Summary Plan and the Riverside Countywide Siting Element, a Source Reduction and Recycling Element (SRRE), a Nondisposal Facility Element (NDFE) and a Household Hazardous Waste Element (HHWE) for the County, and each provides information with regard to solid waste and hazardous waste disposal and recycling.

Tribal Indian Land Use Ordinance

The purpose of this Ordinance is to provide standards and regulations to control land uses on Reservation Lands, to maintain and protect the Reservation's unique natural and cultural resources, and to preserve the natural environment. In addition, the Tribal Land Use Ordinance also contains provisions for solid, hazardous, and toxic waste collection and disposal from construction, renovation, and reclamation sites.

City of Palm Springs Municipal Code

Palm Springs Municipal Code, Title 6, Health and Sanitation establishes regulations and procedures pertaining to the proper use and control of collecting, transporting, disposing and/or recycling of solid waste in order to ensure orderly operation and to minimize the adverse effects solid waste may have on the local environment in the City.[13]

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impact from solid waste, if it would:

Threshold 5.10.4-1 Exceed landfill capacity?

2. Methodology

Information regarding the current intake and capacity of each facility was gathered to determine if the existing transfer stations and landfills in Riverside County could accommodate solid waste generated by the Project. Analysis was conducted using solid waste generation rates provided in the Section 14 Specific Plan 2002 EIS/EIR to determine generation of solid waste by the Project.

12 Riverside County, Riverside Countywide Integrated Waste Management Plan, dated September 1996, approved by CalRecyle (formerly CIWMB) September 1998.

13 Palm Springs Municipal Code, Title 6, Health and Sanitation, chapter 6.04, Waste Disposal and Diversion.

3. Project Impacts

Threshold 5.10.4-1 Exceed landfill capacity?

The Project would not exceed landfill capacity and impacts would be less than significant. Construction of the Project would generate waste materials. A majority of the construction waste would be readily recyclable materials such as wood, concrete, metals, and soil. This material will be collected on site and recycled in accordance with the Tribe's Land Use Ordinance. Any remaining non-recyclable waste would be sent to the Edom Hill Transfer Station. Therefore, the impact of waste generated during the construction of the Project would be less than significant.

The Project is expected to generate approximately 1,803 tons of solid waste per year based on the conservative estimates from the 2002 EIS/EIR, an increase of 1,041 tons per year from the existing uses as identified in **Table 5.10.4-2, Projected Solid Waste Generation**. However, it should be noted that the full amount would include recycling to reduce the solid waste to landfills. Solid waste generated by the Project would be recycled in accordance with the Palm Springs Municipal Code. Currently, this waste would be diverted to either the Edom Hills Transfer Station or would be directly delivered to the Lamb Canyon Sanitary Landfill or Badlands Sanitary Landfill.

Table 5.10.4-2
Projected Solid Waste Generation

Land Use	Rooms	Bldg. Area (sq. ft.)	Rate (lbs/day)	Solid Waste (lbs/day)	Solid Waste (tons/year)
Hotel	350	--	3.21 pounds/room	1,124	205
Meeting Space	--	60,000	2.5/100 sq. ft	1,500	274
Mixed Use/Cultural/Retail	--	50,000	2.5/100 sq. ft	1,250	228
Casino	--	200,000	2.5/100 sq. ft.	5,000	913
Spa	--	40,000	2.5/100 sq. ft	1,000	183
Project Solid Waste Generation Total				*9,874*	*1,803*
Existing Solid Waste Generation Total				*4,175*	*762*
Net Increase Waste Demand Total				**5,699**	**1,041**

Source: Section 14 Master Plan EIS/EIR.
Abbreviations:
sq. ft. = square feet; lbs/day = pounds per day

The Edom Hill Transfer Station processes an average of 1,500 tons per day, with a maximum permitted capacity of 3,500 tons per day. The Project would contribute an additional 2.8 tons of solid waste per day, or less than 0.2 percent of the remaining permitted daily capacity for the Edom Hills Transfer Station. The

2.8 tons of solid waste would then transfer to the Lamb Canyon Sanitary Landfill. The Lamb Canyon Landfill has a permitted daily capacity of 5,500 tons per day with an average intake of 1,548 tons per day. The Project would account for less than 0.1 percent of the remaining daily permitted capacity. The Lamb Canyon Sanitary Landfill is expected to remain open through 2029; therefore, only a portion of the generated solid waste from the Project would be delivered to Lamb Canyon Sanitary Landfill.

The next landfill available to accept solid waste from the Edom Hills Transfer Station would be the Badlands Sanitary Landfill, which has an estimated closure date of 2022. The Badlands Sanitary Landfill has a permitted daily capacity of 4,000 tons per day with an average intake of 2,846 tons per day. However, since the Project would not be fully built out until 2026, solid waste from it would not be sent to this landfill as it is anticipated to be closed by then.

The El Sobrante Landfill is the next available landfill, which has an estimate closure date of 2045. The El Sobrante Landfill, has a permitted daily capacity of 5,000 tons per day, with an average intake of 2,201 tons per day. The Project would contribute an additional 2.8 tons of solid waste per day, or less than 0.1 percent of the remaining permitted daily capacity for the El Sobrante Landfill.

RCWMD has a total of seven landfills that it operates. All RCWMD sites have the potential for expansion. Currently, the Lamb Canyon Landfill is in the design and permitting stage for its next expansion (Phase 3), which is estimated to provide capacity for additional 30-plus years beyond the estimated closure date of 2021.[14] The Project would contribute less than 0.05 percent of the combined remaining permitted daily intake capacities of the Lamb Canyon and El Sobrante landfills. Since there is adequate daily intake capacity at existing landfills, impacts would be less than significant.

4. Cumulative Impacts

The Project would result in less than significant cumulative impacts to landfill capacity. The Southern California Association of Governments projects that Riverside County buildout would continue to occur through the year 2040. While except for the El Sobrante Landfill, all the currently active landfills have estimated closure dates that predate the buildout year of 2040; however, the County of Riverside has the capability to expand all seven of their landfills and plans to expand Lamb Canyon Landfill.

The Project and related projects would contribute to the cumulative amount of solid waste that is disposed of within the Riverside County landfill system. However, as discussed above, the Project in conjunction with other projects within the area would generate a total amount of waste that could be accommodated by existing landfills and would not contribute to cumulatively significant impacts to landfill

14 County of Riverside, Draft EIR No. 521, Section 4.17 Public Facilities, February 2015.

capacity such that all landfills exceed their capacity. Therefore, due to available capacity, impacts would be less than significant. In addition, related projects are also required to comply with applicable municipal codes. Cumulative impacts to the existing landfills resulting from waste generated by related projects are considered less than significant.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

No significant impacts have been identified and no Mitigation Measures are necessary.

5.10.5 ENERGY USE AND CONSERVATION

This Section of the Draft TEIR evaluates the potential for the Project to have an impact on energy use, specifically electricity and natural gas. See **Section 9.0** for terms, definitions, and acronyms used in this Draft TEIR.

A. ENVIRONMENTAL SETTING

1. Existing Conditions

Electric

Electric power for Section 14 is currently served by the Southern California Edison Company (SCE), which maintains major transmission lines in addition to their normal distribution lines through the Section. These lines are predominately underground, including the areas in and around the Project Site. However, overhead lines occur in some locations, the closest to the Project Site being along Indian Canyon Drive approximately 350 feet north of the Project Site.

Natural Gas

Gas service for Section 14 is currently served by the Southern California Gas Company (SCG), which maintains major transmission lines in addition to their normal distribution lines through the Section. The Project Site currently receives gas service by SCG.

Project Site

The amount of existing development within the Project Site consuming energy includes the approximately 35,000-square-foot Post Office and approximately 132,000 square feet of casino-related space (Spa Resort Casino). The existing energy consumption within the Project Site is estimated at 4.11 kilowatts per square foot per year for electric and 5.81 cubic feet per square foot per year for natural gas, as indicated in **Table 5.10.5-1, Existing Yearly Energy Consumption**. For post office and casino uses, an energy consumption rate of 24.65 kilowatts per square foot per year for electric and 34.8 cubic feet per square foot per year for natural gas was used.[15]

15 Generation rates per Section 14 Master Plan EIS/EIR.

Table 5.10.5-1
Existing Yearly Energy Consumption

Land Use	Bldg. Area (sq. ft.)	Electricity Usage Factor (kWh/SF/yr)	Yearly Electricity Consumption (m.kWh)	Natural Gas Usage Factor (ft3/SF/yr)	Yearly Natural Gas Consumption (m.ft3)
Post Office	35,000	24.65	0.86	34.8	1.22
Casino	132,000	24.65	3.25	34.8	4.59
Total			**4.11**		**5.81**

Source: Section 14 Master Plan EIS/EIR.
Abbreviations:
sq. ft. = square feet; SF = square feet; kWh/SF/yr = kilowatt per square foot per year; m.kWh = million kilowatts; ft3/SF/yr = cubic feet per square foot/year; m.ft3 = million cubic feet

2. Regulatory Setting

Tribal lands are sovereign nations that do not have to comply with State regulations. However, SCE and SCG are service providers to the Project Site, which are regulated by the State. For analysis purposes, the following State regulations have been included.

State

California Building Energy Efficiency Standards

Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. After adoption of the California Energy Security and Reliability Act of 2000 (AB 970), the California Energy Commission (CEC) produced changes to the Building Energy Efficiency Standards. These standards are periodically updated, with the 2016 standards[16] being the most recent standards in place. Included in the 2016 standards were updated requirements for demand reductions during peak critical periods, as well as future solar electric and thermal system installations. Further energy improvements to residential standards include heating ventilation and air conditioning

16 California Energy Commission, 2016 Building Energy Efficiency Standards, effective January 1, 2017, http://www.energy.ca.gov/title24/2016standards/.

(HVAC) system testing, windows, and envelope insulation. For nonresidential standards, improvements for unitary HVAC equipment, lighting controls, windows, and building commissioning.[17]

Effective January 1, 2017, new buildings must be designed and constructed to meet the 2016 standards. Every three years, California's Building Energy Efficiency Standards are updated. In addition to amended portions of the California Building Standards Code, the 2016 California Energy Code standards go into effect on January 1, 2017.[18] The 2016 standards were adopted to improve upon the 2008 standards.

Applicable standards to the Project include, but are not limited to, building HVAC requirements (such as an increase in duct insulation from R-6 to R-8 values), water heating requirements (parallel piping systems and lower energy factors for tankless water heaters), and lighting requirements (such as high efficacy interior and exterior lighting).

Title 24 California Green Building Standards (CALGreen Code)

The California Green Building Standards Code, which is Part 11 of the California Code of Regulations, is commonly referred to as the CALGreen Code. The 2008 edition, the first edition of the CALGreen Code, contained only voluntary standards. The 2016 CALGreen Code now includes both mandatory and voluntary requirements for new residential and nonresidential buildings (including buildings for retail, office, public schools, and hospitals) throughout California effective January 1, 2017. The 2016 CALGreen Code contains requirements for construction site selection, stormwater control during construction, construction waste reduction, indoor water use reduction, building material selection, natural resource conservation, site irrigation conservation, and more. The 2016 CALGreen Code does not provide any mandatory energy efficiency standards beyond those required by Title 24, Part 6 of the California Code of Regulations, but it does specify more stringent voluntary standards (referred to as Tier 1 and Tier 2), which local jurisdictions may adopt as mandatory. Additionally, this code encourages buildings to achieve exemplary performance in the area of energy efficiency.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately owned telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation companies, in addition to authorizing video franchises. Among the CPUC's stated goals for energy regulation are to establish service

17 California Energy Commission, 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, and Associated Administrative Regulations in Part 1 (June 2015), http://www.energy.ca.gov/2015publications/ CEC-400-2015-037/ CEC-400-2015-037-CMF.pdf.

18 California Energy Commission, 2016 Building Energy Efficiency Standards, effective January 1, 2017, http://www.energy.ca.gov/title24/2016standards/.

standards and safety rules, to authorize utility rate changes, to oversee markets to inhibit anticompetitive activity, to prosecute unlawful utility marketing and billing activities, to govern business relationships between utilities and their affiliates, to resolve complaints by customers against utilities, to implement energy efficiency and conservation programs and programs for the low-income and disabled, to oversee the merger and restructure of utility corporations, and to enforce the CEQA for utility construction.

Regional and Local

Coachella Valley Association of Governments

Valley-wide Voluntary Green Building Program

The Voluntary Green Building Program was designed to help builders, developers, and homeowners to go above and beyond California's Energy Code in terms of energy efficiency. As part of this Program, the Tribe and some cities have committed to making it easier for those voluntarily participating in the Program to process their plans through the planning and building departments. The Voluntary Program includes an extensive checklist of specific actions, and how they are counted toward a more energy efficient building.

Agua Caliente Cahuilla Band of Indians

Tribal Building and Safety Code

The purpose of the Tribal Building and Safety Code is to provide standards and regulations to control minimum building safety standards of all buildings and structures on the Reservation.[19] This Ordinance adopted the CALGreen Code 2016 edition which requires more efficient energy appliances to reduce the amount of energy used by new developments.

B. ENVIRONMENTAL IMPACTS

1. Thresholds of Significance

The Project is considered to have significant impact on utilities and service systems, if it would:

Threshold 5.10.5-1 Overload an already inadequate energy facility and violate federal or local law or regulations imposed for energy resources?

19 Agua Caliente Band of Cahuilla Indians, "Tribal Building and Safety Code," http://www.aguacaliente.org/downloads/Ordinance26.pdf.

2. Methodology

Analysis was conducted using electric and gas consumption rates from the Section 14 Specific Plan 2002 EIS/EIR. These consumption rates were used to determine the additional amount of electricity and gas that the Project would consumer over the existing electric and gas consumption from the Project Site.

3. Project Impacts

Threshold 5.10.5-1 Overload an already inadequate energy facility and violate federal or local law or regulations imposed for energy resources?

The Project would result in less than significant impacts on energy facilities and would not violate laws or regulations imposed for energy resources. The Section 14 Master Plan 2002 EIS/EIR, which is a conservative estimate, used a peak usage factor for electricity of 24.65 kilowatts per square foot per year for commercial and 9.95 kilowatts per square foot per year for hotels to determine electric consumption. For natural gas, a peak usage factor of 34.8 cubic feet per square foot per year for commercial and 57.6 cubic feet per square foot per year for hotels were used to determine natural gas consumption. Based on the consumption rates and existing and proposed development, the Project is expected to consume an additional 9.59 million kilowatts per year of electricity and 35.75 million cubic feet per year of natural gas, as identified in **Table 5.10.5-2, Projected Yearly Energy Consumption**.

Table 5.10.5-2
Projected Yearly Energy Consumption

Land Use	Rooms	Bldg. Area (sq. ft.)	Electricity Usage Factor (kWh/ sq. ft./yr)	Yearly Electricity Consumption (m.kWh)	Natural Gas Usage Factor (ft^3/ sq. ft./yr)	Yearly Natural Gas Consumption ($m.ft^3$)
Hotel	350	510,000	9.95	5.07	57.6	29.38
Meeting Space	--	60,000	24.65	1.48	34.8	2.09
Mixed Use/Retail	--	50,000	24.65	1.23	34.8	1.74
Casino	--	200,000	24.65	4.93	34.8	6.96
Spa	--	40,000	24.65	0.99	34.8	1.39
Project Energy Consumption Total				*13.7*		*41.56*
Existing Energy Consumption Total				*4.11*		*5.81*
Net Increase Water Demand Total				**9.59**		**35.75**

Source: Section 14 Master Plan EIS/EIR.
Abbreviations:
sq. ft. = square feet; SF = square feet; kWh/SF/yr = kilowatt per square foot per year; m.kWh = million kilowatts; ft^3/SF/yr = cubic feet per square foot/year; m.ft3 = million cubic feet

The Section 14 Master Plan 2002 EIS/EIR estimated total yearly electrical consumption for full buildout of commercial and hotel uses in the Section at 4,501,082 square feet. With 860,000 square feet, the Project would account for 19.1 percent of the commercial and hotel land uses within Section 14 at full buildout. Section 14 commercial and hotel uses would utilize 84.96 million kilowatts per hour of electricity, and the Project would utilize a total of 13.7 million kilowatts per hour of electricity, or 16.1 percent of the total estimated electric consumption. The Project accounts for a portion of the overall amount of electric consumption in Section 14, and it is therefore, within the electric usage as estimated for the Section. Additionally, because of the capacity of their facilities located within and around Section 14, SCE anticipates providing continued and increased service with no significant impact. Therefore, impacts would be considered less than significant.

The Section 14 Master Plan 2002 EIS/EIR also estimated yearly consumption for natural gas for the same area. Section 14 commercial and hotel uses would utilize 196.95 million cubic feet of natural gas, and the Project would utilize a total of 41.56 million cubic feet of natural gas, or 21.1 percent of the total estimated natural gas consumption. The Project would account for 19.1 percent of the commercial and hotel land uses within Section 14, and 21.1 percent of the natural gas consumption at full buildout. The Project accounts for a portion of the overall natural gas demand in Section 14, and is therefore, within the natural gas usage estimated for Section 14. SCG anticipates providing continued and increased service with no significant impact. Therefore, impacts would be less than significant.

4. Cumulative Impacts

The Project would result in less than significant cumulative impacts on energy resources. As discussed above, the Project's demand on energy resources would not by itself create the need for new facilities other than the potential distribution infrastructure within the Project Site. Since adequate energy resources would be available to meet cumulative energy demand, impacts would be less than significant.

C. MITIGATION MEASURES

No Mitigation Measures are required.

D. LEVEL OF SIGNIFICANCE

No significant impacts have been identified and no Mitigation Measures are necessary.

6.0 ALTERNATIVES

As discussed in **Section 1.0, Introduction**, the Tribe, acting as the Lead Agency for the planning and environmental review of this Project, has prepared this Draft TEIR in compliance with Agua Caliente Tribal Environmental Protection Act (TEPA) and Section 11.1 of the Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians ("Compact"). According to Section 11.1.(a)(5) of the Compact, alternatives to the Project should be considered, provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by the Compact on its Indian lands. In addition, Section 11.1(b) of the Compact requires that a TEIR describe a range of reasonable alternatives to the Project or to the location of the Project, which would feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the significant effects on the environment, and evaluate the comparative merits of the alternatives.

This Section provides a comparative analysis of the environmental effects of alternatives to the Project.

A. SELECTION OF ALTERNATIVES FOR ANALYSIS

Section 5.0, Environmental Impact Analysis, of this TEIR concludes that all of the potential environmental impacts of the Project will either not be significant or can be mitigated to a less than significant level. Specifically, potentially significant impacts of the Project that can be mitigated to less than significant include: aesthetics, cultural resources, water resources, off-site noise impacts, traffic, and utilities and service systems including water and wastewater service.

Even though the Draft TEIR concludes that the Project will not have any significant effects on the environment, the Tribe identified two alternatives to the Project for analysis in accordance with TEPA requirements. If the Project is not approved, the Site could remain in its current undeveloped state or, since the City and Tribe have designated the Site for resort attraction development, development of the Site could occur with the mix and intensity of uses identified in the Section 14 Specific Plan. In response to these circumstances, analysis is provided of the No-Project/No Development and Section 14 Specific Plan Buildout alternatives.

B. ALTERNATIVES INITIALLY CONSIDERED BUT DETERMINED TO BE INFEASIBLE

Several alternative concepts were considered but rejected due to their inability to effectively meet the Project's objectives, as described in **Section 3.0, Project Description**. Alternative locations for the Project were considered, but available sites were limited because the hotel and resort need to be located near the existing casino to meet the Project objective of maximizing economic development opportunities

immediately adjacent to the Spa Resort Casino. It would be undesirable from an operational and financial perspective for the Tribe to operate a separate hotel and resort area at a location removed from the casino because of marketing and operational logistics. Specifically, development of additional casino uses, and a hotel, with retail/cultural/spa uses would dilute the Tribe's resources and ultimately detract from successful existing casino operations. Even if the resources for additional marketing and operational costs were available, a standalone hotel and resort facility would likely not be economically feasible. Thus, the Project Site is ideally situated to fulfill the Project objectives due to the presence of the existing casino and, crucially, the availability of the historic existing Hot Spring located on the Project Site. Development of a spa at another location would mean the existing Hot Spring could not be a feature of the spa.

The only other area within Section 14 under Tribal control large enough to accommodate the proposed uses is the area located north of the Project Site that is bounded by Amado Road to the south, Calle El Segundo to the east, Calle Encilia to the west, and Alejo Road to the north. This area is also designated as Resort Attraction (RA) by the Section 14 Specific Plan, and it currently includes parking lots associated with the Spa Resort Casino as well as some vacant, previously developed land. This area is in close proximity to existing residential areas to the east and north and the development of the hotel could impact views across the site towards the San Jacinto Mountains. In addition, the Spa Resort Casino would be divided by Amado Road and would not be directly connected to the hotel or mixed use/cultural/retail uses; thus, potentially limiting gaming operations.

Several alternative configurations for the Project were also considered; however, to effectively capture the synergies of operating a casino resort complex with a hotel, the two elements must be tightly integrated in terms of physical location and orientation. For example, alternative hotel configurations with a lower-rise hotel spread across a larger footprint or with the hotel located farther away from the casino structure would not be able to take advantage of the primary hotel/casino synergy of hotel guest circulation that is adjacent to the casino gaming area. The ideal guest circulation requires a minimal distance from the elevator to the gaming area. Guest convenience and exposure are crucial to a successful design of such a facility. Furthermore, no significant and unavoidable impacts were identified and rearranging the uses on the Project Site would not result in substantially different impact conclusions of the Project.

C. ALTERNATIVES EVALUATED IN DETAIL

As discussed previously, the Tribe identified two alternatives for analysis in the TEIR to determine if these alternatives could avoid or substantially lessen the significant impacts of the Project and meet the basic Project objectives. The following objectives for the Project are listed in **Section 3.0, Project Description.** The objectives of the Project are to:

- Promote the highest and best use of Agua Caliente Indian Reservation lands to maximize the economic development opportunities for the Tribe and its members, including Tribal land immediately adjacent to the Spa Resort Casino.

- Create a new mixed-use project that complements and provides incidental benefit to the Tribe's existing Spa Resort Casino to create a regional destination development.

- Plan for an appropriate mix of hotel, meeting, spa/fitness, mixed-use, cultural, retail, and entertainment uses; meet the Section 14 Specific Plan area's growing demand; and build in the flexibility to respond to changes in the market over time.

- Ensure compatibility with existing, proposed, and planned development in the vicinity of the Project.

- Provide infrastructure that incorporates "readiness" for sustainable technologies, such as water conservation features, solar power generation, and plug-in electrical vehicle charging connections/stations.

A description of each alternative is provided below, followed with a discussion of the reasons why the alternative was selected for evaluation, along with a discussion comparing the environmental impacts that would result from the alternative with the impacts identified for the Project.

D. EVALUATION OF ALTERNATIVES

1. Alternative 1—No Action/No Development

Alternative Description

This Alternative examines the impacts that might occur if the Project Site is left in its existing condition, as well as what may reasonably be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. Under the No Action or No Development alternative, the hotel, meeting space, expansion of the casino, mixed use/cultural/retail, and spa/fitness uses would not be developed.

Under the No Action/No Development Alternative, the Project Site would remain in its current and existing condition. The casino, Post Office building, and parking lots would remain; however, the United States Postal Service office itself would still be closed in 2020 as the United States Postal Service's lease their expires on August 31, 2020. The existing casino and parking lot uses would continue and the existing environmental conditions associated with those uses would be maintained. The Project Site would retain its visual characteristics and the existing visual resources for the surrounding land uses would not be impacted.

None of the potential impacts associated with construction and operational activities would occur if the No Project/No Development Alternative was selected.

Comparative Impact Evaluation

Aesthetics

Under the No Action Alternative, the existing visual character of the Project Site would remain as is. The Spa Resort Casino and the Post Office building would be the visually defining features within the Project Site. The existing visual characteristics and quality of the surrounding Project Site would also remain unchanged under this Alternative. The Project would update the existing visual character with more modern looking buildings, however, it would also include structure(s) that would be visually taller in scale from the surrounding buildings. However, as no changes to existing conditions to the site would occur and the visual appearance of the site would remain as it is today, no impacts relative to aesthetic impacts would occur under this Alternative. Since no impacts would occur under this Alternative, impacts would be less than the Project.

Air Quality

Under Alternative 1, no construction activities or construction-related vehicle trips would occur; and no short-term emissions related to construction activities would occur. Since the Project Site would not be changed, the emissions generated by construction and slight increase in operational emissions from the Project would also not occur. Under this Alternative, the existing uses within the site generate both mobile and stationary emissions from operation of the Post Office (until it closes in 2020) and the Spa Resort Casino. The existing operational emissions, including greenhouse gas (GHG) emissions, would continue to occur under this Alternative. Additionally, the GHG emissions created from the construction at the Project Site would not occur. Regulatory measures have been identified that the Tribe will voluntarily comply with for all potential air quality impacts identified for the Project. However, this Alternative would result in less air quality and GHG impacts when compared to the Project.

Cultural Resources

Under this Alternative, the Project Site would remain in its current condition. The Project involves demolishing and re-grading of the Project Site that has the potential to disturb any subsurface cultural resources (historic or prehistoric) that might be present, and previously unknown on the Project Site.

This Alternative does not involve any additional disturbance of subsurface soils and the potential disturbance to cultural resources would be avoided. Since this Alternative would not result in any possible impacts on cultural resources, impacts would be less than the Project.

Water Resources

Under this Alternative, the Project Site would remain in its current condition, and no demolition, re-grading or development would occur. Existing stormwater flows across the Project Site would continue to occur and the existing hydrologic and drainage patterns would remain unchanged. Hydrology and water quality impacts during construction of the Project would not occur. Although the Project would incorporate Mitigation Measures to ensure that impacts associated with water resources during Project construction and operation would be less than significant, impacts under this Alternative would not occur and thus would be less than the Project.

Land Use

With the No Action Alternative, there would be no changes in existing land use conditions or in the local land use planning and regulatory frameworks that currently govern the affected land area. Accordingly, there would be no land use impacts. None of the objectives and community benefits of the Project would occur. There would be no re-development on Reservation land that might improve the Tribe's and surrounding City's economic base. The No Action/No Development Alternative would not implement a key General Plan land use goal to maintain and enhance the City's status and image as a premier resort destination and cultural center in the Coachella Valley; strategically introduce mixed- and multi-use infill projects in underutilized areas to create neighborhood activity centers servicing the day-to-day needs of nearby residents, employees, and visitors; and maintain a vibrant, pedestrian-friendly Downtown that serves as the economic, civic, historic, cultural, and recreational center of the City. Consequently, this alternative would have negative impacts with respect to land use and planning, while the Project would have both positive and less than significant impacts.

Noise

No demolition or construction activities would occur with this Alternative, and potential temporary noise impacts from construction would be avoided. As this Alternative would not result in increased development, there would not be a slight increase in traffic and traffic noise. Alternative 1 would still include the stationary noise sources such as mechanical equipment, loading docks, or parking lots. Measures have been identified to mitigate all potential noise impacts identified for the Project. Nevertheless, impacts from noise would be less under this Alternative than under the Project.

Population and Housing

The Project's impact with regard to employment would be considered beneficial because it would provide employment opportunities to construction workers and permanent employment opportunities within the Project Site. Under this Alternative, no employment opportunities for construction workers or additional

permanent employment opportunities would be generated because no on-site construction activities or additional development would occur. However, this Alternative would not result in construction- and operation-related employment impacts. No indirect growth in population within the City would be introduced with this Alternative. Although the Project would have a less than significant impact on population growth, no impacts would occur under this Alternative and, as such, impacts would be less than under the Project.

Public Services

Fire Services/Law Enforcement

Under this Alternative, development of the Project Site would not occur and no new residents, employees, or visitors would be introduced to the Project vicinity. There would be no increase in demand on local public services, such as fire and law enforcement services. Furthermore, the funds collected by the State from gaming device proceeds would remain and would not have the potential to increase as under the Project. The existing public services that support the local area would remain as is. No potential significant impacts on public services would occur with implementation of the Project; however, under this Alternative, impacts would be less than under the Project.

Traffic and Transportation

Under Alternative 1, no short-term (construction) or additional long-term (operational) vehicle trips would be generated on roadways adjacent to the Project Site. However, Alternative 1 would avoid construction related traffic impacts of the Project. Therefore, potential construction impacts related to transportation and traffic would be less than those of the Project.

Intersection No. 21, Calle El Segundo and Ramon Road, currently operates at level of service (LOS) D during the midday peak hour and LOS E during the evening peak hour and is unsignalized. The Project would contribute on a "fair share" basis to the cost to signalize the intersection; thus, improving the LOS at this intersection. The Project would result in less than significant construction and operational impacts with implementation of Mitigation Measures. However, under this Alternative, the funds to signalize the intersection would not be provided. Therefore, this intersection under this Alternative would continue to operate at LOS E, and impacts would be incrementally greater than those of the Project.

Utilities and Service Systems

Water Service

Under this Alternative, increased development of the Project Site would not occur. There would be no additional increase in demand on water supplies. No increased demand on local groundwater supplies

would occur and this Alternative would result in fewer impacts than those of the Project. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be considered less than those of the Project.

Wastewater

Under this Alternative, increased development of the Project Site would not occur. There would be no additional increase in demand on wastewater treatment. This Alternative would result in lesser impacts than those of the Project. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be less than those of the Project.

Drainage

Under this Alternative, increased development of the Project Site would not occur. There would be no need to upgrade stormwater runoff facilities. This Alternative would result in lesser impacts than those of the Project. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be less than those of the Project.

Solid Waste

Under this Alternative, no increased development on the Project Site would occur. As such, no additional increase in solid waste would be generated under this Alternative. Even though the Project will not have any significant impacts relating to solid waste, impacts under this Alternative would be less than under the Project.

Energy

Under this Alternative, no increased development on the Project Site would occur. As such, no additional increase in energy use would be consumed under this Alternative. Even though the Project will not have any significant impacts relating to energy use, impacts under this Alternative would be less than under the Project.

Summary of Comparative Impacts

A summary comparison of impacts associated with the Project Alternatives is provided in **Table 6.0-1, Comparison of Alternatives to Project**. As described above, the No Action/No Development Alternative would not result in impacts associated with the Project during construction. However, impacts related to land use would be greater as a result of foregoing significant economic development opportunities would not occur on Reservation land and underutilization of the Project site and deficient intersection LOS impacts at Calle El Segundo and Ramon Road would continue indefinitely. This Alternative would result in

less impacts related to aesthetic, air quality, cultural resources, water resources, noise, population and housing, public services, and utilities and service systems.

Relationship to Project Objectives

No significant and unavoidable impacts were identified for the Project. Furthermore, the following Project objectives would not be achieved with the No Action Alternative:

- Promote the highest and best use of Agua Caliente Indian Reservation lands to maximize the economic development opportunities for the Tribe and its members, including Tribal land immediately adjacent to the Spa Resort Casino.
- Create a new mixed-use project that complements and provides incidental benefit to the Tribe's existing Spa Resort Casino to create a regional destination development.
- Plan for an appropriate mix of hotel, meeting, spa/fitness, mixed-use, cultural, retail, and entertainment uses; meet the Section 14 Specific Plan area's growing demand; and build in the flexibility to respond to changes in the market over time.
- Provide infrastructure that incorporates "readiness" for sustainable technologies, such as water conservation features, solar power generation, and plug-in electrical vehicle charging connections/stations.

The following Project objective would be met:

- Ensure compatibility with existing, proposed, and planned development in the vicinity of the Project.

2. Alternative 2—Section 14 Specific Plan Buildout

Alternative Description

This Alternative examines the impacts that would result from development of the Project Site with the type and intensity of land uses allowed by the Section 14 Specific Plan Resort Attraction land use designation. As previously discussed, the buildout of the Project Site under the Section 14 Specific Plan could be considered a consolidated project as the site is greater than 5 acres, covers multiple parcels, and is designated RA. Therefore, this Alternative could provide a development floor to area (FAR) ratio of up to 3.0.

The maximum permitted hotel density is 86 rooms per acre. The maximum height permitted is 100 feet for high rise buildings. Typically, the first floor of a hotel is approximately 20 feet in height with subsequent floors approximately 11 feet in height. Therefore, under the Specific Plan the hotel could be up to 8 floors in height at approximately 97 feet. The number of hotel rooms proposed under the Project would be 350

rooms, with an assumed average of 25 rooms per floor, not including the first floor. Under this Alternative, assuming a similar hotel footprint given the limited size of the Project Site, this Alternative could have approximately 175 hotel rooms. Therefore, this Alternative would result in approximately 175 fewer hotel rooms (assuming a similar hotel development footprint) than proposed by the Project.

Similar to the Project, this Alternative would require approximately 40 percent of the site be open space, and would be subject to the same FAR, hotel density, frontage, ground floor façade treatment, pedestrian access, setbacks, minimum lot area, off-street parking, and service access requirements as the Project.

Comparative Impact Evaluation

Aesthetics

Under Alternative 2, the Project Site would be developed according to the Section 14 Specific Plan land use plan with the intensity of hotel uses reduced by approximately 50 percent. This Alternative would change the visual nature of the Project Site, as would the Project, but the aesthetic changes would be of less intensity (i.e. 75 feet lower). Development of the Project Site in conformance with the Specific Plan's development and design standards would not result in significant impacts to the visual character of the Project Site and the surrounding area. As the entire Project Site would still be fully developed, the aesthetic impacts of this Alternative would be similar to the Project, but to a lesser degree.

Alternative 2 would result in a similar grading, building, and landscape design as the Project. Thus, it would involve the same mix of land uses across the Project Site, just at a reduced hotel intensity. Therefore, Alternative 2 would have less than significant impacts, similar to those of the Project.

Air Quality

Construction activities (e.g., equipment use assumptions) under Alternative 2 would be similar to those of the Project on a daily basis. This Alternative would result in a reduced intensity of hotel uses by approximately 50 percent.

Alternative 2 would reduce operational emissions for the Project; however, like the Project construction emissions would not exceed the South Coast Air Quality Management District (SCAQMD) regional significance thresholds. Nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (Sox), respirable particulate matter (PM10), and fine particulate matter (PM2.5) would remain less than significant. Operation impacts under this Alternative would be similar to the Project, albeit reduced, as a result of the reduction in hotel rooms. Overall, Alternative 2 would result in comparatively less impacts than those under the Project, and this Alternative would not exceed SCAQMD significance thresholds and impacts would be less than significant.

As stated previously, equipment use and vehicular travel related to construction activities and their respective GHG emissions would be similar to that required for the Project, albeit reduced. Assuming the resort commercial uses included in Alternative 2 would incorporate similar measures that reduce GHG emissions as those identified for the Project, the vehicle related GHG emissions for the Project would be reduced by approximately 50 percent. Reduction in GHG emissions would be consistent with the 2020 reduction in GHG emissions from 1990 levels set forth in the City's 2013 Climate Action Plan (CAP), similar to the Project. Overall, Alternative 2 would incrementally reduce impacts compared to the Project.

Cultural Resources

Alternative 2 would fully develop the Project Site with a mixture of hotel, resort, casino, and mixed-use/cultural/retail uses, as would the Project. This Alternative would have similar potential to uncover previously unknown archeological resources, fossils of paleontological importance, and human remains. Appropriate mitigation during the construction phase would ensure that development would not result in significant impacts to potential cultural resources. Therefore, Alternative 2 would not result in significant impacts to cultural resources, and impacts would be similar to those of the Project.

Water Resources

Similar to the Project, Alternative 2 would require the construction of new storm-drain systems, including drainage facilities used to maintain existing conditions. Construction activities under this Alternative would involve temporary surface water runoff and water quality impacts that would be considered to be potentially significant. However, implementation of Mitigation Measures similar to the Project would minimize surface water runoff from the Project Site and reduce degradation of surface water runoff and water quality, in compliance with the NPDES Program. Development of the Project Site could increase the amount of impervious surfaces resulting in an increase in long-term surface water runoff. Like the Project, this Alternative would incorporate applicable Mitigation Measures to ensure these impacts remain less than significant. Therefore, Alternative 2 would result in similar impacts to water resources when compared to the Project.

Land Use and Planning

Alternative 2 would fully develop the Project Site with a mixture of hotel, resort, casino, and mixed-use/cultural/retail uses as permitted by the Section 14 Specific Plan land use designations. This Alternative would develop a similar level of uses on the Project Site, except the number of hotel rooms would be reduced to approximately 175 rooms when compared to the 350 rooms under the Project. This would result in an approximate 50 percent reduction in rooms than the Project.

Similar to the Project, Alternative 2 would not conflict or result in any inconsistencies with the goals, objectives, or policies of the Tribe's Land Use Ordinance or the Section 14 Specific Plan. Alternative 2 would result in less than significant impacts, similar to the Project.

Noise

Like the Project, Alternative 2 would include earthmoving activities during construction and would involve the use of heavy equipment, such as air compressors, backhoes, generators, cranes, excavators, pavers, rollers, and scrapers. While overall construction under this Alternative would be reduced in scale and duration for the hotel, these construction equipment sources would cause significant noise impacts to both on- and off-site receptors. Implementation of Mitigation Measures under this Alternative would reduce these noise impacts and impacts under this Alternative would be similar to the Project.

Furthermore, operational activities of Alternative 2 would result in 50 percent fewer weekday trips when compared to the Project. Long-term operational noise generated by traffic under this Alternative would decrease when compared to the Project. However, this Alternative would not result in a decrease of 3 dB(A) in the noise levels on roadway segments adjacent to the Project Site, and therefore, any decrease in roadway noise levels would not be noticeable. Impacts would be relatively less than those under the Project.

Population and Housing

Under Alternative 2, the Project Site would involve approximately 50 percent fewer hotel rooms. This Alternative would generate fewer indirect residents than the Project. While this Alternative would generate fewer indirect people than the Project, there would be a comparable demand on the existing utility infrastructure that services the area. Accordingly, implementation of Alternative 2 would result in similar, but comparatively less, impacts than those under the Project.

Public Services

Fire Services

Alternative 2, like the Project, would increase demand on the Palm Springs Fire Department (PSFD) for fire protection services due to the development of additional hotel, casino, mixed-use/cultural/retail, resort/spa uses on the site. Under this Alternative, the Tribe will continue to undertake appropriate consultation with the PSFD for the Project, and continue to contribute funds in accordance with Section 4.3 of the Compact that may be used for fire protection services and make charitable donations to the PSFD, similar to the Project. Construction of Alternative 2 would not obstruct emergency access to the site or surrounding areas nor would operational activities impair any response times since the site is located within an area currently serviced by the PSFD. Under this Alternative, all development would

comply with the most current adopted Tribal Building and Safety Codes and standards. Implementation of this Alternative would not result in the need for new or physically altered governmental facility in regards to fire protection services, and impacts would not be significant. Therefore, Alternative 2 would have similar impacts to those of the Project.

Law Enforcement

Alternative 2, like the Project, would increase demand on the Palm Springs Police Department (PSPD) for law enforcement services due to the development of the hotel, mixed-use/cultural/retail, spa/resort, and casino uses on the site. Under this Alternative, the Tribe will continue to undertake appropriate consultation with the PSPD for the Project, and continue to contribute funds in accordance with Section 4.3 of the Compact that may be used for law enforcement services and make charitable donations to the PSPD, similar to the Project. Alternative 2 would also incorporate features consistent with the Section 14 Specific Plan that would enhance security and access throughout the site to minimize needed service from the PSPD. The Project would not require additional sworn police officers or additional Police facilities. Therefore, Alternative 2 would have similar law enforcement impacts to those of the Project.

Traffic and Transportation

Alternative 2 would fully develop the Project Site with a mixture of hotel, resort, casino, and mixed-use/cultural/retail uses as permitted by the Section 14 Specific Plan land use designations. The Project would generate a total of 5,826 total weekday trips. Alternative 2 would reduce the number of hotel rooms by 50 percent when compared to the Project. Since impacts to study intersections associated with the Project would be less than significant with incorporation of various Mitigation Measures, the impacts associated with Alternative 2 would also be less than significant. Therefore, this Alternative would result in incrementally less traffic, but impacts would be less than significant, similar to the Project.

Utilities and Service Systems

Water Service

Alternative 2 would result in similar construction to the Project, except with approximately 175 fewer hotel units. The water demand associated with this Alternative would be approximately 22.6 fewer acre-feet per year (afy) than the Project.[1] The aquifer and other sources of supply are adequate for a single dry year and also multiple dry years for a 20-year period. Like the Project, this Alternative would require additional water infrastructure to serve the site. Since the water demand associated with this Alternative

1 Alternative Hotel Rooms = 22.5 acre-feet per year (afy); Project Hotel Rooms = 45.1 afy; Alternative 2 would result in 22.6 fewer afy.

is less than the Project's water demand of 115.1 afy, Alternative 2 would result in fewer impacts to water service. Even though neither the Project nor Alternative 2 would result in any significant impacts, impacts associated with Alternative 2 would be fewer than those under the Project.

Sewer

Under Alternative 2, the Project Site would be developed according to the Project's land use plan, but with the intensity of hotel rooms reduced by 50 percent. This Alternative would generate 0.01 million gallons per day (mgd) of wastewater, approximately 0.013 mgd fewer than the Project, and wastewater generated by this Alternative would be treated at the City's Wastewater Treatment Plant. Accordingly, available treatment capacity would be provided and impacts would be less than significant under this Alternative. The Alternative's sewage increase to the lines in the City's sewer capacity would be mitigated through payment of sewer connection fees, as required by the Project. Thus, Alternative 2 impacts would be reduced to a less than significant level. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be considered less than those of the Project.

Drainage

Under this Alternative, development of the Project Site would be similar to the Project. Like the Project, this Alternative would implement Mitigation Measures to ensure that the pre-existing conditions of the site are met. Given development of the site would be similar to the Project, this Alternative would result in similar impacts to the Project. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be similar to the Project.

Solid Waste

This Alternative would result in a reduced hotel room intensity of 50 percent when compared to the Project. Solid waste generated by this Alternative would total 108 fewer tons per year than the Project. This waste would be diverted to either the Edom Hills Transfer Station or would directly be delivered to the El Sobrante Landfill. This Alternative would contribute 2.5 tons of solid waste per day.

However, there is adequate capacity and expansion potential within the regional landfill system to accommodate the solid waste expected to be generated by this Alternative or the Project. Closure dates of landfills for the existing landfills are estimates and subject to change depending on the actual tonnage that is received prior to their estimated closing date. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be considered less than those of the Project.

Energy

Under Alternative 2, the Project Site would be developed according to the Project's land use plan, but with the intensity of hotel rooms reduced by 50 percent. Like the Project, this Alternative's demand on energy resources would not by itself create the need for new facilities other than the potential distribution infrastructure within the Project Site. Even though neither the Project nor this Alternative would result in a significant impact, impacts associated with this Alternative would be considered less than those of the Project.

Summary of Comparative Impacts

Impacts related to Alternative 2 would be similar to cultural resources, water resources, temporary construction related noise, fire services, law enforcement, and utilities and service systems (drainage). Alternative 2 does incrementally reduce identified aesthetics, air quality, land use and planning, long term vehicle related noise, population and housing, traffic, and utilities and service systems (water service, wastewater, solid waste, and energy).

Relationship to Project Objectives

Alternative 2 considers the implementation of the land use plan of the Project with the only difference being a 50 percent reduction in the intensity of hotel rooms within the Project Site. Many impacts would be incrementally reduced with this Alternative.; however, no significant and unavoidable impacts related to the Project were identified, and consequently, this Alternative would not substantially reduce impacts identified as less than significant.

This Alternative would also not provide the highest and best use of Tribal Property as the site would likely result in reduced employment opportunities for the region, fewer economic development opportunities, and a reduced regional destination development. While the Section 14 Specific Plan Alternative would include all the components of the Project, it would only partially meet all of the following Project objectives.

- Promote the highest and best use of Agua Caliente Indian Reservation lands to maximize the economic development opportunities for the Tribe and its members, including Tribal land immediately adjacent to the Spa Resort Casino.
- Create a new mixed-use project that complements and provides incidental benefit to the Tribe's existing Spa Resort Casino to create a regional destination development.

- Plan for an appropriate mix of hotel, meeting, spa/fitness, mixed-use, cultural, retail, and entertainment uses; meet the Section 14 Specific Plan area's growing demand; and build in the flexibility to respond to changes in the market over time.

- Ensure compatibility with existing, proposed, and planned development in the vicinity of the Project.

- Provide infrastructure that incorporates "readiness" for sustainable technologies, such as water conservation features, solar power generation, and plug-in electrical vehicle charging connections/stations.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As previously discussed, analysis of a reasonable range of Alternatives is required by TEPA. A summary comparison of impacts associated with the Project Alternatives is provided in **Table 6.0-1**. As indicated in **Table 6.0-1**, the first line compares the Alternative's incremental increase, decrease, or results in similar impacts, to the Project's identified impact. The Alternative's significance is identified in parenthesis and compares the level of significance of the Alternative's impact to the level of significance of the Project's impact.

As discussed in **Section 5.0**, there would be no significant and unavoidable impacts as a result of the Project, and each impact identified would be reduced to a less than significant level after mitigation. For purposes of this Draft TEIR, the environmentally superior alternative is the alternative that meets the Tribe's objectives and would cause the least impact to the natural and physical environment.

The No Action/No Development Alternative would avoid environmental effects that may occur under the Project or the Section 14 Specific Plan Alternative, but would not achieve any of the Project objectives listed in **Section 3.0** of the Draft TEIR. The Section 14 Specific Plan Alternative reduces the height of the proposed hotel tower when compared to the Project, resulting in the development of the hotel facility with 50 percent fewer hotel rooms. The Section 14 Specific Plan Alternative would result in slightly reduced impacts as compared to the Project, but would not fully meet the Tribe's objectives to promote the highest and best use of Reservation lands to maximize the economic development opportunities for the Tribe and its members.

The Project meets all project objectives listed in **Section 3.0**. In addition, all potential environmental impacts of the Project are reduced to less than significant levels after mitigation, and no significant and unavoidable impacts have been identified. Therefore, the Project is the environmentally superior alternative.

Table 6.0-3
Comparison of Alternatives to Project

Environmental Issue Area	Project	Alternative 1—No Action/No Development	Alternative 2—Section 14 Specific Plan
Aesthetics	Less than Significant	Less (No Impact)	Less (Less than Significant)
Air Quality	Less than Significant	Less (No Impact)	Less (Less than Significant)
Cultural Resources	Less than Significant with Mitigation	Less (No Impact)	Similar (Less than Significant with Mitigation)
Water Resources	Less than Significant with Mitigation	Less (No Impact)	Similar (Less than Significant with Mitigation)
Land Use and Planning	Less than Significant	Greater (Less than Significant)	Less (Less than Significant)
Noise	Construction - Less than Significant with Mitigation Operation – Less than Significant	Less (No Impact)	Construction – Similar (Less than Significant with Mitigation) Operation – Less (Less than Significant
Population and Housing	Less than Significant	Less (No Impact)	Less (Less than Significant)
Fire Protection	Less than Significant	Less (No Impact)	Similar (Less than Significant)
Law Enforcement	Less than Significant	Less (No Impact)	Similar (Less than Significant)
Traffic and Transportation	Less than Significant with Mitigation	Greater (Less than Significant)	Less (Less than Significant with Mitigation)
Water Service	Less than Significant with Mitigation	Less (No Impact)	Less (Less than Significant with Mitigation)
Wastewater	Less than Significant with Mitigation	Less (No Impact)	Less (Less than Significant with Mitigation)
Solid Waste	Less than Significant	Less (No Impact)	Less (Less than Significant)
Drainage	Less than Significant with Mitigation	Less (No Impact)	Similar (Less than Significant with Mitigation)
Energy	Less than Significant	Less (No Impact)	Less (Less than Significant)

7.0 GROWTH-INDUCING IMPACTS

As previously discussed in **Section 1.0 Introduction**, the Tribe, acting as the Lead Agency for the planning and environmental review of this Project, has prepared this Draft TEIR in compliance with TEPA and Section 11.1 of the Compact. According to the Compact Section 11.1(a)7, the growth inducing impacts of the Project shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. A project may be growth inducing if it could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. This includes projects which would:

- Remove obstacles to population growth;
- Tax existing community service facilities; and/or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Growth inducement is not considered to be necessarily detrimental, beneficial, or of significance to the environment.

Typically, the growth-inducing potential of a project is considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies. Significant growth impacts could also be manifested through the provision of infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies.

The SCAG is the MPO for a six-county region (Ventura, Los Angeles, Orange, Riverside, San Bernardino, and Imperial Counties) and is charged by the federal government to research and prepare plans for transportation, growth management, hazardous waste management, and air quality. One of the many responsibilities mandated to SCAG by the State is the development of demographic projections, which are provided in **Section 5.7, Population and Housing** of this Draft TEIR.

A. GROWTH-INDUCING IMPACT ANALYSIS

1. Remove Obstacles to Population Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential

public services (e.g., water service), while planning impediments may include restrictive zoning and/or general plan designations.

The Project is located within Section 14 in Downtown Palm Springs in an area that is currently developed, and contains established land uses and supporting infrastructure. Construction of the Project may require the modification of off-site or on-site infrastructure and the development of on-site infrastructure in order to support the increased land use intensity associated with the Project.

Growth projections contained in the RTP/SCS are based on a compilation of county and local projections. RTP forecasts are then used in the formulation of regional plans dealing with regional air quality, housing, transportation/circulation, and other infrastructure issues. SCAG does not provide a specific methodology for establishing the consistency of a proposed project with its regional growth forecasts. However, the RCP contains policies that support the use of these forecasts in the preparation and review of local and regional plans and projects.

The Project does not include the construction of housing of any kind and, for this reason, will not generate any direct increase in population. However, the commercial uses included in the Project would generate jobs which could indirectly generate population growth and demand for housing. It is estimated that the Project could generate approximately 935 jobs (see discussion in **Section 5.7**).

For analysis purposes, if all 935 additional employees relocated to Palm Springs by the year 2026, they would only account for 1.8 percent of the total population and 23 percent of the projected growth in population by this date. This is a conservative estimate as employees may already live in the area, or may reside in other cities in the Coachella Valley. This minimal increase in population would not be substantial and would be consistent with the estimated growth and employment projections for the City.

Additionally, the employment opportunities within the City are expected to steadily increase at 2.6 percent per year through the year 2040. By 2026, when the Project will be complete, the City would have approximately 33,243 employees.

Again, for analysis purposes, if all 935 additional employees relocated to the City, there would need to be an increase of approximately 711 housing units.[1] As of 2013, Section 14 included 67 acres of vacant, residentially zoned land with a capacity for approximately 2,178 housing units according to the Market and Fiscal Analysis included as Appendix B to the Section 14 Specific Plan. The conservative estimation of

1 760 homes per 1,000 permanent residents = 0.760. Projected residents (935) * 0.760 = 710.6 additional homes needed.

711 housing units needed would be able to be accommodated within the 2,178 units projected for Section 14.

An established transportation network exists in the surrounding area that offers regional and local access to the Project Site. Regional access to the Project Site would be provided by the State Route 111. Local access to the Project Site would be provided by Amado Road to the north, Calle El Segundo to the east, Tahquitz Canyon Way to the south, and Indian Canyon Drive to the west. The Project includes the planned closure of Calle Encilia between Amado Road and Andreas Road, and Andreas Road between Indian Canyon Drive and Calle Encilia. Roadway improvements would be made as development occurs for each individual project, including the payment of fees, either directly or indirectly, equivalent to TUMF for regional roadway improvements in the Coachella Valley.

The water, wastewater, electrical, and natural gas infrastructure required to support the Project already exists within the Project Site and surrounding streets. Potable water would be provided to the Project Site from DWA. Wastewater disposal from the Project Site would flow into the existing gravity system that drains all sewage generated on the Project Site. As indicated in the Draft TEIR, there is existing water and wastewater capacity available to support the increase needed by the Project from existing conditions. However, some water connections and sewage lines may need to be updated as planned in the Section 14 Specific Plan, to be determined prior to the issuance of grading permits. Existing plans, policies, and ordinances of the Tribe, the City, and the service provides would minimize impacts to services from development of the Project. As such, the potable water system and wastewater drainage system would not induce growth within the immediate area.

Natural gas transmission infrastructure presently exists near and within the Project Site and is served by the Southern California Gas Company. The Project Site currently has below ground power lines supplied by Southern California Edison Company. Natural gas and electricity utilization would be within the identified Section 14 consumption amounts. Both suppliers have indicated that they anticipate providing continued and increased service with no significant impacts to Section 14. No growth-inducing impacts due to the connection of electrical and natural gas service lines would occur with the development of the Project.

In summary, the design and construction of roadways, water, sewer, electrical, and natural gas infrastructure needed to accommodate the Project would not induce growth within undeveloped areas surrounding the Project Site. Furthermore, the Project would be designed consistent with the Section 14 Specific Plan and would be consistent with the future development permitted within Section 14.

2. Tax Existing Community Service Facilities, Causing Significant Environmental Effects

A project would indirectly induce growth if it would increase the capacity of infrastructure in an area in which the public service currently met demand or would extend infrastructure to an area that was not previously served. Examples would be increasing the capacity of a sewer treatment plant or a roadway beyond the capacity needed to meet existing demand, or extending a water or sewer line to a project where other properties could also use that line extension.

As discussed in **Section 5.8.1 Fire Services**, the PSFD would not be significantly impacted by the slight increase in land use at the Project Site. Additionally, the Project will be required to provide final fire-flow plans in compliance with the Tribal Building and Safety Code and Tribal Fire Marshal requirements. As discussed in **Section 5.8.2 Law Enforcement,** the PSPD has an officer to resident ratio well above the required threshold. The addition of the Project would not drastically change the officer to resident ratio, so additional police protection facilities would not be required. The Project would not require expansion of any public services; however, as described in Section 4.3 of the Compact, the Tribe will provide funds to pay for additional services.

Construction of the Project would create an array of employment opportunities for the region, such as design, engineering, and construction-related jobs. This direct, growth-inducing effect for employment would last until the Project's anticipated build-out by year 2026. The commercial aspect of the Project entails the development of mixed-use/cultural/retail space, hotel, and casino uses. This increase in mixed-use development would stimulate more tax base for the region. As discussed in **Section 5.7,** development of the Project would generate an increase in jobs by an estimated 935 jobs. Existing residents within the City would also have available opportunities for shopping, entertainment, and employment. This would represent an increased demand for economic goods and services within the region. Therefore, the Project would not induce significant growth within the surrounding area.

3. Encourage and Facilitate Other Activities That Could Significantly Affect the Environment

A project would directly induce growth if it would remove barriers to population growth such as a change to a jurisdiction's general plan and Zoning Ordinance that allowed new residential development to occur.

The Project Site and surrounding area is already developed with urban uses. The proposed development of the Project Site would not encourage and facilitate other activities that could significantly affect the environment.

The Project Site is currently under the jurisdiction of the Tribe. The Tribe has sovereign authority over the use and regulation of its land, thus the Project Site is not subject to City or County land use approval. However, the Tribe and City jointly worked together to prepare a comprehensive update to the Section 14 Specific Plan to revise designated land uses and base development standards, incorporate complete streets design principles, and modify development incentives to help realize the vision for the Specific Plan and better implement physical development in Section 14. The Project is consistent with the Specific Plan and no changes to any of the Tribe's building safety standards (i.e. building, grading, plumbing, mechanical, electrical, fire codes) are proposed or required to implement the Project. Mitigation Measures have been identified throughout **Sections 5.1** to **5.10** to ensure that subsequent site-specific development complies with all applicable Tribal, plans, policies, and ordinances. Therefore, approval of the Project would not involve a precedent setting action that would be applied to other properties and thereby encourage or facilitate growth that would not otherwise occur. Accordingly, the Project would not be considered growth inducing.

8.0 OTHER ENVIRONMENTAL IMPACTS

This Section provides a brief discussion of the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the Draft TEIR. This Section also discusses the significant irreversible environmental changes that would be caused by the Project, including the use of nonrenewable resources, as well as the primary and secondary impacts, which generally commit future generations to similar uses. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in the Draft TEIR.

8.1 EFFECTS NOT FOUND TO BE SIGNIFICANT

As previously discussed in **Section 1.0, Introduction**, the Tribe, acting as the Lead Agency for the planning and environmental review of the Project, has decided to prepare this Draft TEIR in compliance with TEPA (Tribal Ordinance No. 28) and Section 11.1 of the Tribal State Gaming Compact ("Compact"). Section 11.1(b) of the Compact requires a brief description of any possible significant effects that were determined not to be significant and were not analyzed in detail within the environmental analysis. Therefore, this Section has been included in the Draft TEIR as required by the Compact.

Information from the 2002 EIS/EIR is incorporated within this Section. The discussion below presents the analysis of the effects related to agriculture and forestry resources, biological resources, geology and soils, hazards and hazardous materials, mineral resources, public services, and recreation not found to be significant. Any items not addressed in this Section were addressed in **Section 5.0, Environmental Impact Analysis**, of the Draft TEIR.

A. AGRICULTURE AND FORESTRY RESOURCES

Threshold: **Involve changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

The Project would not involve changes that could result in the conversion of farmland to non-agricultural use. The 18-acre Project Site is in an urbanized area within the Reservation in downtown Palm Springs. The Project Site and surrounding area are designated as "Other Land" by the California Department of Conservation, Farmland Mapping and Monitoring Program.[1] Based on the information compiled by the US Department of Agriculture and Soil Conservation Service, all soil types within Section 14 are considered agriculturally "poor" agricultural soil.[2] Additionally, the Project Site does not contain any lands designated as Farmland and would not result in the loss of Farmland or the conversion of Farmland to nonagricultural use. Therefore, no significant impacts would occur.

1 California Department of Conservation, Farmland Mapping and Monitoring Program, "Riverside County Important Farmland 2014," Sheet 2 of 3 (November 2016).

2 Section 14 Master Development Plan EIS/EIR, Agua Caliente Planning Building & Engineering Department (July 2002).

B. BIOLOGICAL RESOURCES

Threshold: **Have a substantial adverse impact, either directly or through habitat modifications, on any 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?**

The Project would not have a substantial adverse impact on any 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. The Project Site is located within the boundaries of the Tribal Habitat Conservation Plan (THCP), which along with the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) provide a regional framework for the conservation of special-status species and their habitat while providing for streamlined development permitting.[3] The US Fish and Wildlife (USFWS) has not approved the THCP or issued a 10(a) Incidental Take Permit; however, the Tribe has independent authority to implement the THCP to mitigate impacts to sensitive resources on Reservation lands.

The Project Site is in an urbanized area of the THCP-designated Valley Floor Planning Area (VFPA), and contains urban landscape and various commercial uses. The THCP does not identify the Project Site as containing viable habitat for any species identified as candidate, sensitive, or special status by the California Department of Fish and Wildlife or USFWS. The Project Site is not located within a designated Conservation Area or fluvial sand transport area, and therefore is not subject to THCP-specific avoidable, minimization, or mitigation measures.[4]

Several street and ornamental trees on and around the Project Site would be removed during construction. These trees may provide shelter and habitat for nesting birds, which are protected under the federal Migratory Bird Treaty Act (MBTA)[5] and recognized under the THCP. Fully protected birds and migratory nongame birds as designated by the MBTA—including raptors, or nests or eggs of any bird—except as otherwise provided by THCP may not be taken, possessed, or destroyed any time. Therefore, with compliance with the provisions and requirements of the MBTA, the Project would comply with local and regional, plans, regulations, and policies.

3 Agua Caliente Band of Cahuilla Indians, *Tribal Habitat Conservation Plan* (August 2010).
4 Agua Caliente Band of Cahuilla Indians, *Tribal Habitat Conservation Plan* (August 2010).
5 United States Code, tit. 33, sec. 703 et seq.; see also Code of Federal Regulations, tit. 50, pt. 10.

Threshold: **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulation or by the California Department of Fish and Game or US Fish and Wildlife Service?**

No impacts to any locally designated native species or natural communities would occur with Project implementation. As previously discussed, the Project Site is not designated by the THCP as containing viable habitat for any candidate, sensitive, special-status, or locally designated native species (e.g., palm trees or mesquite).[6] The Project Site is in an urbanized area and contains surface parking lots, the Spa Resort Casino, and the Post Office, with minimal landscaping in the form of street trees, shrubs, and other ornamental plans. There are no riparian features, such as streams or rivers, on the Project Site or surrounding vicinity.[7] As such, implementation of the Project would not disturb any riparian habitats. Additionally, the Project would be required to comply with the provisions and requirements of the MBTA and THCP that protect any sensitive species. No impacts to any locally designated native species or natural communities would occur.

Threshold: **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act?**

No impacts to federally protected wetlands would occur with Project implementation. As previously mentioned, the Project Site is in an urbanized area and does not have any riparian features as defined by Executive Order 11990, such as streams or rivers, on the Project Site or in the surrounding vicinity. As such, implementation of the Project would not disturb any wetland habitats or alter any streams. No impacts would occur.

Threshold: **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?**

Future development of the Project Site would not interfere with the movement of any resident or migratory wildlife species. The Project Site is in an area of the Coachella Valley that has been previously developed and highly disturbed. Due to the highly urbanized surrounding, the Project Site does not provide for wildlife movement of terrestrial wildlife. Additionally, as previously stated, there are no riparian features, such as streams or rivers for fish species, and no wildlife nursery sites. Future

6 Agua Caliente Band of Cahuilla Indians, *Tribal Habitat Conservation Plan* (August 2010).

7 United States Fish and Wildlife Service, "National Wetlands Inventory," http://www.fws.gov/wetlands/Data/Mapper.html.A. Accessed November 2016.

development would not interfere with the movement of any resident or migratory wildlife species. No impacts would occur.

Threshold: **Conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The Project would comply with local habitat conservation plans and no impacts would occur. As previously stated, the Project Site is located within the boundaries of the THCP, which along with the MSHCP provide a regional framework for the conservation of special status species and their habitat while providing for streamlined development permitting. The Project Site is in an urbanized area and is not located within a designated Conservation Area or fluvial sand transport area, and therefore is not subject to THCP-specific avoidable, minimization, or mitigation measures.[8] Therefore, the Project would comply with local habitat conservation plans.

C. GEOLOGY AND SOILS

Threshold: **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?

No significant impacts from fault rupture or rupture of a known earthquake fault would occur with Project implementation. The Project Site is in a seismically active area in Southern California. The San Andreas Fault system is a dominant feature within the Coachella Valley; however, there are no Alquist-Priolo Fault Zones located within the Project Site or Section 14 within the City.[9] Given that the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults cross the Project Site, the potential risk for surface fault rupture through the Project Site is considered low. Additionally, the

8 Agua Caliente Band of Cahuilla Indians, *Tribal Habitat Conservation Plan* (August 2010).

9 California Department of Conservation, California Geological Survey, "Regional Geological and Mapping Program," http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm.A. Accessed November 2016.

nearest fault is the San Andreas Fault, located approximately ten miles north of the Project Site.[10] No significant impacts from fault rupture to people or structures would occur.

Although no active faults are located within Section 14, significant hazards associated with seismic activity may occur along any of several active earthquake fault zones located within the region. Even though fault rupture is not anticipated, future development on the Project Site would be subject to moderate to severe ground shaking, resulting in risks to public safety and potentially significant damage to structures and other property. While the Project would not expose people to significant seismic hazards, construction of the Project would adhere to the minimum building standards and seismic safety requirements identified in the Tribal Building and Safety Code[11] to avoid hazards related to seismic ground shaking. Impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No significant liquefaction impacts would occur with Project implementation. Liquefaction refers to loose, saturated sand or gravel deposits that lose their load-supporting capability when subjected to intense shaking. This phenomenon causes the soils to behave like a liquid when shaken by an earthquake.

The 2002 EIR/EIS prepared for the adoption of the Section 14 Specific Plan analyzed future development potential for the Project Site and potential liquefaction impacts. The southwest portion of the Project Site was identified as being subject to potential liquefaction due to the relatively high groundwater level immediately surrounding the Agua Caliente Hot Spring. In 2016, the Agua Caliente Hot Mineral Spring Bridge project was completed as part of an effort to preserve and protect the Hot Spring, which will also help to control groundwater saturation levels surrounding the Hot Spring and minimize potential liquefaction impacts. Based on that analysis, the 2002 EIR/EIS included a mitigation measure for liquefaction indicating that all projects within the Section 14 area would be required to comply with the seismic engineering requirements of the latest building code. The Tribal Building and Safety Code provides design requirements related to liquefaction. As future development is proposed within the Project Site, appropriate engineering design features and structural requirements will need to be applied consistent with the Tribal Building and Safety Code. Therefore, no significant liquefaction impacts would occur within the Project Site.

10 US Geologic Survey, *Quaternary Faults* (map), http://earthquake.usgs.gov/hazards/qfaults/map/#qfaults.A. Accessed November 2016.

11 Adopted from the 2016 California Building Code (CBC).

iv) Landslides?

Potential exposure to landslides or mudflow is considered unlikely and no impacts would occur. The Project Site and surrounding areas are relatively flat and contain minimal rises or changes in elevation. No major slopes or bluffs are on or adjacent to the site. The Project Site is not located within a landslide zone as delineated by the California Geological Survey.[12] As such, potential exposure to landslides or mudflow is considered unlikely. No impacts would occur.

Threshold: Result in the substantial soil erosion or the loss of topsoil?

The Project would not result in substantial soil erosion or loss of topsoil and impacts would be less than significant. Erosion is the movement of rock fragments and soil from one place to another. Precipitation, running water, waves, and wind are all agents of erosion. Significant erosion typically occurs on steep slopes where stormwater and high winds can carry topsoil down hillsides. Moreover, the strong winds that are experienced in the Coachella Valley may also accelerate erosional processes.

The Project Site is developed with surface parking lots, the Spa Resort Casino, and the Post Office. The Project Site and surrounding areas are characterized by a relatively flat topography, with minimal rises or changes in elevation. Typical soils in the area are characterized as alluvial sands due to the alluvial sediment washed down from the surrounding mountains.[13] Development of the Project has the potential to result in the erosion of soils during site preparation and construction activities. In 2011, the Tribe received an exemption from National Pollutant Discharge Elimination System (NPDES) Permit coverage requirements from the USEPA because those portions of the Reservation under Tribal jurisdiction (i.e., areas outside of the Land Use Agreements) do not qualify for maintaining permit coverage. Therefore, the Project will comply with USEPA's General Permit requirements including implementing a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES to reduce erosion on and off site. The SWPPP includes best management practices (BMPs) that would be employed to prevent erosion and siltation during the Project's construction phase. Examples of various BMPs include the use of nontoxic soil stabilizers; covering stockpiles of dirt or other loose granular construction materials; and containing soil runoff from disturbed areas by means of berms, vegetated filters, fencing, or catch basins.

All grading activities would comply with the grading requirements identified in the Tribal Building and Safety Code. These requirements provide provisions for adequate watering and dust control measures to minimize impacts related to wind or water erosion. Impacts would be less than significant.

12 California Department of Conservation, California Geological Survey, "Regional Geological and Mapping Program," http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm.A. Accessed November 2016.

13 City of Palm Springs, *Palm Springs 2007 General Plan*, "Safety Element"" (2007), Figure 6-3, Geologic Map.

D. HAZARDS AND HAZARDOUS MATERIALS

Threshold: **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Threshold: **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?**

The Project would not create a significant hazard to the public or the environment and impacts would be less than significant. Implementation of the Project would include construction activities, such as site preparation, demolition, earthwork (e.g. vegetation removal, grading, and site excavation), expansion of the existing casino, and development of complementary hotel, spa, and retail commercial uses. Construction of the Project would involve the temporary use of potentially hazardous materials, including vehicle fuels, oils, and transmission fluids. Any spills or leakages encountered during construction would be required to be remediated in accordance with Tribal Ordinance Nos. 14, 24, and 45 for hazardous waste cleanup.

The types and amounts of hazardous materials that would be used during Project operations would include typical pesticide and landscaping products. The routine use of these products for landscape maintenance is not considered to create a significant hazard to the public or the environment. All potentially hazardous materials would be used and stored in accordance with Tribal Ordinance No. 14. This ordinance prohibits the use of Indian Trust land on the Reservation for the disposal, treatment, or storage of hazardous or nonhazardous wastes; as sanitary landfills; or otherwise to protect groundwater and the health, safety, and welfare of the members of the Tribe and the public. As such, the Project would not create a significant hazard to the public or the environment. Impacts would be less than significant.

Threshold: **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school and impacts would be less than significant. The nearest school to the Project Site is Katherine Finchy Elementary School, which is located approximately 0.77 miles northeast at the nearest point. Additionally, the Project would not require the use or handling of hazardous or acutely hazardous materials, substances, or waste. Therefore, impacts would be less than significant.

Threshold: **Expose people or structures to a significant risk of loss, injury or death involving wildland fires?**

The Project would not expose people or structures to incidents involving wildland fires and impacts would be less than significant. The Project Site is not located within a Very High Fire Hazard zone.[14] The Project Site contains minimal vegetation that could pose a flammable hazard due to the nature of the soil composition within the region, which consists of mainly dune and alluvial sands with low expansion potential. This type of soil cannot support the growth of dense vegetation, thus reducing the risk of dry, flammable brush on or surrounding the Project Site. The Project would provide fire hydrants and adequate fire flows in the event of a fire at or surrounding the Project Site. These hydrants would be designed and constructed in accordance with Tribal and Palm Springs Fire Department (PSFD) requirements. Impacts would be less than significant.

E. MINERAL RESOURCES

Threshold: **Result in the loss of availability of a known mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and the residents of the state?**

Implementation of the Project would not result in the loss of a MRZ-2 classified mineral resource and no impacts would occur. According to the County of Riverside General Plan, the Project Site is designated within a Mineral Resource Zone (MRZ)-3. MRZ-3 is defined as an area where it has been determined mineral deposits are likely to exist; however, the significance of these deposits is undetermined.[15] Thus, implementation of the Project would not result in the loss of a MRZ-2 classified mineral resource. No significant impacts would occur.

Threshold: **Result in the loss of availability of an locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

The Project would not affect the availability of a known mineral resource and no impacts would occur. The Project Site and surrounding areas are characterized by features typical of the urban landscape and include various commercial and retail uses. As previously mentioned, the site is classified as MRZ-3, meaning the significance of the deposits that may likely exist, is undetermined. There are areas within the County of Riverside containing mineral resources that are considered to have significant value to many

14 California Department of Forestry and Fire Protection, "Very High Fire Hazard Severity zones in Local Responsibility Area: Western Riverside County" (January 2010).

15 Riverside County, *General Plan*, "Multipurpose Open Space Element" (2008).

industries within the region, such as deposits of clay, limestone, iron, sand, and aggregates.[16] However, these deposits are only found within the surrounding hills and mountains to the north and south of the Project Site. Therefore, the Project would not affect the availability of a known mineral resource. No significant impacts would occur.

F. PUBLIC SERVICES

Threshold: **Result in substantial adverse physical impacts associated with the provisions of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain performance objectives for :**

School services?

The Project would result in less than significant impacts on school services. Public education in Section 14 is currently provided by the Palm Springs Unified School District (PSUSD). Students in the northern one half of Section 14 attend Katherine Finchy Elementary, and students in the southern half attend Cahuilla Elementary (Tahquitz Canyon Way is the dividing line). All students within Section 14 attend Raymond Cree Middle School and Palm Springs High School. PSUSD uses generation rates to predict the number of students from new residential developments, and to use as a basis for the calculation of school fees. The Project is a resort/commercial project and does not include any residential development. Therefore, no direct impacts on schools would occur. However, the Project could indirectly generate additional students within the PSUSD through the creation of additional employment opportunities. **Table 8.1-1 Student Generation Rates**, shows the current generation rates based on the proposed land uses for the Project.

Table 8.1-1
Student Generation Rates

Land Use	Elementary	Middle School	High School
Commercial Retail/Service (per 1,000 SF)	0.0650	0.0330	0.0470
Hotel (per 1,000 SF)	0.0329	0.0167	0.0238

Source: Commercial/Industrial Development School Fee Justification Study, Palm Springs Unified School District (March 2016).

Table 8.1-2 Projected Student Generation, shows the student generation based on the proposed Project at full buildout less the currently existing development.

16 Riverside County, *General Plan*, "Multipurpose Open Space Element" (2008).

Table 8.1-2
Projected Student Generation

Land Use	Square Feet	Elementary	Middle School	High School
Commercial Retail/Service (per 1,000 SF)	81,000	6	3	4
Hotel (per 1,000 SF or 2 rooms)	386,500	12	7	10
Total		**18**	**10**	**14**

Notes: Meeting space was included in hotel land use.

The indirect increase would be minimal—approximately 18 elementary students, 10 middle school students, and 14 high school students. To mitigate school overcrowding, the Tribe has provided school development impact fees to the PSUSD to offset additional students related to previous Tribal projects. The Tribe would continue to provide the PSUSD school development impact fees to offset additional students related to this Project. Accordingly, impacts would be less than significant.

Library facilities?

There would be no increased demand for library facilities and Project impacts would be less than significant. Library service for Section 14 is currently provided by the Palm Springs Public Library. The Library center is located along the southeastern portion of Section 14, at 300 South Sunrise Way. The library currently serves an estimated seasonal population of 60,000 within the City and approximately 10,000 additional people from surrounding communities.

The Project includes the addition of commercial and retail development that may have the potential to add several new residents to the City through new employment opportunities. However, no development of new homes that would incrementally introduce new residents to the area would occur. As such, the Project would not generate any population that would result in an increased demand exceeding the design or use standards of existing library facilities. Impacts would be less than significant.

Park facilities?

The Project would not create a significant impact on park facilities. Palm Springs owns and maintains 156 acres of developed parkland and 160 acres of City-owned golf courses open to the public, as well as miles of developed greenbelts along major thoroughfares throughout the City.[17] The City is also home to numerous privately owned golf courses, many of which are also open to the public. The City requires that a minimum of 5 acres of developed parks be available for every 1,000 residents, including 2.5 acres for

17 City of Palm Springs, *Palm Springs 2007 General Plan,* "Recreation, Open Space & Conservation Element," 5-3.

community parks and 2.5 acres for neighborhood parks. Palms Springs today has a population of approximately 60,000,[18] which includes seasonal residents. At this population, the goal of a minimum of 5 acres per 1,000 residents yields a target of 300 acres of developed park land. The City has approximately 316 acres of developed park area, including the City-owned golf courses at the Tahquitz Creek Golf Resort.[19]

The Project includes the removal of a United States Postal Service office, as well as the addition of commercial and retail development that may have the potential to add several new residents to the City. The Project would not generate a direct population increase that would result in an increased demand for new park facilities. The Tribe has provided park (Quimby Act) fees to the City to offset additional demand on parks and recreational facilities, and would continue to do so. Impacts would be less than significant.

Hospital and Emergency Medical services?

The Project would not have significant impacts to hospital and emergency medical services. Major emergency medical facilities in the area include Desert Regional Medical Center (DRMC) in Palm Springs, Eisenhower Medical Center in Rancho Mirage, and John F. Kennedy Memorial Hospital in Indio. All transport paramedic services are provided by American Medical Response (AMR). Eisenhower Medical Center provides a wide range of medical services and centers, including the Barbara Sinatra Children's Center, the Community Blood Bank, the Davis MIR building, the Desert Cardiology Center, the Desert Orthopedic Center, the Eisenhower Hospital, the Eisenhower Lucy Curci Cancer Center, and the Emergency Department. Additionally, the PSFD provides advanced life support services (nontransport).

The DRMC is funded by user fees and donations, and is expected to expand as necessary. Additionally, the hospital can convert beds to offset some capacity increases. Eisenhower Medical Center and John F. Kennedy Medical Center are both not-for-profit medical facilities. AMR is a private enterprise, and the company is not supported by tax subsidies.

The Project includes the addition of commercial and retail development that may have the potential to add several new residents to the City, which may increase the number of patients. The Riverside County Emergency Medical Services Agency oversees the emergency medical services within the County of Riverside and plans for regional growth for medical facilities as needed.[20] Therefore, Project impacts to hospital and emergency medical services would be less than significant.

18 City of Palm Springs, *Palm Springs 2007 General Plan,* "Recreation, Open Space and Conservation Element."
19 City of Palm Springs, *Palm Springs 2007 General Plan,* "Recreation, Open Space and Conservation Element."
20 Riverside County Emergency Medical Services Agency, *EMS System Strategic Plan* (September 2014).

Post Office services?

The Project would not create a significant impact to post office services. Currently, there is a United States Postal Service (USPS) office on the northern portion of the Project Site. In September 2004, the USPS held a community meeting regarding the relocation of the Post Office due to the fact that the current location can no longer adequately serve the needs of the community and that the lease on the land, owned by the Tribe, expires in 2020. The community meeting discussed a wide range of locations the USPS could be relocated to within the City that would have plentiful parking and easy access. Upon relocation of the USPS, an environmental review of the new location would be required. Therefore, impacts would be less than significant.

G. RECREATION

Threshold: **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?**

The Project would not significantly increase the use of neighborhood and regional parks or other recreational facilities and impacts would be less than significant. The Project includes the addition of commercial and retail development that may have the potential to add several new residents to the City. However, no development of new homes that would incrementally introduce new residents to the area would occur. As such, the Project would not generate any population that would significantly increase the use of neighborhood and regional parks and facilities that would cause substantial physical deterioration. Impacts would be less than significant.

8.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

As previously discussed in **Section 1.0, Introduction**, the Tribe, acting as the Lead Agency for the planning and environmental review of this Project, has prepared this Draft TEIR in compliance with TEPA and Section 11.1 of the Compact. According to Section 11.1.(a)(3)(B) of the Compact, the TEIR shall discuss any significant effects on the environment that would be irreversible if the Project is implemented. Irreversible environmental changes are typically defined as uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with a project. Irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. Therefore, the purpose of this analysis is to identify any significant irreversible environmental effects of Project implementation that cannot be avoided.

The Master Plan would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet and development of up to 350 rooms within a maximum 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space, a 40,000-square-foot spa/fitness center, and approximately 650 parking spaces on approximately 18 acres of Reservation land within Section 14 in downtown Palm Springs. The 18-acre Project Site is bound by Tahquitz Canyon Way on the south, Indian Canyon Drive on the west, Amado Road on the north, and Calle El Segundo on the east. The Project Site is located within a developed area, contains existing development, and is surrounded by development on all sides.

The Project is located within the boundaries of the Section 14 Specific Plan. The Tribe and City jointly worked together to prepare a comprehensive update to the Section 14 Specific Plan to revise designated land uses and base development standards, incorporate complete streets design principles, and modify development incentives to help realize the vision for the Specific Plan and better implement physical development in Section 14. The Project would be designed consistent with the Section 14 Specific Plan and would be consistent with the future development permitted within Section 14. No significant and unavoidable impacts from implementation of the Project were identified in this Draft TEIR.

Other impacts may result from the consumption of nonrenewable resources during construction and operation of the Project. Nonrenewable resources such as sand, gravel, and steel, and renewable resources such as lumber, will be consumed during Project construction. Energy, fossil fuels, oils, and natural gas will be irreversibly committed during construction. These same resources are used for

vehicles and heating/cooling equipment during operations. The continued use of these resources associated with Project operations represents a long-term obligation.

Construction of the Project would consume limited amounts of certain types of lumber; other raw materials in steel, metals such as copper and lead, aggregate materials used in concrete and asphalt such as sand and stone, water, petrochemical construction materials such as plastic, petroleum-based construction materials, and other similar slowly renewable or nonrenewable resources. Additionally, fossil fuels for construction vehicles and equipment would be consumed. In terms of Project operations, the following slowly renewable and nonrenewable resources would be required: natural gas and electricity, petroleum-based fuels, fossil fuels, and water. As discussed in the Draft TEIR, the increase use of most of these resources would be minimal. Nevertheless, the consumption of such resources would represent a long-term commitment of those resources. Groundwater from the Whitewater River Subbasin is currently in an overdraft situation, and the level continues to drop annually despite existing recharge programs. The demands for the subbasin are largely offset by potable supplies; however, the cumulative annual change in storage will remain in the negative through 2035 under currently projected conditions. As discussed in the DWA 2015 UWMP, DWA is confident in its ability to meet water demands, including the Project, through 2040. Further, the Project would be required to incorporate water conservation measures, such as high-efficiency irrigation systems and drought-tolerant landscaping consistent with the Section 14 Specific Plan and Tribal Land Use Ordinance requirements, and would use reclaimed water for irrigation wherever feasibly possible (as identified in **Mitigation Measure MM 5.10.1-1**).[1] Impacts to water resources would be less than significant.

The commitment of resources required for the construction and operation of the Project would limit the availability of such resources for future generations or for other uses during the life of the Project. However, continued use of such resources is consistent with the anticipated growth and planned changes on the Project Site and within the general vicinity.

The Project would also result in an incremental increased commitment of certain public services to the proposed increase in land uses, including the provision of police and emergency medical services, water supply services, wastewater treatment services, and solid waste disposal. However, as indicated in the respective sections of this Draft TEIR, impacts associated with these public services would be less than significant.

In addition, the Project would result in a long-term, change in the visual character of the Project Site. The increase in hotel height from the existing uses, may cast a larger shadow on the surrounding

1 City of Palm Springs, "Section 14 Specific Plan" (July 2014).

buildings and could visually limit a minor portion of the overall viewshed of the surrounding mountains. Night lighting in the Project vicinity would not be substantially altered from the existing lighting and would be consistent with the development standards in the Section 14 Specific Plan.

Project implementation will cause the average daily trips (ADT) to increase slightly when combined with ambient growth in the vicinity. Significant impacts would occur without the increased number of vehicles from the Project at the Calle El Segundo and Ramon Road intersection. Signalization has been planned to mitigate this existing deficient intersection. The Project would incorporate the Mitigation Measures identified in **Section 5.9, Traffic and Transportation** to ensure that impacts would be less than significant.

The Project would not exceed daily emissions for air quality during construction or operation. The Project's contribution to State, national, and global greenhouse gases (GHG) emission inventories and the resultant effect on global climate change is evaluated on a cumulative basis. The Project would create GHG emissions; however, the Project would incorporate measures such as energy and water efficiency design features consistent with the measures in the City's Climate Action Plan in order to reduce GHG emissions.

9.0 TERMS, DEFINITIONS, AND ACRONYMS

°C	degrees Celsius
°F	degrees Fahrenheit
2002 EIS/EIR	EIS/EIR prepared for Section 14 Specific Plan in 2002
AB	Assembly Bill
ACHP	Advisory Council on Historic Preservation
ADT	average daily trips
afy	acre-feet per year
AMR	American Medical Response
amsl	above mean sea level
APN	assessors' parcel number
AQMP	Air Quality Management Plan
ARPA	Archaeological Resources Protection Act
BAM	best available mapping
BDCP	Bay Delta Conservation Plan
bgs	below ground surface
BMP	best management practice
BP	before present
BTU	British Thermal Unit
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalARP	California Accidental Release Prevention
CALGreen	California Green Building Standards Code
CalEEMod	California Emissions Estimator Model
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CFC	California Fire Code
CFR	Code of Federal Regulations

CGS	California Geological Survey
CH4	methane
CITRC	Cahuilla Inter-Tribal Repatriation Committee
City	City of Palm Springs
CMA	Congestion Management Agency
CMP	Congestion Management Plan
CMS	Congestion Management System
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
Compact	Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians
County	County of Riverside
CPUC	California Public Utilities Commission
CRWQCB	Colorado River Basin Regional Water Quality Control Board
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CVAG	Coachella Valley Association of Governments
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CVSC	Coachella Valley Stormwater Channel
CVSIP	Coachella Valley State Implementation Plan
CVWD	Coachella Valley Water District
CWA	Clean Water Act
dB(A)	A-weighted decibel
DFIRM	Digital Flood Insurance Rate Maps
DHCCP	Delta Habitat Conservation and Conveyance Program
DHS	Department of Health Services
DOF	California Department of Finance
Draft TEIR	Draft Tribal Environmental Impact Report
DRMC	Desert Regional Medical Center
DWA	Desert Water Agency
DWR	California Department of Water Resources
EIR	environmental impact report
EIS	environmental impact statement
EMT	emergency medical training
FAR	floor area ratio

FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
ft3/SF/yr	cubic feet per square foot per year
GHG	greenhouse gas
gpcd	gallons per capita per day
Gpd	gallons per day
gpm	gallons per minute
GPS	global positioning system
gpud	gallons per unit per day
GWP	global warming potential
HCM	Highway Capacity Manual
HFE	hydrofluorinated ethers
HHWE	Household Hazardous Waste Element
Hot Spring	Agua Caliente Hot Spring; located on the Project Site
HR	High Residential
HSC	Health and Safety Code
I-10	Interstate 10
ID-1	Improvement District No. 1
IID	Imperial Irrigation District
IIS	Indian Irrigation Service
Industrial Age	time period consisting of the previous 150 years
IRWMP	Integrated Regional Water Management Plan
ISO	Insurance Services Office
km	kilometers
kWh/SF/yr	kilowatt per square foot per year
LAFCo	Riverside Local Agency Formation Commission
lbs/day	pounds per day
Ldn	day-night average level
Lead Agency	Agua Caliente Band of Cahuilla Indians
LED	light-emitting diode
LEED	Leadership in Energy and Environmental Design
Leq	equivalent noise level
LFPZ	levee flood protection zone
LHMP	Local Hazard Mitigation Plan
LID	low impact design

Lmax	maximum noise level
LOS	level of service
LRA	Local Responsibility Area
LST	localized significance thresholds
Master Plan	Vision Agua Caliente Master Plan
MATES IV	Multiple Air Toxics Exposure Study IV
MAWA	maximum allowed water allowance
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
mgd	million gallon per day
m.kWh	million kilowatts
MM	mitigation measure
MMTCO2e	million metric tons of carbon dioxide equivalents
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
mpg	miles per gallon
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer system
MSWD	Mission Springs Water District
MTCO2e	metric tons of carbon dioxide equivalents
MWD	Metropolitan Water District of Southern California
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NDFE	Nondisposal Facility Element
NEPA	National Environmental Policy Act
NF3	nitrogen triflouride
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO	nitrogen monoxide
NO2	nitrogen dioxide
NOA	Notice of Availability
NOC	Notice of Completion
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System

NRHP	National Register of Historic Places
NRHR	National Register of Historic Resources
OES	Governor's Office of Emergency Services
OLED	organic light-emitting diode
OPR	Office of Planning and Research
Pb	lead
Post Office	United States Postal Service Office
POC	Pollutants of concern
PFC	perflourocarbons
PM	particulate matter
PM10	respirable particulate matter
PM2.5	fine particulate matter
POC	point of connection
PPV	peak particle velocity
PRC	Public Resources Code
Project	Vision Agua Caliente Master Plan
Project Site	The 18-acre area within Section 14 designated for development of the Vision Agua Caliente Master Plan
PSDS	Palm Springs Disposal Service
PSFD	Palm Springs Fire Department
PSPD	Palm Springs Police Department
PSUSD	Palm Springs Unified School District
PUC	Public Utilities Commission
PVC	polyvinyl chloride
PWS	Public Water System
QSP/D	Qualified SWPPP Practitioner/Developer
RA	Resort Attraction
Riverside County Parks	Riverside County Regional Park and Open-Space District
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCFD	Riverside County Fire Department
RCRA	Resource Conservation and Recovery Act
RCTC	Riverside County Transportation Commission
RCTD	Riverside County Transportation Department
Reservation	Agua Caliente Indian Reservation
REO	Retail/Entertainment/Office
RivTAM	Riverside County Traffic Analysis Model
RNCM	Roadway Noise Model

RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategies
RWQCB	Regional Water Quality Control Board
San Andreas Fault Zone	a major structural geographic feature consisting of several northwest-trending right lateral strike slip faults that extend through the San Gorgonio pass along the San Bernardino Mountains and the Coachella Valley.
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCGC	Southern California Gas Company
SCS	Sustainable Communities Strategies
SDCWA	San Diego County Water Authority
SDWA	Safe Drinking Water Act
Section 14 Specific Plan	Specific Plan addressing approximately 640-acres in Palm Springs including the Project Site
SHPO	State Historic Preservation Office
SOx	sulfur dioxide
sq. ft.	square feet
SR 111	State Route 111
SRA	source receptor areas
SRRE	Source Reduction and Recycling Element
SSAB	Salton Sea Air Basin
SunLine	SunLine Transit Authority
SWMP	Storm Water Management Plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TDS	Total Dissolved Solids
TEIR	Tribal Environmental Impact Report
TEPA	Tribal Environmental Policy Act
THCP	Tribal Habitat Conservation Plan
THPO	Tribal Historic Preservation Officer
Tribal Land Use Ordinance	Agua Caliente Band of Cahuilla Indians Land Use Ordinance
tons/year	tons per year
TPH	Total petroleum hydrocarbon

Tribe	Agua Caliente Band of Cahuilla Indians
TUA	Traditional Use Area
TUMF	Transportation Uniform Mitigation Fee
US	United States
USBR	US Bureau of Reclamation
USDOT	U.S. Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
VdB	vibration decibels
VFPA	Valley Floor Planning Area
VMT	vehicle miles traveled
VOC	volatile organic compounds
WQCP	Water Quality Control Plan
WQMP	Water Quality Management Plan
WQS	Water Quality Standard
WRCC	Western Regional Climate Center
WRCOG	Western Riverside Council of Governments

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11.0 REFERENCES

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