

TEPA/NEPA Environmental Assessment

for the

**Latitude 61 Townhomes
Palm Springs, CA**

September 2023

Prepared for:

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

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Sacramento, CA 95825*



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1.0 PURPOSE AND NEED

Introduction

This Environmental Assessment (EA) has been prepared to comply with the Agua Caliente Band of Cahuilla Indians (the “Tribe”) Tribal Environmental Policy Act (TEPA; Chapter 5.04 of the Agua Caliente Tribal Code), and with the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 et seq.), and the Bureau of Indian Affairs (BIA) NEPA Guidebook 59 IAM3.

The EA will analyze the potential effects of the proposal by GHA Amado PS, LLC to develop the proposed townhome project known as Latitude 61 (the “Project”). The Project is proposed on 4.2+/- net acres of vacant land located on Agua Caliente Band of Cahuilla Indians Tribal Trust land. The Project proponent will lease the parcel from the Tribe through a lease agreement processed by the Bureau of Indian Affairs.

The Project site is located in the City of Palm Springs, on the southwest corner of East Amado Road and North Hermosa Drive. See Exhibits 1-3 at the end of this chapter.

The Tribe will serve as the lead agency for the Project and will use the EA to determine if the proposed development on Tribal property would significantly impact the quality of the natural environment. In addition, the Bureau of Indian Affairs (BIA) is the lead agency for the land lease between the Tribe and GHA Amado PS, LLC.

Purpose and Need

The BIA is responsible for the review of land leases between the Tribe, its allottees and lessees. As part of this review, the BIA is required to consider the Project’s impacts on the environment consistent with NEPA and the BIA NEPA Guidebook.

The Tribe is considering this Project in the context of its economic development and diversification. The development of the Project will generate income for the Tribe, and broaden its economic base by adding a long term revenue stream to Tribal enterprises that supports Tribal self-sufficiency and self-governance.

Proposed Project (Preferred Alternative)

GHA Amado PS, LLC proposes the construction of 61 single-family attached townhomes on approximately 4.2 acres of vacant land. The Project will consist of 17 three-story buildings with three to four units each and communal recreational amenities including a pool, spa, and BBQ area (see Exhibit 4 and Table 1 below). The maximum height proposed is 34 feet, which is within the 35-foot maximum allowed in the Resort Attraction designation of the City’s Section 14 Specific Plan. Three floor plans are proposed ranging from 1,770-2,120 square feet offering two to three bedrooms and 2.5 to 3.5 bathrooms. Each unit will have an attached two-car garage, two second-story balconies, a roof top deck, and a private yard with small pool (“spool”). All plans will be constructed in a modern architectural style with unique architectural features. Project landscaping will feature drought tolerant desert-scape.

Development Permit, Design Review and Tract Map applications for the Project will be processed through the Tribe.

**Table 1
Project Summary Table**

Total Site Acreage	4.2 acres				
Number of Units/Density	61 townhomes/ 14.4 units per acre				
Maximum Allowed Height/Proposed Height	35 feet/ 34 feet				
Onsite Amenities	Recreation area with community pool and restroom facilities (487 S.F.)				
Number of Parking Spaces	122 garage spaces <u>33 guest parking spaces</u> 155 total parking spaces (2.54 spaces per unit)				
Project Floor Plan Details					
Floor Plan	Living Area (Square Feet)	Number of Units	Number of Bedrooms	Number of Bathrooms	Features
1	1,770	19	2	2.5	All floor plans have a private yard, a private “spool” (spa/pool approximately 10 x 10 feet), two-car garage, two second-story balconies, and a third-story roof deck
2	1,988	27	3	2.5	
3	2,120	15	3	3.5	

The Project also includes private roadways with two entrances/exits accessible via Hermosa Drive – a central main driveway, and a secondary emergency access point near the northern boundary. The Project also includes street, sidewalk and landscaping improvements along Amado Road and Hermosa Drive.

The Project will result in added housing units on Tribal land in the City of Palm Springs, expanding the housing inventory for both Tribal Members and the residents of the City. The Project will also broaden the Tribe’s economic development portfolio and provide added long-term revenues in the form of land lease revenues.

Timeframe

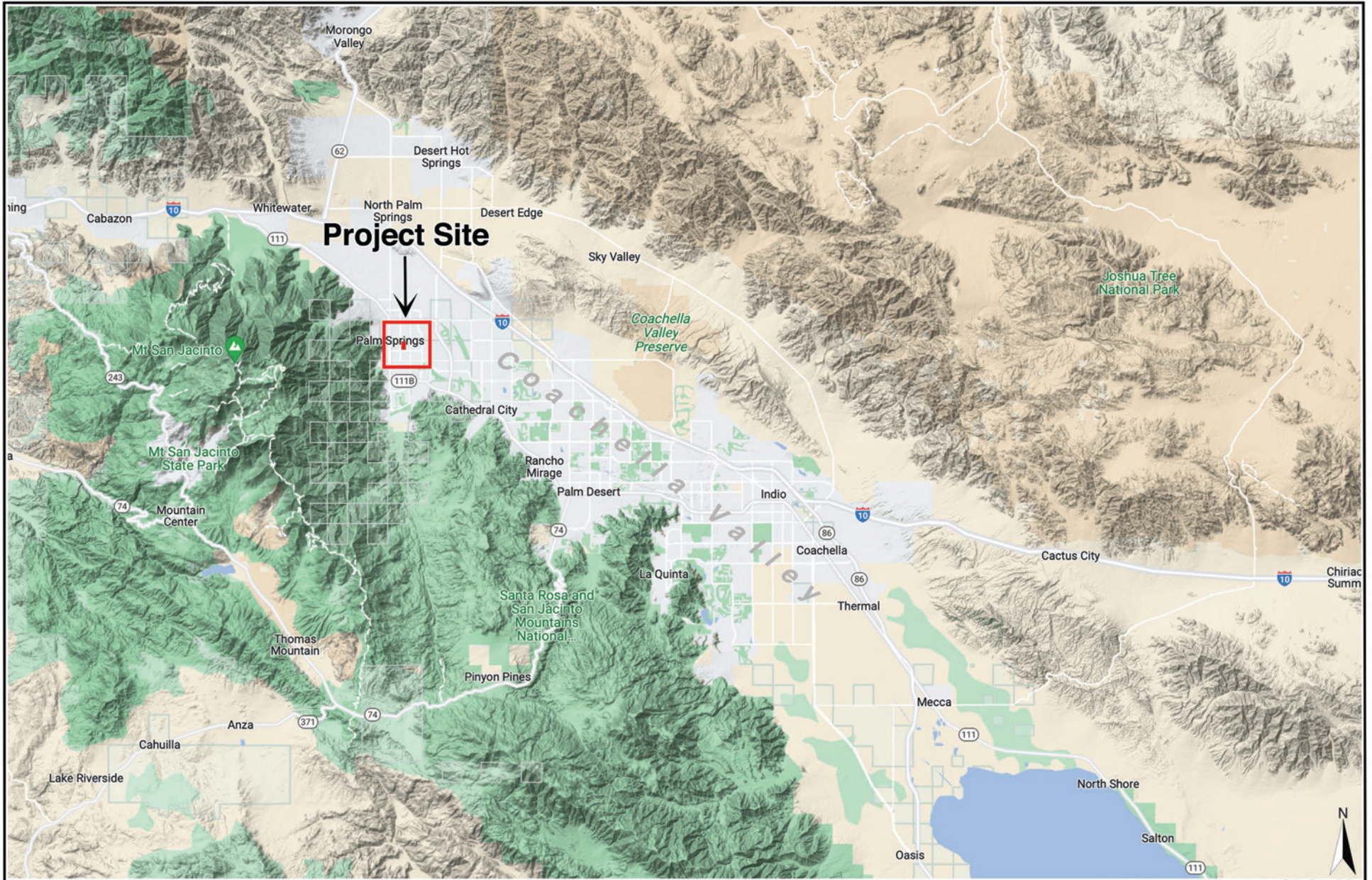
The Project proponent anticipates construction will begin in May 2024 with buildout in September 2026 (28-month construction timeline).

General Setting

The Project site is 4.2+/- acres of vacant property located on Tribal Trust land in the City of Palm Springs. The Project site is located in the center of the City, in an urbanized area within the City’s downtown. The site is within the Agua Caliente Band of Cahuilla Indians’ Reservation, which includes 31,500 acres in the western Coachella Valley. This property is Tribal Trust land, but the Reservation also includes Allotted and Fee land in a checkerboard pattern in Palm Springs, Cathedral City and Rancho Mirage, and portions of unincorporated Riverside County. The Project

site is zoned as Tribal Enterprise by the Tribe's Land Use Ordinance (Chapter 9.04 of the Agua Caliente Tribal Code), with permitted uses subject to Tribal Council determination.

Primary access to the Project site is provided by Hermosa Drive on the eastern border of the property, with gated emergency access provided north of the main access. Adjacent land uses include a mix of uses and vacant land, with surrounding development as follows: Amado Road and multi-family residential to the north, Hermosa Drive and multi-family residential to the east, senior housing to the south (Living Out Palm Springs, currently under construction), and vacant lands to the west. The Project site is currently vacant with sparse desert vegetation.



Source: Google Maps, 2023

07.27.23



Source: Google Maps, 2023

07.27.23



**Latitude 61 Townhomes
Vicinity Map
Palm Springs, California**

Exhibit

2



Source: Google Earth Image, 06. 2021

08.09.23

Exhibit



**Latitude 61 Townhomes
Project Location Map
Palm Springs, California**

3

Source: Heitec Consulting, 10.24.2023



UNIT #	SQUARE FOOTAGE
1	1564'
2	1596'
3	1597'
4	2288'
5	1561'
6	1759'
7	1759'
8	2296'
9	1772'
10	1766'
11	2566'
12	1593'
13	1771'
14	1772'
15	1780'
16	1779'
17	1771'
18	1772'
19	1780'
20	2314'
21	1772'
22	1772'
23	1780'
24	1779'
25	1772'
26	1773'
27	1573'
28	2286'
29	1616'
30	1577'
31	1576'
32	1597'
33	1598'
34	2056'
35	1574'
36	1612'
37	2118'
38	2052'
39	1580'
40	1566'
41	2242'
42	1653'
43	2185'
44	2177'
45	1653'
46	2180'
47	1722'
48	1661'
49	2226'
50	1688'
51	1704'
52	1702'
53	2201'
54	1688'
55	1703'
56	1704'
57	1688'
58	1688'
59	1703'
60	1703'
61	2148'

PROJECT SUMMARY

ACREAGE..... 4.24 NET*
 EXISTING ZONE..... RA I.L.
 PARKING SPACES PROVIDED (9'X17')..... 33 SPACES
 CONDO UNITS..... 61 UNITS
 PLAN 1 (1,770 SQ.FT.**)..... 19 HOMES
 PLAN 2 (1,988 SQ.FT.**)..... 27 HOMES
 PLAN 3 (2,120 SQ.FT.**)..... 15 HOMES

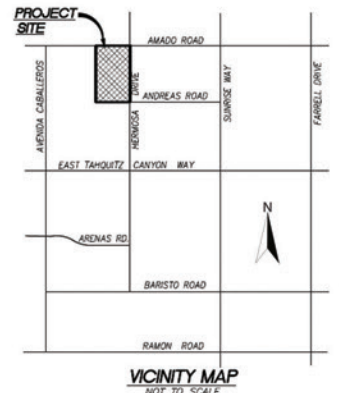
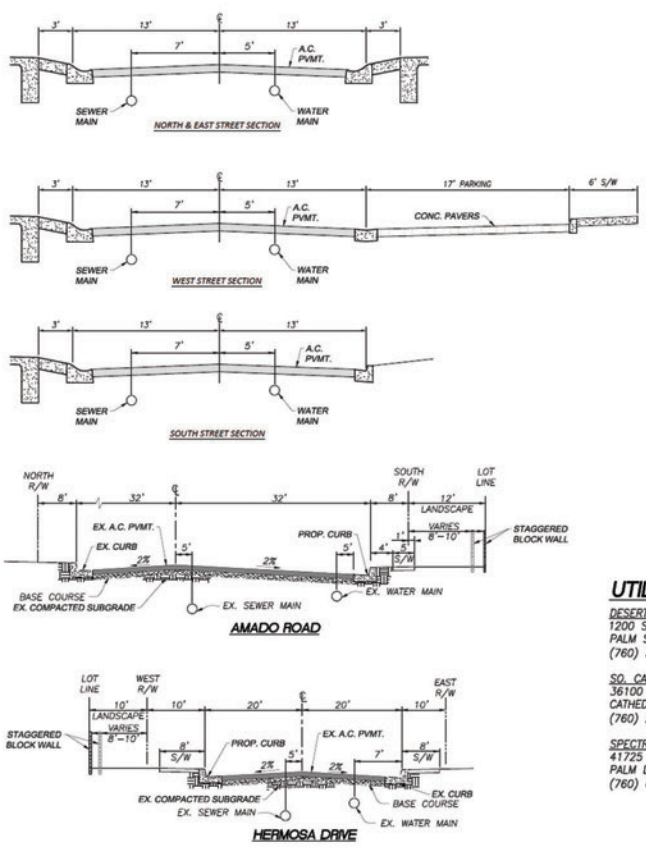
NOTE:
 *EXCLUDES PUBLIC RIGHT OF WAY EASEMENTS
 **REFER TO ARCHITECT'S PLANS FOR SQUARE FOOTAGE BREAKDOWN

LEGEND:

- NOTE:
 SOME ITEMS MAY NOT BE APPLICABLE FOR THE LOT SHOWN HEREON.
- HARDSCAPE
 - PAD ELEVATION (34.0)
 - P/L PROPERTY LINE
 - R/W RIGHT OF WAY
 - S/W SIDEWALK
 - L/A LANDSCAPE AREA
 - EX. EXISTING
 - TC TOP OF CURB
 - P12 PARKING SPACE NUMBER
 - PUBLIC UTILITY EASEMENT
 - SEWER MAIN
 - SEWER LATERAL
 - STORM DRAIN
 - TOP
 - TOE
 - WATER MAIN
 - WATER METER
 - PALM TREE LOCATION
 - TYPE "A" STREET LIGHT
 - TYPE "B" STREET LIGHT
 - SINGLE FLOOR ELEMENT
 - AREA FOR UNDERGROUND STORAGE CHAMBERS
- ### WALLS AND FENCING
- BLOCK WALL
 - RETAINING WALL
 - GATE
 - FENCE
- 2:1 SLOPE (OR OTHERWISE NOTED)

TYPICAL STREET SECTIONS

NOT TO SCALE



UTILITY PURVEYORS

- DESERT WATER AGENCY**
 1200 S. GENE AULTRY TRAIL
 PALM SPRINGS, CA 92262
 (760) 323-4971
- SO. CALIFORNIA EDISON**
 36100 CATHEDRAL CANYON DR.
 CATHEDRAL CITY, CA 92234
 (760) 202-4291
- SPECTRUM**
 41725 COOK STREET
 PALM DESERT, CA 92211
 (760) 674-5472
- FRONTIER**
 295 N. SUNRIZE WAY
 PALM SPRINGS, CA 92262
 (800) 483-4000
- SO. CALIFORNIA GAS COMPANY**
 211 N. SUNRIZE WAY
 PALM SPRINGS, CA 92262
 (800) 427-2200
- CITY OF PALM SPRINGS**
 C/O VEOLIA WATER (SEWER)
 P.O. BOX 2703
 3200 TAHOUITZ CANYON WAY
 PALM SPRINGS, CA 92262
 (760) 323-8166 EXT. 2

Latitude 61 Townhomes
 Project Site Plan
 Palm Springs, California

10.24.23

Exhibit

4





FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

Source: Woodley Architectural Group, Inc., 10.04.2023

10.05.23



Latitude 61 Townhomes
Example 3 Unit Building: Front and Rear Elevations
Palm Springs, California

Exhibit
5a



UNIT 1

RIGHT ELEVATION



UNIT 3

LEFT ELEVATION

Source: Woodley Architectural Group, Inc., 09.05.2023

08.24.23

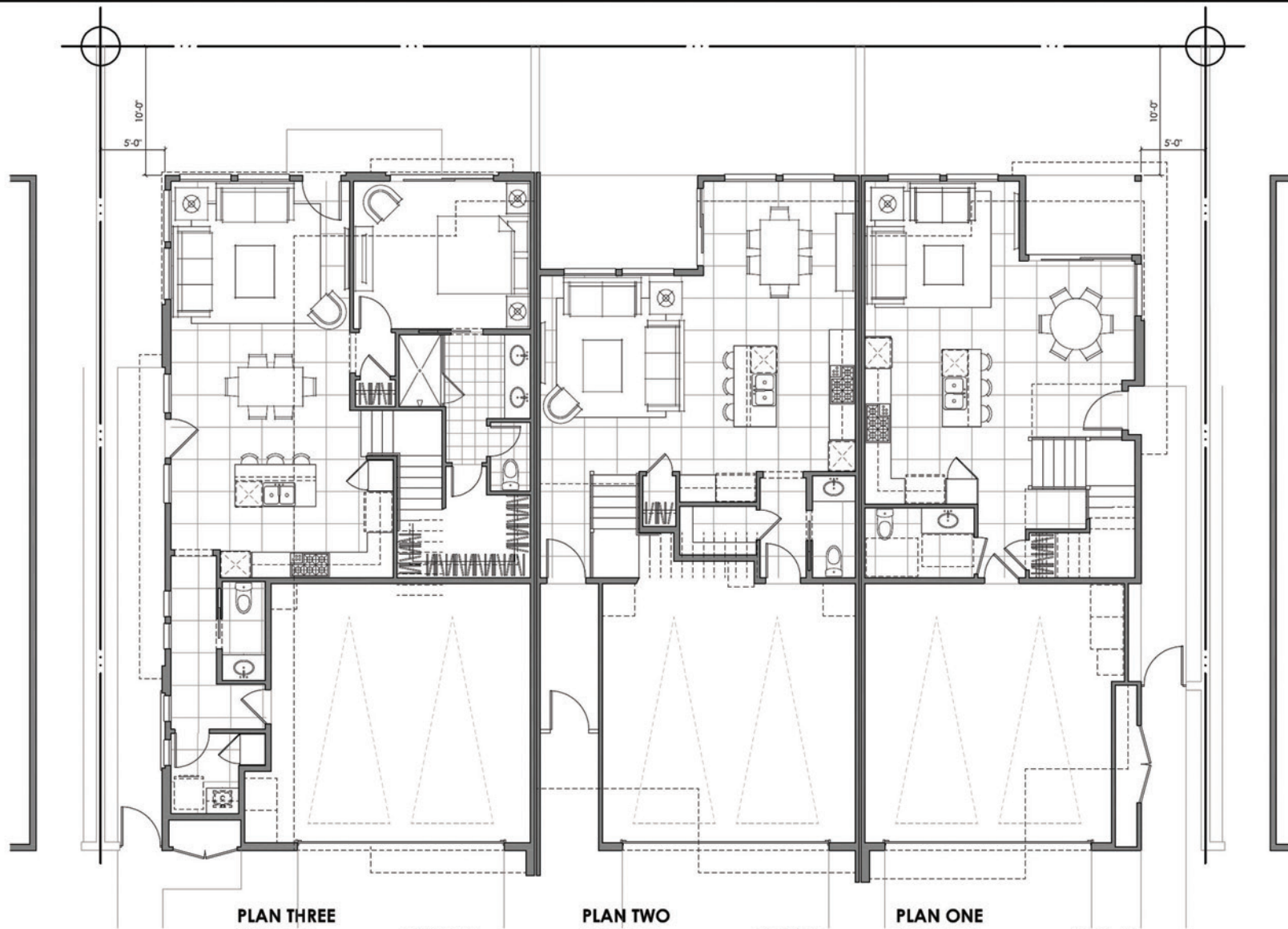


**Latitude 61 Townhomes
Example 3 Unit Building:
Right and Left Elevations
Palm Springs, California**

Exhibit

5b

Source: Woodley Architectural Group, Inc., 09.05.2023



PLAN THREE

FIRST FLOOR	1046 SQ. FT.
SECOND FLOOR	807 SQ. FT.
THIRD FLOOR	267 SQ. FT.
TOTAL LIVING	2120 SQ. FT.

PLAN TWO

FIRST FLOOR	699 SQ. FT.
SECOND FLOOR	1048 SQ. FT.
THIRD FLOOR	241 SQ. FT.
TOTAL LIVING	1988 SQ. FT.

PLAN ONE

FIRST FLOOR	626 SQ. FT.
SECOND FLOOR	893 SQ. FT.
THIRD FLOOR	251 SQ. FT.
TOTAL LIVING	1770 SQ. FT.

08.24.23



Latitude 61 Townhomes
Example 3 Unit Building: First Floor, Floor Plan
Palm Springs, California

Exhibit

5c

Source: Woodley Architectural Group, Inc., 09.05.2023



PLAN THREE

FIRST FLOOR 1046 SQ. FT.
SECOND FLOOR 807 SQ. FT.
THIRD FLOOR 267 SQ. FT.
TOTAL LIVING 2120 SQ. FT.

PLAN TWO

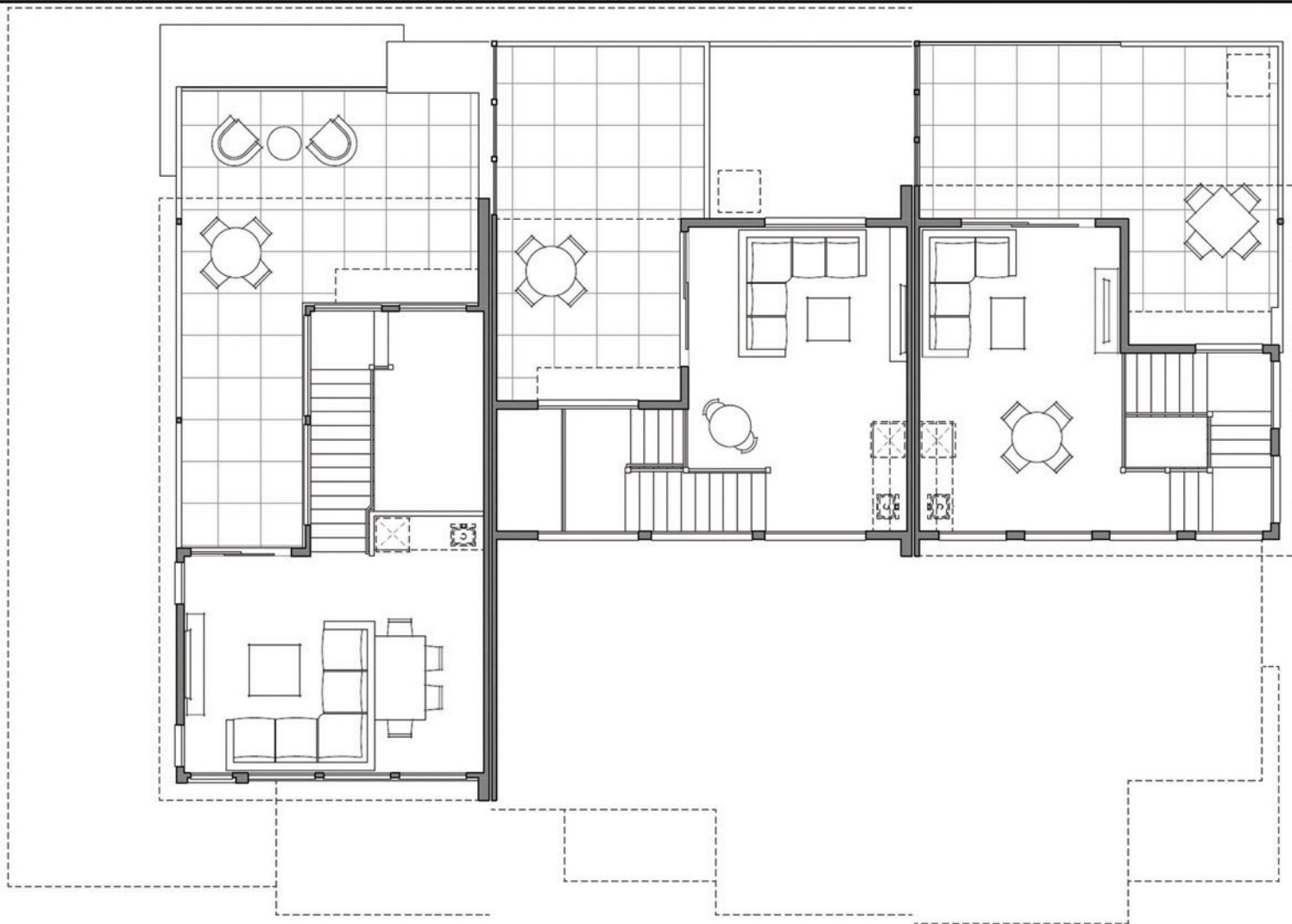
FIRST FLOOR 699 SQ. FT.
SECOND FLOOR 1048 SQ. FT.
THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN ONE

FIRST FLOOR 626 SQ. FT.
SECOND FLOOR 893 SQ. FT.
THIRD FLOOR 251 SQ. FT.
TOTAL LIVING 1770 SQ. FT.

08.24.23

Source: Woodley Architectural Group, Inc., 09.05.2023



PLAN THREE

FIRST FLOOR	1046 SQ. FT.
SECOND FLOOR	807 SQ. FT.
THIRD FLOOR	267 SQ. FT.
TOTAL LIVING	2120 SQ. FT.

PLAN TWO

FIRST FLOOR	699 SQ. FT.
SECOND FLOOR	1048 SQ. FT.
THIRD FLOOR	241 SQ. FT.
TOTAL LIVING	1988 SQ. FT.

PLAN ONE

FIRST FLOOR	626 SQ. FT.
SECOND FLOOR	893 SQ. FT.
THIRD FLOOR	251 SQ. FT.
TOTAL LIVING	1770 SQ. FT.

08.24.23



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

Source: Woodley Architectural Group, Inc., 10.04.2023

10.05.23



Latitude 61 Townhomes
Example 4 Unit Building: Front and Rear Elevations
Palm Springs, California

Exhibit
6a



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

UNIT 3

SCALE: 1/4" = 1'-0"

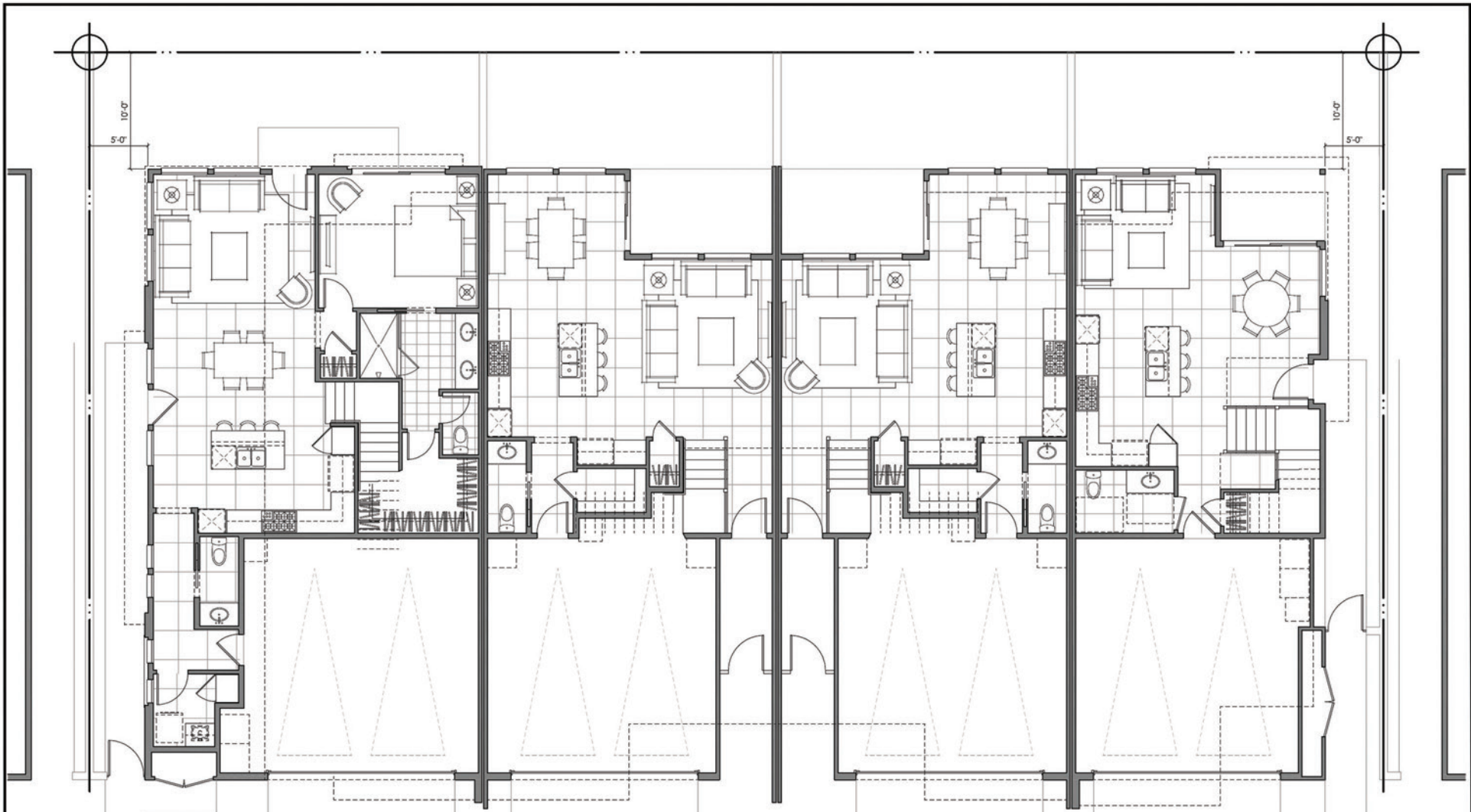
Source: Woodley Architectural Group, Inc., 09.05.2023

08.24.23



**Latitude 61 Townhomes
Example 4 Unit Building:
Right and Left Elevations
Palm Springs, California**

**Exhibit
6b**



PLAN THREE

FIRST FLOOR 1046 SQ. FT.
 SECOND FLOOR 807 SQ. FT.
 THIRD FLOOR 267 SQ. FT.
TOTAL LIVING 2120 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN ONE

FIRST FLOOR 626 SQ. FT.
 SECOND FLOOR 893 SQ. FT.
 THIRD FLOOR 251 SQ. FT.
TOTAL LIVING 1770 SQ. FT.

Source: Woodley Architectural Group, Inc., 09.05.2023

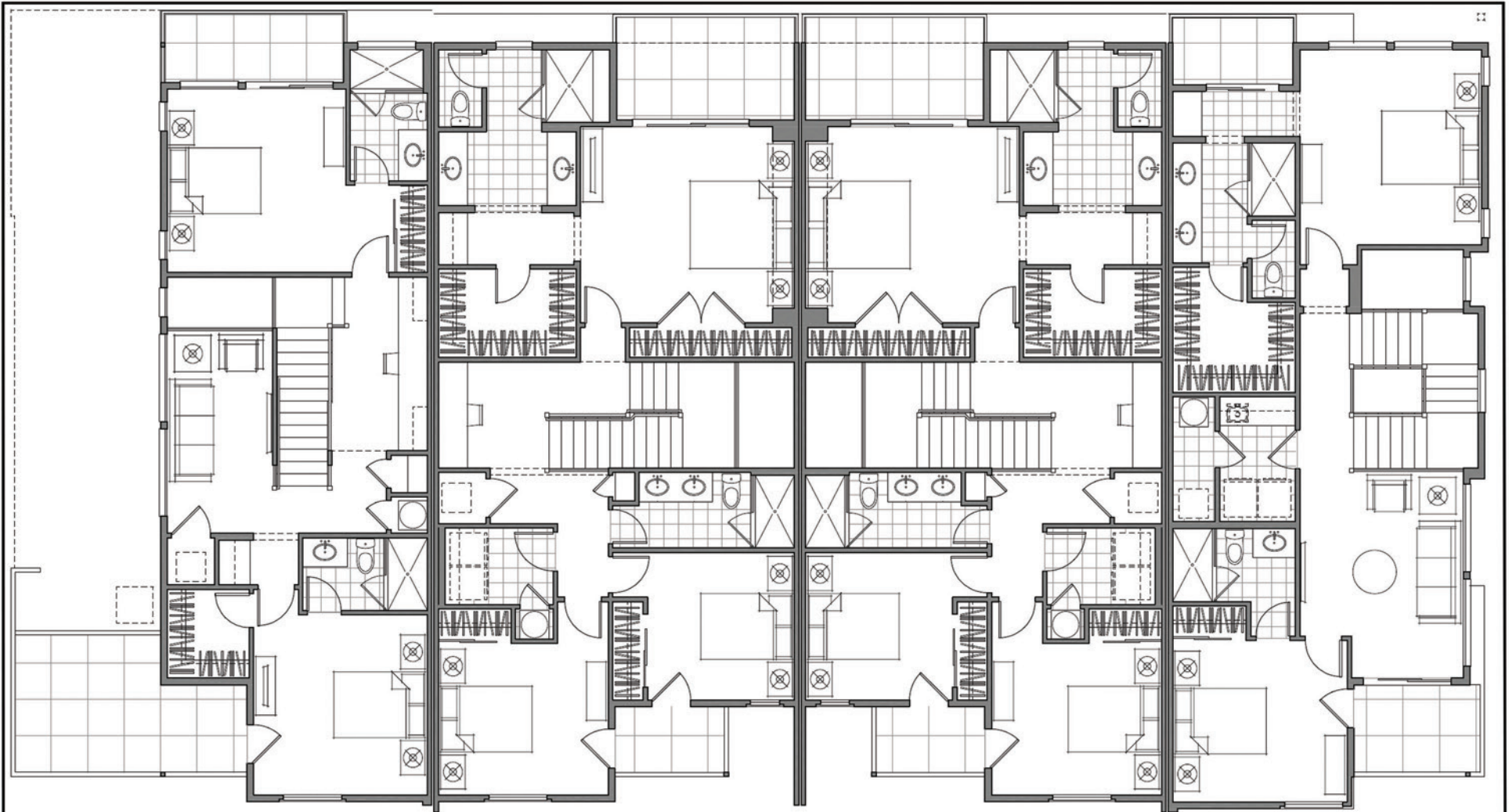
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Latitude 61 Townhomes
Example 4 Unit Building: First Floor, Floor Plan
Palm Springs, California

Exhibit

6c



PLAN THREE

FIRST FLOOR 1046 SQ. FT.
 SECOND FLOOR 807 SQ. FT.
 THIRD FLOOR 267 SQ. FT.
TOTAL LIVING 2120 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN ONE

FIRST FLOOR 626 SQ. FT.
 SECOND FLOOR 893 SQ. FT.
 THIRD FLOOR 251 SQ. FT.
TOTAL LIVING 1770 SQ. FT.

Source: Woodley Architectural Group, Inc., 09.05.2023

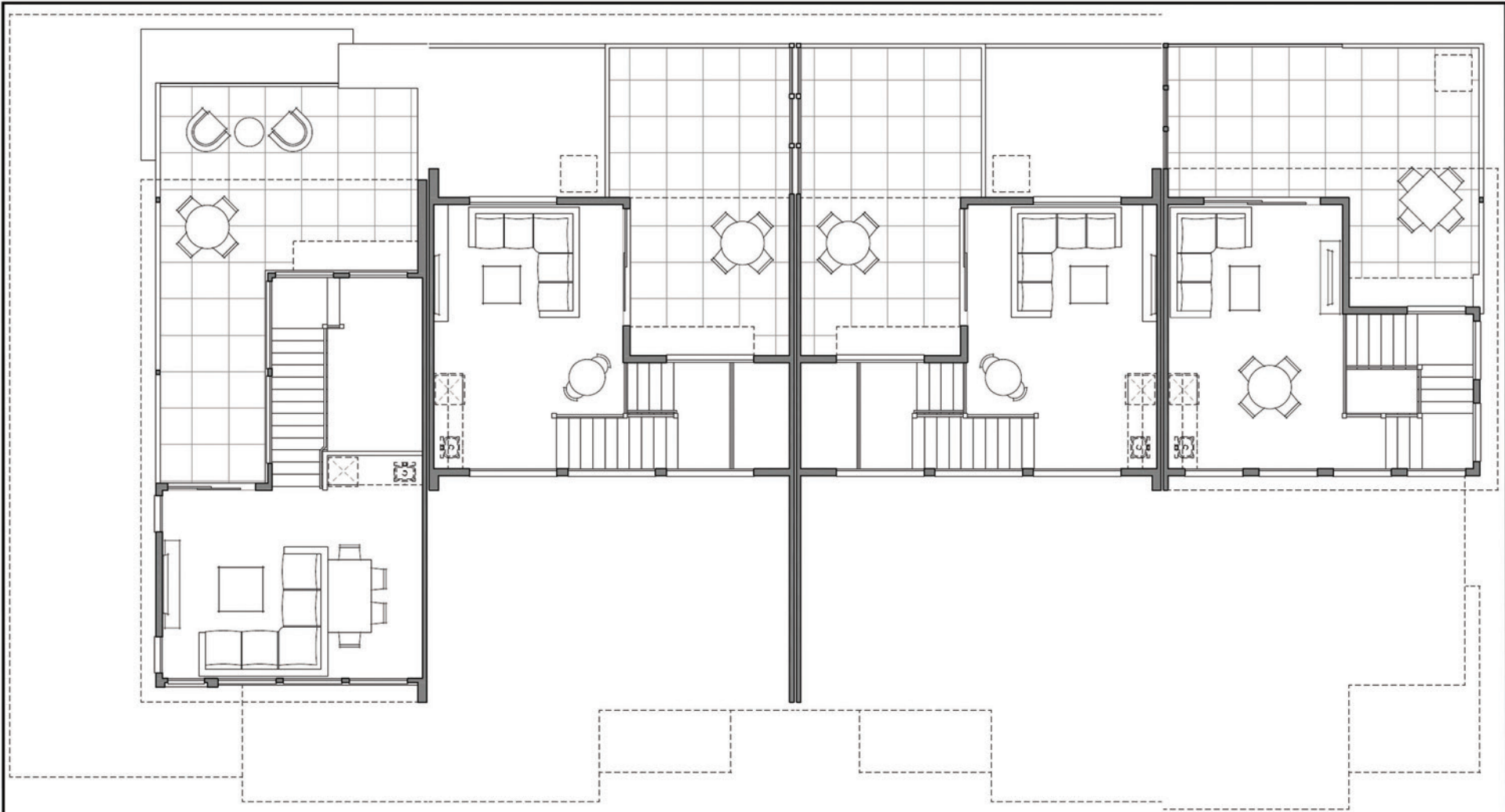
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Latitude 61 Townhomes
Example 4 Unit Building: Second Floor, Floor Plan
Palm Springs, California

Exhibit

6d



PLAN THREE

FIRST FLOOR 1046 SQ. FT.
 SECOND FLOOR 807 SQ. FT.
 THIRD FLOOR 267 SQ. FT.
TOTAL LIVING 2120 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN TWO

FIRST FLOOR 699 SQ. FT.
 SECOND FLOOR 1048 SQ. FT.
 THIRD FLOOR 241 SQ. FT.
TOTAL LIVING 1988 SQ. FT.

PLAN ONE

FIRST FLOOR 626 SQ. FT.
 SECOND FLOOR 893 SQ. FT.
 THIRD FLOOR 251 SQ. FT.
TOTAL LIVING 1770 SQ. FT.

Source: Woodley Architectural Group, Inc., 09.05.2023

08.24.23



**Latitude 61 Townhomes
 Example 4 Unit Building: Third Floor, Floor Plan
 Palm Springs, California**

Exhibit

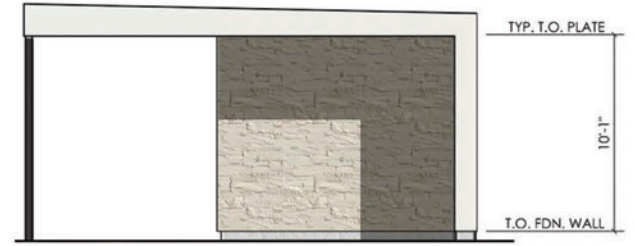
6e



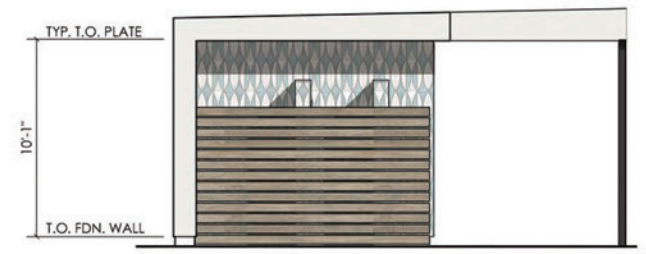
FRONT ELEVATION



REAR ELEVATION



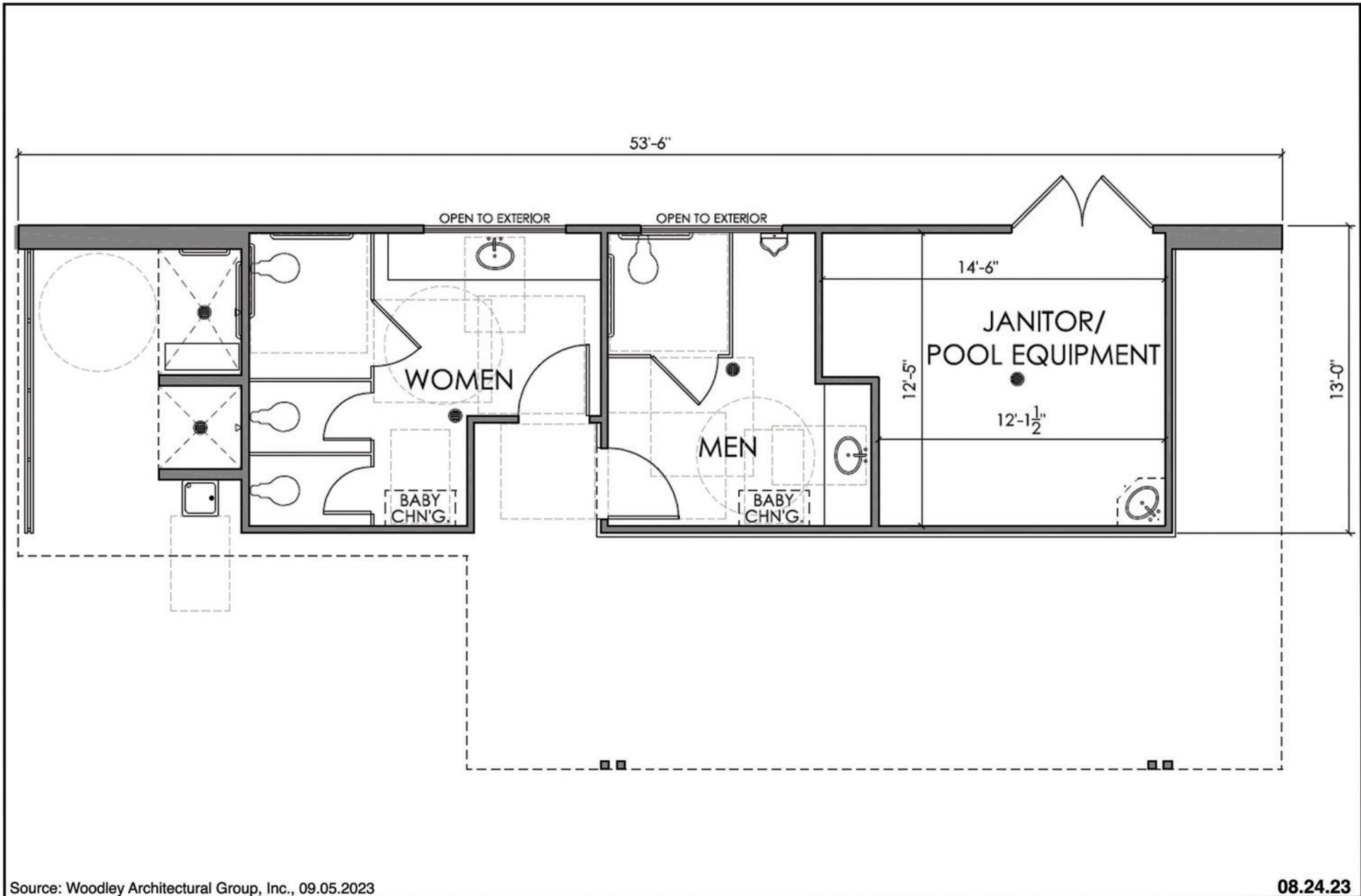
RIGHT ELEVATION



LEFT ELEVATION

Source: Woodley Architectural Group, Inc., 09.05.2023

10.03.23



Source: Woodley Architectural Group, Inc., 09.05.2023

08.24.23



**Latitude 61 Townhomes
Recreational Facility Floor Plan
Palm Springs, California**

Exhibit

7b

2.0 PROJECT ALTERNATIVES AND COMPARISON

2.1 No Action Alternative

The No Action Alternative would leave the Project site in its existing vacant condition. The No Action Alternative would not diversify Tribal enterprises and would not increase the Tribe's long term income opportunities. This alternative would not support the Tribe's economic development goals, but provides a baseline for the analysis of the other alternatives considered in this Environmental Assessment.

2.2 Allowed by Zone Alternative

The Project is located within the planning area of the City's Section 14 Specific Plan, but is not subject to it due to the Tribal Trust land status. The Project site is under the Specific Plan's Resort-Attraction (RA) land use designation, and the Allowed by Zone Alternative considers a hotel development that is a permitted use under the RA designation. The Specific Plan estimated a development potential of 2,867 rooms on the 124.4 acres under Resort-Attraction designation, which equates to 23 rooms per acre. Using that average, this alternative would consist of a 97-room hotel on 4.2 acres. This alternative would comply with all commercial development standards applicable to hotel uses in the Section 14 Specific Plan. The hotel buildings would consist of two floors with a maximum height of 35 feet and potential rooftop structures such as a partially covered bar and entertainment area. The hotel would provide 40% (1.68 acres) open space that would consist of usable landscaped area and outdoor living and recreation area. A total of 73 parking spaces (0.75 spaces per room) would be provided for all uses, including 4 EV charging spaces and 3 handicapped spaces, and 50% of all spaces would be shaded. The infrastructure (water, sewer, and storm drain) required to serve this alternative is available in surrounding streets and would be capable of serving the hotel use based on the limited number of hotel rooms proposed.

Because of the more intense use associated with 97 hotel rooms, this alternative would have greater impacts than the Preferred Alternative, such as traffic, noise and air; but impacts to natural resources would be similar insofar as the Allowed by Zone Alternative would disturb the same land area as the Preferred Alternative. Therefore, impacts associated with biological, cultural and land resources would be similar under both alternatives.

Land Resources

Both the Preferred Alternative and the Allowed by Zone Alternative would disturb the entire site, and require similar amounts of grading, soil compaction and compliance with seismic requirements. Soils, geology and topography would be impacted equally under either alternative.

Water Resources

The 97 hotel rooms that would occur under the Allowed by Zone Alternative would result in substantially greater water use than the Preferred Alternative's 61 townhomes because of the greater number of units.

Impacts associated with surface water and flooding would be similar under either alternative because the entire site would be disturbed and built upon in either case. The same standards for flood control and surface water pollution protection would be applied to either alternative, and the method of flood control would be implemented for both alternatives.

Air Quality

Both the Preferred and Allowed by Zone Alternatives would have similar air quality impacts during the construction period, since grading areas and construction equipment use would be similar in both cases. Operational emissions over the life of either project would be higher under the Allowed by Zone Alternative, as would cumulative air quality impacts, because of the higher traffic volumes generated by 97 hotel rooms, rather than 61 residences.

Living Resources

There are no agricultural lands in Palm Springs, so impacts to those resources would not occur under either the Preferred or Allowed by Zone Alternatives. Impacts to wildlife, vegetation and ecosystems would be similar for either alternative, since the site will be fully graded and currently occurring living resources would be removed. However, the site occurs in an urbanized area, and the species expected to occur on the site are common species. In addition, projects under both alternatives would be required to contribute the mitigation fee required for the Valley Floor under the Tribal Habitat Conservation Plan, which is designed to lower impacts to sensitive species.

Cultural Resources

Potential impacts on historical, archaeological and religious resources will be similar for both alternatives. Both alternative projects would be required to undertake consultation with the Tribal Historic Preservation Office prior to disturbance of the site. The Tribal Historic Preservation Office also requires, as a standard requirement, that there be Tribal monitoring during the grading and trenching phases of both the Allowed by Zone and Preferred Alternatives.

Socioeconomic Conditions

The Allowed by Zone Alternative would likely generate greater revenue than the Preferred Alternative, due to the generation of sales and transient occupancy tax, in addition to the likely greater value associated with a commercial lease of Tribal lands. The costs associated with police, fire and utilities would be somewhat greater for the Allowed by Zone Alternative due to the more intense land use. The Allowed by Zone Alternative will also generate new jobs at the site, both for Tribal Members and residents of Palm Springs in general. Although some jobs will be generated by the Preferred Alternative, these would be limited to service jobs associated with maintenance of both private residences and common areas.

Resource Use Patterns

Neither the Allowed by Zone or the Preferred Alternatives would have any impact on hunting, timber or mineral resources, insofar as neither hotel nor residential projects would generate a need for these activities. However, none of these resources occur on the site, which consists of sparse desert vegetation unsuitable for hunting, timber or the mining of mineral resources.

Transportation

The Preferred Alternative would have lower impacts on traffic than the Allowed by Zone Alternative, due to the intensity of development associated with a hotel. Both Amado Road and Hermosa Drive are paved roadways, but not fully improved along the boundaries of the Project site. Both alternatives would be required to provide street, curbs, sidewalks and parkway improvements as part of Project construction. Both alternatives would have access to SunLine Transit bus routes which currently operate on Tahquitz Canyon Way. Because of the higher trip generation associated with the Allowed by Zone Alternative, it would have a greater impact on the City's street system, but as identified in the Section 14 Specific Plan EIR/EIS and subsequent Environmental Assessment for the Specific Plan's 2014 Update, the impacts were to be less than significant on area roadways for development consistent with the Allowed by Zone Alternative. Therefore, since the Preferred Alternative would generate fewer trips, it also would have less than significant impacts on area roadways.

Other Values

The Allowed by Zone Alternative would have greater impacts associated with noise, light and visual resources because of the greater intensity of development, and the mass of a hotel building, when compared to 61 townhomes which would be split between 17 smaller building structures. Also, the activity level associated with the Preferred Alternative would be less, resulting in lower noise impacts and public health and safety impacts. The use of hazardous materials associated with cleaning and pool maintenance products would be greater for the Allowed by Zone Alternative than the Preferred Alternative, again due to the scale of development.

The Allowed by Zone Alternative would generate higher levels of greenhouse gases than the Preferred Alternative because of the higher number of trips associated with that alternative. However, the quantity expected to be generated by both alternatives would be below the 3,000 Metric Tons of CO₂-equivalent emissions per year threshold established by the South Coast Air Quality Management District (SCAQMD), which manages air emissions in the City and region.

Both alternatives would improve Tribal assets, insofar as they would result in increased revenues to the Tribe. As discussed above, the Allowed by Zone Alternative would result in higher revenues than the Preferred Alternative, due to sales and transient occupancy tax revenues associated with a hotel use.

2.3 Preferred Alternative

As summarized above, and described in greater detail in Section 3 of this document, the Preferred Alternative would not result in any significant impacts to the human environment, with the inclusion of the Tribe's standard conditions, and the mitigation measures included in Section 4 of this document. The No Action Alternative would have no impact on the human environment because no construction would occur, but this alternative would also not provide the Tribe with any revenue stream, nor would it expand available housing stock in the region.

The Allowed by Zone Alternative would provide increased revenues to the Tribe, but would result in greater impacts than either the No Action or Preferred Alternatives. The Tribe and prior landowners have marketed the Project site for hotel or commercial use for some time, and has not seen an interest in this type of development. Therefore, the likelihood for development of the

Allowed by Zone Alternative is very low. The City and region are experiencing a high demand for housing, which the Preferred Alternative will provide, while providing the Tribe with a steady long-term revenue stream. The Preferred Alternative has therefore been identified as the most effective in meeting the purpose and need for the Project.

3.0 ENVIRONMENTAL IMPACTS

3.1 Land Resources

A Project specific Geotechnical Analysis was generated to address specific site improvements, and is provided in Appendix C of this document. The consulting geologist conducted site reconnaissance, percolation/infiltration and other lab testing, analyzed site soils, and reviewed aerial photographs and background information from other sites in the area. The geotechnical investigation did not identify any soils or seismic issues which would limit the development of the proposed Project. The site consists of vacant desert land with scattered native and non-native vegetation.

A. Topography

The Project site is generally flat with no discernible surface gradients. The site slopes slightly from northwest to southeast, having an elevation of about 440 feet above mean sea level with surface gradients in the site vicinity descending to the northeast at a slope of 10:1. The site's surroundings are at similar elevations, as the area is part of the Coachella Valley floor, whose topography is relatively flat. No natural ponding of water or surface seeps were observed at or near the site during the field investigation conducted on May 7, 2023. Site drainage under current conditions consists of sheet flow and surface infiltration.

Groundwater

The site is within the Whitewater Subbasin and no groundwater was encountered to a maximum explored depth of approximately 30 feet below ground surface during the geotechnical field investigation. According to the California Department of Water Resources online database, and as reported in the Geotechnical Investigation, the depth to groundwater in the Project vicinity is in excess of 200 feet below the surface. The Project Geotechnical Investigation concluded that groundwater should not be a factor during construction of the proposed Project.

B. Soils

During the field investigation, the geologist encountered native alluvium deposits to a depth of approximately 30 feet, generally consisting of grayish brown sand (SP) and silty sand (SM) that appeared dry, loose to dense, and fine-to-coarse grained with gravel. Based on the laboratory testing results, the surface materials underlying the site are considered to have a negligible expansion potential. Static settlement resulting from the anticipated foundation loads should be minimal provided that the recommendations included in the geotechnical report are considered in foundation design and construction.

C. Geologic Hazards

The proposed Project is located in the highly seismic Southern California region within the influence of several fault systems that are considered to be active or potentially active. The Project site is located within the Salton Trough, a northwest-southeast trending structural depression extending from the Gulf of California to the Banning Pass. The Salton Trough is dominated by several northwest trending faults, most notably the San Andreas Fault system. The Salton Trough is bounded by Santa Rosa and San Jacinto Mountains on the southwest, San Bernardino Mountains on the north, and Little San Bernardino – Chocolate – Orocopia Mountains on the east and extends beyond the Coachella Valley, through the Imperial Valley into the Gulf of California on the south.

Seismic Faults

The closest known active fault is the San Andreas Fault Zone, located approximately 3.35 miles north of the Project site and capable of producing earthquakes at a maximum 7.2 on the Richter scale. No known faults are mapped on or project towards the site. No signs of active surface faulting were observed during the review of non-stereo digitized photographs of the site and site vicinity, and no signs of active surface fault rupture or secondary seismic effects (lateral spreading, lurching etc.) were identified on-site during the geological field investigation. The Project Geotechnical Investigation concluded that risks associated with primary surface ground rupture should be considered low.

Seismic Groundshaking

The Project site has been subjected to strong seismic shaking related to San Andreas Fault Zone activity. Strong groundshaking from nearby active faults is expected to occur on the Project site during the design life of the proposed Project. Based on site-specific ground motion parameters developed for the property, the site's modified peak ground acceleration is estimated to be 0.754. Homes proposed for the site will be required to be constructed in accordance with the Tribal Building and Safety Code, which incorporates the most recent edition of the California Building Code (CBC) to provide collapse-resistant design. According to the CBC, Site Class D may be used to estimate design seismic loading for the proposed structures. Conformance with the site-specific seismic design parameters will ensure that Project-related impacts associated with seismic ground shaking will be less than significant.

The site is situated on relatively flat ground and not immediately adjacent to any slopes or hillsides. No signs of slope instability in the form of landslides, rock falls, earthflows or slumps were observed at or near the subject site. The potential for landslides, rock fall or debris flows is therefore negligible.

No signs of flooding or erosion were observed during the geologic field investigation. Development of the Project site has the potential to result in the erosion of soils during site preparation, grading, and building construction. However, the applicant will be required to adhere to erosion control measures including SCAQMD Rule 403.1 that requires a fugitive dust control plan. At buildout, there would be a low potential for soil erosion due to the relatively level topography and the construction of buildings, impervious roads and stabilized landscaped areas.

The Project geologist did not observe any signs of subsidence on the site, nor has subsidence been observed in the area of the Project site. Subsidence occurs when groundwater basins have been significantly drawn down; however, Desert Water Agency and Coachella Valley Water District recharge the aquifer with Colorado River water to minimize overdraft. No fissures or other surficial evidence of subsidence were observed at or near the Project site during the geotechnical investigation. Therefore, land subsidence is not expected to occur at the Project site.

The main geotechnical concerns are the presence of loose disturbed and potentially compressible near surface native soil. This includes susceptibility of surface soil to caving in deeper excavations, and unconsolidated soils. As a result, the geotechnical investigation recommended that remedial grading work within the proposed residential building areas include over-excavation and re-compaction of the primary foundation bearing soil in accordance with standard CalOSHA

excavation criteria. These recommendations will be incorporated into grading plans, and implemented through the Tribe's standard requirements during the grading permit process at the time construction is initiated for the proposed Project. These requirements will assure that the structures proposed for the Project will be constructed on stable soils.

Liquefaction

Liquefaction occurs during seismic events when soils and water mix, causing the formation of loose, moving sands. In order for liquefaction to occur, water levels must be within 50 feet of the ground surface, and the soils on a site are susceptible to liquefaction. Based on the depth to groundwater cited by the California Department of Water Resources, risks associated with liquefaction and liquefaction related hazards should be considered negligible.

Paleontological Resources

The site is underlain by alluvium, and not suitable for paleontological resources. The Riverside County General Plan Draft EIR (Figure 4.9.3) designates the City as a low sensitivity area for paleontological resources. No deep excavation is expected for the proposed residential development, and potential impacts on paleontological resources are expected to be negligible.

Conclusion

Overall, incorporation of the Project-specific geotechnical recommendations and compliance with building codes and other applicable regulations and standard requirements will ensure that the Project structures can be safely constructed and that future development of the site as proposed would not result in any increase of geologic hazards to the proposed Project.

3.2 Water Resources

Surface Water and Drainage

A Preliminary Hydrology and Drainage Report was prepared for the Project, and is included in Appendix D of this document. The hydrologist determined that the site currently drains to the south-southeast, with flows proceeding southerly from the site in Hermosa Drive, and to Tahquitz Canyon Way. When storm flows reach this location, they are carried easterly into the City's MS4 drainage system, and are ultimately discharged into the Colorado River.

The site's drainage system has been designed in two parts. The landscaped parkways along Amado and Hermosa, adjacent to the public right-of-way, which comprise 0.19 acres of the Project, will act as retaining areas, with overflow into the existing historic drainage path described above. The balance of the site, 4.05 acres, which occurs within the Project, will drain southerly to catch basins proposed near the entry, in the southeastern portion of the site. Storm flows will be directed via the on-site drainage design to an underground storage area located under the guest parking area, west of the recreation building. This system has been designed to accommodate the 100 year storm's incremental increase in flows as a result of development of the Project. In larger storm events, the overflow will be carried into Hermosa Drive, and will follow the current historic drainage path to the City's MS4 drainage system. This design is consistent with the Tribe's and the City's requirements for the on-site retention of storm flows during a 100 year storm event, which assure that impacts associated with flooding remain less than significant.

The drainage system will also include Best Management Practices (BMPs), contained in the Project's WQMP and SWPPP, which will protect storm flows from pollution via construction and operational measures designed to clean storm flows before they enter the groundwater system. These BMPs will be approved by the Tribe during the grading permit process, in order to reduce impacts to surface water to less than significant levels. Please see further discussion under Water Quality, below.

Flooding

No signs of flooding or erosion were observed during the geotechnical field investigation. The Project site is bounded by Amado Road on the north and Hermosa Drive on the east. The Federal Emergency Management Agency (FEMA) has mapped the Project site in Flood Insurance Rate Map (FIRM) Number 06065C1558G dated August 28, 2008. The FIRM indicates that the property is within Zone X, Area of Minimal Flood Hazard. (See Exhibit 8) As described above, the Project's hydrology study includes a plan to control and convey on-site flows created by the Project into the on-site drainage system. The Project Preliminary Hydrology and Drainage Report includes a design that will protect the Project and surrounding streets and properties from the 100 year storm event, consistent with Tribal and City requirements. The Project will not generate flooding on- or off-site.

Groundwater

The upper portion of the Whitewater River Subbasin of the Coachella Valley Groundwater Basin is the aquifer that serves Palm Springs and the Project site. The Project site and the City are served by the Desert Water Agency (DWA), which pumps water from 29 active wells throughout the western Coachella Valley to supply domestic water to the majority of Palm Springs, part of Cathedral City, and the southern part of Desert Hot Springs. Natural recharge to the region's groundwater basins occurs through surface runoff and recharge. The bulk of groundwater recharge takes place through artificial means through three operating recharge facilities, two of which are located within the Whitewater River Subbasin, and one located within the Mission Creek Subbasin.

The Coachella Valley Groundwater Basin had been in an overdraft condition since the 1930s, but after implementation of groundwater recharge programs, water conservation efforts, and the processing and use of tertiary treated water over several decades, rising water levels in the Palm Springs area and slowing water level declines in the mid-Valley portion of the Whitewater River (Indio) subbasin have occurred. Local and regional water agencies have developed and are implementing long-range plans and programs to assure the availability and provision of adequate high-quality water for the future. DWA programs are largely focused on expanding water conservation efforts and groundwater recharge and replenishment activities.

Water Use

The proposed Project will require water for domestic use and landscape irrigation and is within the Desert Water Agency (DWA) service area. The DWA collaborated with five other water supply agencies in the Coachella Valley to prepare the Coachella Valley Regional Urban Water Management Plan (RUWMP) to meet State reporting requirements for 2020.

The projected indoor residential water usage for the Project is based on indoor water use performance standards as provided in the California Water Code (CWC) for residential water

demand. Water Code Section 10910, approved November 10, 2009, is codified in CWC section 10608.20 (b)(2)(A). SB 606 and AB 1668 established guidelines for efficient water use and a framework for the implementation and oversight of the new standards. Based on results of the Indoor Residential Water Use Study, DWR and the State Water Resources Control Board jointly recommended that the indoor residential standard remain at 55 gallons per capita per day (gpcd) through 2024 and decline to 47 gpcd in 2025 and to 42 gpcd in 2030.

The Project will result in interior use of domestic water for residents, outdoor demand for landscaping, and common area demand for the pool and spa. According to the Project site plan, the public landscaped area totals 32,670 square feet, yielding a water demand of 1.65 acre-feet per year. As shown in Table 2, buildout of the proposed Project has the potential to generate a demand of 9.16 acre-feet per year, approximately 0.02% of the 2045 total projected demand (41,565 acre-feet) for DWA.

**Table 2
Water Demand at Project Buildout**

Proposed Land Use	Unit	Water Consumption Factor	Water Demand (gpd)	Total Water Demand At Buildout (AFY)
Residential	61 DU/ 108 persons ¹	55 gpcd	5,940	6.65
Pools/Spas	7,000 SF	See footnote 2*	770	0.86
Landscaping	32,670 SF	See footnote 3*	1,470.13	1.65
TOTAL				9.16
<p>1. Per California Department of Finance Table E-5 Population and Housing Estimates, 2023, Palm Springs has an average household size of 1.77 persons per household.</p> <p>2. Pool water demand based on Coachella Valley Water District (CVWD) outdoor recreational water demand factors and equation. A comparable equation is not provided by DWA. Assumes each unit (61) has a private pool approximately 100 SF and a 900 SF community pool/spa. Equation is [water feature area (7,000 SF) x Reference Evapotranspiration rate ET_o in inches per year for Zone 2 (58.87) x stationary water body factor (1.1) x conversion factor (0.62)]/365 = 770 gpd.</p> <p>3. Based on CVWD landscape ordinance 1302.5. Equation is [area (32,670) x ET_o (58.87) x Evapotranspiration Adjustment Factor ETAF (0.45) x conversion factor (0.62)/365] = 1,470.13 gpd.</p>				

The RUWMP demonstrates that with the reliability of its groundwater, surface water, and recycled water supplies, DWA can meet demands through 2045 during normal, single dry year, and multiple dry year periods. Further, the RUWMP was, in part, based on the projected development of sites within the plan’s area based on their General Plan designations. The Project proposes a use consistent with the current designation for the site, and will not increase water use beyond that planned for the land use of the site.

The development of 61 single-family residences is not expected to result in a significant increase in demand for local water resources which would impact local groundwater resources. Further, the Project, which will result in fewer units and less development intensity than currently allowed on the site under the Section 14 Specific Plan, will also result in reduced water demand. In addition, water efficiency requirements in the Agua Caliente Band of Cahuilla Indians Tribal Building and Safety Code, which have become and will continue to be more stringent would help reduce the Project’s overall demand. Less than significant impacts are anticipated.

Water Quality

The US Environmental Protection Agency (EPA) administers and implements the Clean Water Act of 1972, as amended. The purpose of the Act is to protect water quality from the discharge of pollutants generated by the man-made environment.

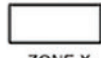
The programs established under the Act include the National Pollution Discharge Elimination System (NPDES), which is a program that protects receiving waters from surface water pollution. Although the Tribe is not required to be a permittee under the NPDES, the Project will generate surface water flows which will enter the City of Palm Springs' drainage system, and the City will require that these flows comply with its permit requirements. The City operates under the Whitewater River Watershed plan (MS4), under permit by the Colorado River Basin region of the Water Quality Control Board. The regulatory requirements include the preparation of a Water Quality Management Plan (WQMP) and Stormwater Pollution Prevention Plan (SWPPP) for Project-specific surface water management. Both the WQMP and the SWPPP will include best management practices (BMPs) that control, manage and/or eliminate pollution in surface waters. The Project-specific BMPs will be included in Project designs, and could include a wide range of structural and non-structural measures, including sand fences, sand bags and filtration ponds. These measures will be fully developed prior to the approval of grading plans for the Project, and will assure that impacts to regional water quality, including the water quality of storm flows entering the Whitewater River, are less than significant. Please see Section 4 for standard conditions and mitigation measures.



ZONE X

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average deptsh of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



ZONE X

OTHER AREAS

Areas determined to be outside the 0.2% annual chance floodplain.



Source: FEMA, National Flood Insurance Program, FIRM Effective Date 08.28.2008

08.15.23

Exhibit

3.3 Air Quality

The Project site lies within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Existing air quality is measured at established SCAQMD air quality monitoring stations and evaluated in the context of ambient air quality standards. The State of California and the U.S. Environmental Protection Agency (EPA) have established ambient air quality standards (AAQS) for the seven most common air pollutants, known as criteria pollutants: ground-level ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter with a diameter of 10 microns or less (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), and lead (Pb). California has also set limits for sulfates, hydrogen sulfide (H₂S), vinyl chloride, and visibility-reducing particles.

The Coachella Valley is designated as both a federal and state non-attainment area for ozone and PM₁₀ according to the most recent California Air Resources Board (CARB) area designation maps (November 2022). In order to achieve attainment for PM₁₀ in the region, the 2003 Coachella Valley PM₁₀ Management Plan was adopted, which established strict standards for dust management for development proposals.

Regulatory Setting

National Environmental Policy Act (NEPA)

The National Environmental Policy Act of 1969 requires federal agencies to evaluate the environmental and related social and economic effects of a proposed action, including the potential to significantly impact air quality. To determine the level of significance under NEPA, the annual direct and indirect project-related emissions of all criteria pollutants resulting from the project's construction and operational activities were compared to the applicable EPA General Conformity de minimis levels. De minimis levels are defined in 40 CFR § 93.153 as the minimum threshold for which a conformity determination must be performed for various criteria pollutants in a nonattainment or maintenance area. (See the General Conformity and De Minimis Levels discussion, below).

Federal Clean Air Act (CAA)

The Federal Clean Air Act (CAA), as amended, is the primary federal law that governs air quality. The CAA, and related regulations by the U.S. Environmental Protection Agency (U.S. EPA), set standards for the concentration of pollutants in the air known as National Ambient Air Quality Standards (NAAQS). The EPA has established NAAQS for six common criteria pollutants that have been linked to potential health concerns, including carbon monoxide (CO), lead, ground-level ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), and sulfur dioxide (SO₂). A national standard also exist for lead (Pb). The NAAQS are set at levels that protect public health with a margin of safety, and are subject to periodic review and revision.

Federal air quality standards and regulations provide the basic scheme for project-level air quality analysis under the National Environmental Policy Act (NEPA).

General Conformity and De Minimis Levels

The General Conformity Rule is established under section 176(c) of the CAA and requires Federal agencies to assure that their actions conform to applicable implementation plans for achieving and maintaining the NAAQS for criteria pollutants. Under this Rule, federal agencies must work with

state, tribal and local governments in a nonattainment or maintenance area to ensure that federal actions conform to the air quality plans established in the applicable state or tribal implementation plan. Conformity requirements apply only in nonattainment and “maintenance” (former nonattainment) areas for the NAAQS, and only for the specific NAAQS that are or were violated. U.S. EPA regulations at 40 Code of Federal Regulations (CFR) 93 govern the conformity process.

The General Conformity Rule applies to all federally funded or approved actions within nonattainment or maintenance areas with three exceptions: (1) actions covered by the Transportation Conformity rule, (2) actions with associated emissions below specified de minimis levels; and (3) other actions which are either exempt or presumed to conform. Exempt actions include: (1) federal actions covered by the Transportation Conformity; (2) actions with total direct and indirect emissions below specified de minimis levels; (3) actions specifically listed as exempt in the rule; or (4) actions included on any list of Presumed-to-Conform actions. Conformity requirements do not apply in unclassifiable/attainment areas for NAAQS.

Tribal Authority Rule (TAR)

The EPA is responsible for the implementation of the Clean Air Act on Tribal lands. The EPA’s Tribal Authority Rule (TAR) provides federally recognized tribes the opportunity to develop and implement only those parts of the Clean Air Act that are appropriate for their lands, including air quality management programs. Indian Tribes are not required to adhere to state or local agency implementation plans, such as CARB or SCAQMD. Instead, a tribe may voluntarily comply with state/local regulations as they see fit.

Greenhouse Gases

The Council on Environmental Quality (CEQ) was established under NEPA and provides guidance and recommendations in line with national policies and goals intended to improve environmental quality. Consistent with Executive Order (EO) 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, CEQA has issued an interim NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (issued January 9, 2023), which is currently under review for consistency with current law, and is the standard upon which NEPA review of greenhouse gases is conducted.

Existing Conditions

Meteorological conditions in the Project vicinity are largely attributable to the low desert geographic setting and the mountains surrounding the region that isolate the Coachella Valley from moderating coastal influences and create a hot and dry low-lying desert condition. As the desert heats up a large area of thermal low pressure develops, which draws dense, cooler coastal air through the narrow San Geronio Pass and into the valley, generating strong winds that cross the most active fluvial (water-related) erosion zones in the valley. These strong winds sweep up, suspend and transport large quantities of sand and dust, reducing visibility, damaging property, and constituting a significant health threat. The region is also subject to seasonal northeasterly Santa Ana winds that are associated with high pressure parked over Nevada and the four corners region.

Air inversions, where a layer of stagnant air is trapped near the ground and is loaded with pollutants from motor vehicles and other sources, occasionally occur in the Coachella Valley due to local

geological and climatic conditions. Inversions create conditions of haziness caused by suspended water vapor, dust, and a variety of chemical aerosols. Due to local climactic conditions, inversion layers generally form 6,000 to 8,000 feet above the desert floor.

Alternative Transportation

As discussed in the Transportation section of this document, there are currently no bicycle facilities adjacent to the Project site. The City of Palm Springs has identified Amado Road as a possible Class III bike route. The Section 14 Specific Plan proposes Class II bike lanes on Amado Road and Class III bike routes on Hermosa Drive.

The Project site is also on the Sunline Transit Agency Bus Routes 2 and 4, which provide service on Tahquitz Canyon Way and Sunrise Way. Existing bus stops occur on westbound Tahquitz Canyon at Hermosa, approximately 700 feet south of Project. SunLine utilizes clean/alternative fuel vehicles.

Project Emissions

The Project proposes to develop 61 townhome units. According to the Institute of Transportation Engineers (ITE) Trip Generation (11th Edition), proposed Project will generate 440 average daily trips (ADT) at buildout. For purposes of analysis, it is assumed that construction will occur over a 28-month period from May 2024 to September 2026.

The California Emissions Estimator Model (CalEEMod) Version 2022.1.1.18 was used to project air quality emissions that will be generated by the proposed Project (Appendix A). Criteria air pollutants will be released during both construction and operation phases of the proposed Project, as shown in Tables 3 and 4. Table 3 summarizes short-term construction-related emissions, and Table 4 summarizes ongoing emissions generated during operation.

Impact Significance Considerations

Construction Impacts

The construction period includes all aspects of project development, including site preparation, grading, paving, building construction, and application of architectural coatings.

As shown in Table 3, emissions generated by construction activities will not exceed SCAQMD thresholds for any criteria pollutant during construction. The data reflect average daily unmitigated emissions over the 28-month construction period, including summer and winter weather conditions. The analysis assumes an import of 1,200 cubic yards of dirt/soil materials per the Project specific preliminary grading plan. Applicable standard requirements and best management practices include, but are not limited to, the implementation of a dust control and management plan in conformance with SCAQMD Rule 403 and phased application of architectural coatings and the use of low-polluting architectural paint and coatings per SCAQMD Rule 1113. Please see Section 4 for standard conditions and mitigation measures. The dust control and management plan will include methods of maintaining/cleaning construction equipment, soil stabilization and wind fencing. Proposed permanent hardscape and landscaping for the development will help reduce the future levels of fugitive dust in the area.

Table 3 shows the de minimis levels for ozone and PM₁₀, for which the Coachella Valley is designated as Extreme and Serious non-attainment areas, respectively. De minimis levels defined in 40 CFR § 93.153 as the minimum threshold for which a conformity determination must be performed for various criteria pollutants in a nonattainment or maintenance area. Project actions with total direct and indirect emissions specified de minimis levels are assumed to conform to Federal Implementation Plans and are not subject to a conformity determination. As shown in the table below, the project related emissions of ozone and PM₁₀ during the 28-month construction period would be below the General Conformity de minimis levels, and therefore a conformity determination is not required. Please see Section 4 for standard conditions and mitigation measures.

**Table 3
Maximum Daily/Annual Construction-Related Emissions Summary**

Construction Emissions	CO	NO_x	ROG	SO₂	PM₁₀¹	PM_{2.5}¹
Daily Maximum ¹ (pounds/day)	34.7	36.1	5.43	0.05	9.49	5.47
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00
Exceeds?	No	No	No	No	No	No
Annual Maximum (tons/yr)	2.10	1.44	0.50	0.00	0.19	0.11
De minimis levels (40 CFR § 93.153)	-	100	10²	-	70³	-
Exceeds?	-	No	No	-	No	-

¹ Standard dust control measures have been applied to the PM emissions.
² The most strict standard is 10 tons/year for Extreme NAAs.
³ The most strict standard is 70 tons/year for Serious NAAs.
Emission Source: CalEEMod model, version 2022.1.1.18

The City of Palm Springs requires specific air quality construction mitigation through its General Plan. Although the Project is subject to the Tribe's, and not the City's requirements, the Tribe has voluntarily imposed these requirements on projects located in the City within its jurisdiction, and will in this case. These requirements include Tier 1 or higher construction equipment, the preparation of dust management plans, and other measures enumerated in Section 4 of this document.

Operational Impacts

Operational emissions are ongoing emissions that will occur over the life of the Project. They include area source emissions, emissions from energy demand (electricity), and mobile source (vehicle) emissions. Table 4 provides a summary of projected emissions during operation of the proposed Project at build out. As shown below, operational emissions will not exceed SCAQMD thresholds of significance for any criteria pollutants for operations. The operational emissions of ozone precursors (NO_x and ROG) and PM₁₀ would be below the General Conformity de minimis levels, and therefore a conformity determination is not required. Project-related operational impacts are expected to be less than significant.

Table 4
Maximum Daily Operational-Related Emissions Summary
(pounds per day)

Operational Emissions	CO	NOx	ROG	SO₂	PM₁₀	PM_{2.5}
Daily Total (pounds/day) ¹	20.7	2.19	5.01	0.04	3.28	0.87
SCAQMD Thresholds	550.00	55.00	55.00	150.00	150.00	55.00
Exceeds?	No	No	No	No	No	No
Annual Total (tons/yr)	2.51	0.35	0.8	0.01	0.53	0.14
De minimis levels (40 CFR § 93.153)	-	100	10²	-	70³	-
Exceeds?	-	No	No	-	No	-
¹ Maximum daily emissions. ² The most strict standard is 10 tons/year for Extreme NAAs. ³ The most strict standard is 70 tons/year for Serious NAAs. Emission Source: CalEEMod model, version 2022.1.1.18.						

Toxic Air Contaminant (TAC) Emissions

Toxic Air Contaminants (TAC) emissions are generally associated with heavy equipment or diesel trucks, and high-volume roadways. The Project will result in 61 townhomes, which will not generate diesel truck use. In addition, neither Amado nor Hermosa are high volume roadways. Therefore, the residents of the Project are not expected to be exposed to TACs over the life of the project.

Objectionable Odors

The Project could generate odors during the construction period, particularly those odors associated with heavy equipment use, asphalt or tar installation, and similar construction activities. These odors, however, will dissipate quickly with distance. Construction odors are expected to be of short duration, and their impacts to be less than significant.

Over the life of the Project, odors associated with residential development typically include cooking, pool and home maintenance and similar odors. The Project will include 61 homes, which will not generate concentrations of such odors beyond that expected in any residential development. Operational odors are expected to result in less than significant impacts.

Cumulative Impacts

A significant impact could occur if the Project would make a considerable cumulative contribution to federal or State non-attainment pollutants. The Coachella Valley portion of the SSAB is classified as a “non-attainment” area for PM₁₀ and ozone. Cumulative air quality analysis is evaluated on a regional scale (rather than a neighborhood scale or city scale, for example) given the dispersing nature of pollutant emissions and aggregate impacts from surrounding jurisdictions and air management districts. Any development project or activity resulting in emissions of PM₁₀, ozone, or ozone precursors will contribute, to some degree, to regional non-attainment designations of ozone and PM₁₀.

The SCAQMD does not currently recommend quantified analyses of construction and/or operational emissions from multiple development projects, nor does it provide methodologies or thresholds of significance to be used to assess the significance of cumulative emissions generated

by multiple cumulative projects. However, it is recommended that a project's potential contribution to cumulative impacts should be assessed utilizing the same significance criteria as those for project-specific impacts. Furthermore, SCAQMD states that if an individual development project generates less than significant construction or operational emissions, then the development project would not generate a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment.

As shown in the tables above, Project-related PM₁₀, CO, NO_x, and ROG emissions are projected to be below established SCAQMD thresholds. The annual maximum criteria pollutant emission levels are projected to be below the General Conformity *de minimis* levels. Therefore, the proposed Project will result in incremental, but not cumulatively considerable impacts on regional PM₁₀ or ozone levels. As described above and in Section 4 of this document, the Tribe will apply conditions of approval to assure that the Project meets City requirements for construction emissions. These regulations will further ensure that Project impacts are less than significant individually and cumulatively.

Conclusion

The proposed residential development is considered 'less intense' than a typical development (e.g. hotel) under the Resort Attraction designation in the Section 14 Specific Plan or the Tourist Resort Commercial (86 rooms per net acre on Indian Land) in the City's General Plan. The Project, therefore, does not conflict with the AQMP.

Overall, assuming conformance (including less intense development) with local planning documents, pollutant emissions associated with construction and operation of the Project and surrounding projects are not expected to exceed SCAQMD thresholds of significance. The CalEEMod results confirm that neither SCAQMD thresholds for criteria pollutants nor the General Conformity *de minimis* levels for ozone (precursors NO_x and ROG) and PM₁₀ will be exceeded during construction and operation of the Project. Future development of the site as proposed would not result in significant increases in local and regional air pollutant emissions, including Project-related indirect operational emissions from motor vehicles.

3.4 Living Resources

The Project site is vacant with scattered low growth vegetation. Although there are undeveloped vacant parcels in the Project vicinity, including the Project site and parcels immediately west of the Project site, these parcels are 'islands' surrounded by urban development.

The biological resources study for the Section 14 Specific Plan EIS/EIR found that the Sonoran creosote bush scrub community dominates the vegetation of undisturbed portions of Section 14, including the Project site, and is the pervasive plant community throughout the Colorado Desert of California. The Project site supports sparse native vegetation, but has been impacted by off-road vehicle use, and pedestrian cut-throughs, as evidenced by the trails that cross the property.

Regulatory Background

The US Fish and Wildlife Service IPaC system was consulted to determine what federally listed species have the potential to occur in the project area. A list of eight species was generated for the Project site (please see Appendix B). The species identified by the IPaC system were Peninsular Bighorn Sheep, Least Bell's Vireo, Southwestern Willow Flycatcher, Coachella Valley Fringe-toed Lizard, Desert Tortoise, Mountain Yellow-legged Frog, Monarch Butterfly, and Coachella Valley Milk-vetch. All these species, with the exception of the Monarch Butterfly, are Covered Species under the Tribal Habitat Conservation Plan. However, the Monarch Butterfly is listed as a candidate species, not a designated threatened or endangered species.

Section 14 is located within the boundaries of the Tribal Habitat Conservation Plan (THCP), and together with the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) they provide a regional framework for the conservation of special status species and their habitat while providing for streamlined development permitting.

The THCP was released and adopted by the Tribal Council as Tribal Law in 2010. The THCP encompasses 36,055 acres of the Reservation and off-Reservation lands owned by or held in trust for the Agua Caliente Band of Cahuilla Indians, along with certain other lands over which the Tribe may have authority during the permit period within three cities (Palm Springs, Cathedral City and Rancho Mirage) and the County of Riverside. The THCP was established to protect and manage natural resources and habitat within the Tribe's jurisdictional territory, and to establish consistency and streamline permitting requirements with respect to protected species. Its primary conservation mechanisms include creation of a Habitat Preserve; adoption of avoidance, minimization, and mitigation measures to enhance the habitats and survivability of Covered species; and payment of a mitigation fee that funds Tribal acquisition and management of replacement habitat. The THCP covers 19 sensitive wildlife species and 3 sensitive plant species that occur or have potential to occur within its Plan Area. Eight of these species are listed as threatened or endangered under the Endangered Species Act (ESA).

The USFWS 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. Under the THCP, the Project site is part of the Valley Floor Planning Area (VFPA) and is identified for having stabilized and partially stabilized shielded sand fields that are dominated by creosote bush scrub. There are no blue-line streams, wetlands or riparian areas on the Project site.

The Coachella Valley region also contains potential habitat for the Western Burrowing Owl, which is protected in the United States by the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA prohibits the take of migratory birds (or any part, nest, or eggs of any such bird). EO 13168 (Sep 22, 2000) requires that any project with federal involvement address impacts of federal actions on migratory birds.

A. Wildlife

There are also no riparian habitats or watercourses located in Section 14 that could be utilized by migratory aquatic species. The THCP identifies the Project site as Stabilized and Partially Stabilized Shielded Sand Fields (THCP Figure 17) containing habitat for burrowing owl (*Athene*

cunicularia). Burrowing owl is designated as a Bird of Conservation Concern by the U.S. Fish and Wildlife Service and take of this species is prohibited under the Migratory Bird Treaty Act (MBTA). Burrowing owls are sensitive to excessive noise and activities such as grading and operation of heavy equipment up to 500 feet away and may abandon nests or burrows if/when such activities occur. To mitigate any potential impacts to burrowing owls, Section 4 below provides a mitigation measure requiring pre-construction burrowing owl surveys and appropriate relocation, if applicable.

Section 14 is not identified as having viable habitat for any other species identified as a candidate, sensitive, or special status by the U.S. Fish and Wildlife Service, and no habitat for covered species is located within the vicinity of the Project site. Therefore, other than burrowing owls, no protected plant or animal species, or unique habitats, are expected to be present within the Project boundaries and vicinity. Funding for conserving habitat elsewhere is acquired through payment of the Valley Floor Planning Area (VFPA) Fee from future development projects including the proposed Project.

The Project site is vacant but surrounded on two sides by existing roadways. Lands to the south are currently being developed for residential uses, and lands to the west include vacant lands and a commercial parking lot. Therefore, the site provides minimal opportunities for the movement of terrestrial wildlife.

B. Vegetation

As noted above, the Project site is a vacant parcel in urban surroundings that consists of disturbed topsoil and sparse low growth vegetation. According to the Section 14 Specific Plan EIR/EIS, the vegetation of disturbed areas in Section 14 is dominated by weed species that germinate and grow following the damage or removal of native vegetation. The Project site, although still in its native condition, has been impacted by these invasive species, which have been blown onto the site by prevailing winds. In addition, the site has been disturbed by some extent by off-road vehicles and pedestrians using the property to cut through the area. The THCP identifies Section 14 as not having viable habitat for any plant species identified as a candidate, sensitive, or special status by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, and no habitat for covered species is mapped within the vicinity of the Project site.

C. Ecosystems

Most of the land within the Project area has already been developed and the remaining vacant land consists of highly fragmented parcels that are either partially or completely disturbed. Section 14 does not contain any riparian features or habitat, and according to the federal National Wetlands Inventory it does not contain any wetlands¹. The Project site sits on an alluvial fan covered with alluvial sediment washed down from the surrounding San Jacinto and Santa Rosa Mountains. The proposed Project would not disturb any waters of the U.S. as defined by Section 404 of the Clean Water Act, or alter any streams as defined in Section 1600 of the California Fish and Wildlife Code, because no streams, wetlands or riparian areas occur on the property.

The closest federally recognized wildland to the Project site is the Santa Rosa and San Jacinto National Monument, which occurs 1 mile west of the Project site at its closest point, and extends

¹ United States Fish and Wildlife Service, National Wetlands Inventory.
<https://www.fws.gov/wetlands/data/mapper.html>, accessed August 2023.

north and south along the western boundary of the Coachella Valley. The Tribe's Indian Canyons occur approximately 5 miles south of the Project site. No federally designated parks, monuments or forests will be impacted by the proposed Project.

D. Agriculture

According to the California Important Farmlands mapping provided by the California Department of Conservation, the Project site is designated as "Urban and Built-Up Land." The Farmland Mapping and Monitoring Program does not identify the site as being of agricultural importance. Neither the Project site nor any portion of Section 14 is designated for agricultural use. No impacts to agriculture will occur.

Conclusion

As described above, the Project will be required to pay the VFPA mitigation fee in place at the time that development occurs, to mitigate for impacts associated with biological resources within the boundary of the THCP. Mitigation will be required to reduce potential impacts to burrowing owls. The standard requirement and mitigation measure, provided in Section 4 of this document, will assure that impacts to living resources will be less than significant.

3.5 Cultural Resources²

The subject property is part of the original Agua Caliente Indian Reservation and is located in the northeast quarter of the northeast quarter of Section 14 T4S, R4E, SBBM. In 1876, Section 14 and a portion of Section 22 (Tahquitz Canyon) were set aside as the Agua Caliente Indian Reservation, which was extended to cover the even numbered sections in three townships in 1877 and was patented by Congress in 1891. The Mission Indian Relief Act of 1891 authorized allotments from the acreage comprising the Reservation. The Reservation totaled more than 31,000 acres.

Palm Springs and the Coachella Valley are situated in the Colorado Desert and are part of the Sonoran Life Zone. The Sonoran Life Zone is characterized by the creosote brush scrub plant community (Hall and Grinnel 1919, Munz 1974; Schenherr 1992) which includes creosote bush, mesquite, brittlebush, cholla, prickly pear cacti, chuparosa, desert lavender, sage and various grasses (Bean and Saubel 1972).

Development within Section 14 began in the vicinity of the hot springs near the northwest Section corner, and was at first limited to the western half of the section. Early uses included residences, riding stables and hangers (part of Palm Springs' first airport in the 1930s). Other businesses included 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, approximately 0.51 miles to the west of the Project site and changed its name to Our Lady of Guadalupe in 1948.

The Project site is currently vacant, and is surrounded by two adjacent public roads and vacant land, as well as existing development including commercial and residential uses.

² Background information from the Section 14 Specific Plan EIR/EIS and the Agua Caliente Tribal Historic Preservation Office.

Cultural Setting

The City of Palm Springs and the Coachella Valley are in the western end of the Colorado Desert. The prehistory of the Colorado Desert is poorly understood; however, ongoing discoveries contribute to the existing record. Archaeologists organize specific cultural sequences to describe cultural materials discovered through time and across space. The earliest time period of human occupancy is the Paleoindian (ca. 8,000 to 10,000-12,000 B.P.), when small groups of hunters and gatherers settled on mesas and terraces overlooking larger washes. Flaked stone tools and fluted projectile points are the typical artifacts associated with this era, also referred to as the San Dieguito complex. There are few discoveries of the San Dieguito complex in the Coachella Valley, resulting in very little evidence for this time period (Vaughan 1982; Warren 1967, 1984). This era notes a distinct lack of milling stone implements which archaeologists believe to be evidence of diminished reliance on plant resources. However, contrary to the archaeological evidence, ethnographic observations and oral testament include discussion of historic use of wooden mortars and pestles for plant food processing. This gap in the archaeological record in the Coachella Valley may indicate an absence of water at Lake Cahuilla during this time period (Stanton and Kremkau 2017).

According to archaeologists, the population dwindled in the Early Archaic Period (ca. 8,000 to 4,000 B.P.) and seemed to have left very little archaeological evidence. With the onset of a cooler climate at the beginning of the ensuing Late Archaic Period, people began to reoccupy the region (Love and Dahdul 2002; Schaefer 1994). This period was characterized by groups of flexible sizes in low population densities that settled near available seasonal food resources and relied on opportunistic hunting.

The discovery of rock lined storage pits and hearths at Indian Hill Rockshelter in the 1990s added information and supportive evidence, with radiocarbon dates placing the occupation of the site to approximately 4,000 years ago (McDonald 1992). Additionally, the Tahquitz Canyon rockshelter contained rock lined pits and an artifacts assemblage similar to Indian Hill Rockshelter, although no radiocarbon dating was conducted at the site (Schaefer 2002). Evidence from both sites suggests highly nomadic groups utilizing a wide variety of resources.

The hunting livelihood continued into the Late Prehistoric Period (ca. 1500 to 200 B.P.) associated with the Yuman or Patayan agricultural groups, when ceramics and the bow and arrow were introduced into the region. The seasonal settlement pattern associated with weather extremes continued and human activity was associated with the cultural patterns which relied more heavily on the availability of seasonal wild plants and animal resources.

From about 800 years ago to just before contact with Europeans, there is evidence of extensive contact and trade with tribes of the Colorado River. This included the distribution of pottery, an innovation of peoples of the Colorado River, across the upper Colorado and Mojave Deserts. It is from this period that ethnic or tribal affiliations are best known. The Coachella Valley encompasses a wide range of environments, which have been exploited by different indigenous groups over thousands of years. These included the low desert freshwater lakes of the various stands of Ancient Lake Cahuilla, the palm oases and mesquite vegetation associated with fault zones and other areas of high groundwater, alluvial fan areas, mountain canyons, and the mountains themselves.

The Holocene Lake Cahuilla, an occasional freshwater lake in the present-day eastern Coachella Valley, provided abundant resources to nearby settlements when the basin was filled to the 40-foot elevation level extending into what is now Indio and La Quinta. When the lake was present, native encampments took advantage of the fish and wildlife. When it receded, the native population relocated toward canyons, rivers, streams and mountains.

The Agua Caliente Cahuilla have maintained year-round home sites in proximity to the year around water sources in Palm Springs—mostly snow and rain runoff drainages emanating from the adjacent San Jacinto Mountains to the west and the Santa Rosa Mountains to the south.

Located only one-half mile from the project parcel, the nearest water source is the ancient mineral spring, *Séc-he*, the namesake of Agua Caliente Cahuilla and the City of Palm Springs. *Séc-he*, is the center of Agua Caliente lifeways, providing water in an arid environment where water was scarce.

As a result, the Project site is less likely to have been used by Tribal Members for ongoing activities.

Ethnohistoric and Historic Context

Anthropological literature suggests that the Cahuilla people are organized by lineages or clans that belonged to one of the moieties (main divisions) that interacted with others through trade, ceremonies and intermarriage. The leading anthropological works on the Cahuilla culture and history include Kroeber (1925), Strong (1929), Bean (1978), and Bean and Smith (1978).

The first recorded Cahuilla and European encounter occurred during the Juan Bautista de Anza expedition in 1775-1776. By 1819, several mission outposts were established near the Cahuilla territory and the Cahuilla began to adopt Spanish practices and traits such as cattle ranching, agriculture, trade, language and religion. The Spanish and later, American presence and involvement, severely impacted the native population and culture due to the introduction of European diseases such as smallpox for which the native peoples had no immunity.

Mission records from 1821 documented trade between Arizona and California tribes with trade goods likely reaching to coast. The trade route connecting tribes is historically known as the Copa-Maricopa Trail passed through the Palm Springs Cahuilla area. This most important route in the region was later renamed and known as the Bradshaw Trail around 1862. The Bradshaw Trail traversed a similar course to that of present-day State Route 111.

The construction of the Southern Pacific Railroad in the late 1870's was incentivized by granting most of the odd-numbered sections for several miles on either side of the selected alignment. This federal action set the stage for the "checkerboard" land ownership pattern of the Agua Caliente and other Indian tribes along the route when those reservations were established.

The 1936 aerial shows the parcel was graded for an airplane landing strip. Because of this disturbance, the parcel no longer contains food-bearing plants usually found on adjacent parcels. As a result, it is not known if the Project site is likely to have buried cultural resources.

Cultural Resource Impacts at the Project Site

As described above, the Project site is not known to have been the location of significant Tribal activities. Although vacant, the likelihood of significant resources on the site is low, based on currently available information. This does not preclude, however, the potential for buried cultural resources to occur on the site, particularly because the surface was disturbed by historic airstrip activities. The Tribe requires, as a standard condition contained in Section 4 of this document, the presence of Tribal monitors during the clearing, grading and excavation of land within the Reservation. This requirement is designed to assure that any buried cultural resource can be identified and protected during the construction process. The Project will be required to implement this requirement, and will therefore have a less than significant impact on cultural resources.

3.6 Socioeconomic Conditions

A. Employment and Income

According to the U.S Census Bureau's 2021 American Community Survey (ACS) for Palm Springs, 22,928 persons (50.7%) of the total civilian noninstitutionalized population (age 16 and over) was employed and the median household income is \$61,517.

The Tribe implements a number of programs for Tribal Members through the revenues it generates from its various Tribal enterprises, including the Indian Canyons, gaming facilities, and lease revenues associated with residential projects in Palm Springs. The proposed Project would add to these revenues and broaden the economic base of the Tribe to maintain and expand its Tribal programs.

B. Demographic Trends

The 2022 Census data estimates the population of Palm Springs at 45,223 persons. The 2021 ACS data identifies the median age in Palm Springs at 56.6 years. 58.7% (26,545) of the City's population is 18 to 64 years of age, representing the majority of the City's total population. 32.4% (14,653) of the total population is over 65.

Ethnically, residents who categorize themselves as white (76.1%) comprise the largest race/ethnicity of the population in Palm Springs. Residents of "Black or African American" heritage make up 4.9%, "American Indian and Alaska Native" heritage make up 0.9%, and 24.4% of the total population identify as "Hispanic or Latino."

C. Lifestyle and Cultural Values

The Agua Caliente are an integral part of the City of Palm Springs. Tribal enterprises and activities range from a Cultural Plaza in the heart of downtown to the Palm Springs, Rancho Mirage, and Cathedral City casinos. Other Tribal enterprises also include the Indian Canyons Golf Resort, the Village Traditions-Vallera, 18 @ Twin Palms, and VUE residential developments, and the Tahquitz and Indian Canyons Parks.

The Tribe consists of more than 500 members who strive to preserve and enhance their history and cultural values through education and outreach. The Cultural Plaza includes not only a museum, but also protects the sacred mineral springs through the Spa at Séc-he and provides for a public gathering space for events and educational programs. Tribal enterprises enable broad based community support and charitable donations across Palm Springs and the Coachella Valley. The

expansion of these activities, including the lease revenues from the proposed Project, will enable the Tribe to continue and expand these activities, as well as social and economic support programs for its members.

D. Community Infrastructure

Public Safety Services

The city, including the Project site, is served by the Palm Springs Fire Department and the Palm Springs Police Department. The Departments respond to calls on Reservation lands, including Tribal and Allotted Trust land projects.

The Fire Department operates five fire stations throughout the City. The department has four engine companies, one truck Company, and a Battalion Chief on duty at all times. The Fire Department provides fire and rescue operations, basic and advanced paramedic emergency medical service and educational services. Fire services will be provided to the proposed Project by Fire Station 1, located at 277 N Indian Canyon Drive, 0.71 miles to the west of the Project site. Construction of all homes and structures at the Project will be required to comply with all current Tribal building and fire codes in place at the time development occurs.

Palm Springs Police Department is currently authorized 100 sworn police officer positions, which include the Chief, two captains, five lieutenants, 16 sergeants, and 76 officers. These personnel are assigned to Administration, Patrol, Investigations, Traffic, Airport, Bicycle Patrol, and other specialized details. The Police Department also provides educational and outreach programs to the community.

The Project will result in 61 townhomes on 4.2 acres in the City's urban core. The Project plans will be reviewed by both the Fire and Police departments for compliance with their standards, which are consistent with building code standards enforced by both the Tribe and the City. The Project will also be required through conditions of approval to participate in a Community Facilities District for the provision of police and fire services, to assure that its impacts will be mitigated as both departments grow. These standard requirements will assure that the proposed Project will not significantly impact public safety.

Utilities

The Project site will be served DWA, which supplies domestic water to the majority of Palm Springs, and parts of Cathedral City and Desert Hot Springs. Groundwater has historically been the principal source of domestic water in the region. DWA's replenishment water comes from the Colorado River Aqueduct through two connections located at Whitewater and Mission Creek to fill the recharge basins. DWA's total water supply was 33,220 acre-feet in 2020. It has approximately 78 million gallons per day in well capacity and 3 million gallons per day from surface stream supplies.

The City provides wastewater collection and treatment services to the Project site. The City's public sewer system includes approximately 265 miles of sewer pipeline ranging in size from 6 to 42 inches in diameter, and 5 lift stations³. The City contracts with Veolia North America to operate

³ "City of Palm Springs Sewer Master Plan," February 2009.

its wastewater treatment plant (WTP) on Mesquite Avenue. The WTP is responsible for removing contaminants from sewage wastewater. The WTP has a capacity of 10.9 million gallons per day (mgd) and treats approximately 6 mgd. The City sends approximately 75% of the treated sewage annually to DWA for further filtration and disinfection. Once treated to all state and federal recycled water standards, DWA delivers the recycled water for irrigation of the City's municipal golf courses, Demuth Park, Palm Springs High School and other locations. The remaining 25% of treated sewage flows into percolation ponds where it seeps into the ground to recharge groundwater. DWA's recycling facility has a capacity of about 10 million gallons per day.

The Project site will connect to existing 8-inch water main and 8-inch sewer main pipelines located under Hermosa Drive. The Project wastewater discharges will be typical of residential uses and would not exceed wastewater treatment requirements of the City or Regional Water Quality Control Board. Less than significant impacts are expected related to the proposed Project. See Section 3.2 Water Resources for additional discussion.

Palm Springs Disposal Services (PSDS) provides solid waste collection and disposal services to the City and Project. PSDS implements a recycling program that collects and processes a wide range of products, including green waste. Non-hazardous solid wastes are transported to the Edom Hill Transfer Station (EHTS), located at the site of the former Riverside County Edom Hill Landfill in Cathedral City. EHTS is owned and operated by Burrtec Waste Management and is permitted to receive 3,500 tons of waste per day. Waste is sorted before entering the Riverside County Waste Management waste stream and sent to Lamb Canyon Landfill in Beaumont. Lamb Canyon is permitted to receive 5,000 tons of waste per day, with a remaining capacity of 19,242,950 cubic yards and a projected closing date of 2032. The Project would be required to achieve 50 percent waste diversion in accordance with Riverside County's Integrated Waste Management Plan (CIWMP); based on this requirement, the total solid waste generation for the Project will be approximately 68.07 tons per year as shown below.

**Table 5
Estimated Solid Waste Disposal at the Project Buildout**

Land Use	CIWMB Disposal Rates*	Proposed	Solid Waste Disposal (pounds per day)	Solid Waste Disposal (tons per year)
Residential	12.23 pounds/household /day	61 DU	746.03	136.15
TOTAL (with 50% diversion)				68.07
*Estimated Solid Waste Generation Rates by CalRecycle, https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates , accessed August 2023.				

At buildout, the proposed Project will contribute annually an approximate 0.01% of the Lamb Canyon Landfill's remaining capacity.⁴ Less than significant impacts are anticipated.

Southern California Edison (SCE) provides electrical service to the City and the Project site. There are existing electrical transmission lines located under Amado Road and Hermosa Drive adjacent to the property.

⁴ Assumes that 1 CY of residential solid waste is equivalent to 95 lbs. "Volume to Weight Conversion Factors," US EPA Office of Resource Conversion and Recovery. April 2016.

Southern California Gas Company (SCG) will provide natural gas to the Project. Natural gas mains are currently well distributed throughout the developed areas of Section 14, including under Amado Road and Hermosa Drive north of East Tahquitz Canyon Way adjacent to the Project site.

The City's Section 14 Specific Plan EIR/EIS determined that given the capacity of their facilities within and around Section 14, SCE and SCG anticipate providing continued and increased service with no significant impact.

Landline phone and internet services in the City are mainly provided by Frontier Communications Corporation and Charter Spectrum. The Section 14 Specific Plan EIR/EIS indicated that there are currently adequate telecommunication facilities to serve the needs of Section 14. Impacts to telephone and cable services are expected to be less than significant with implementation of the proposed Project.

The Project will be required through conditions of approval to pay connection and development impact fees for sewer and drainage, public art, utility connections, Quimby, TUMF, school fees, etc. These fees are designed to reduce the impacts of new development on existing services and facilities. Overall, the Project is expected to have less than significant impact on Community Infrastructure.

E. Environmental Justice

CalEnviroScreen 4.0 is a science-based database created by CalEPA and the Office of Environmental Health (OEHHA) to identify California communities that are most affected by pollution and especially vulnerable to the effects of pollution. It aggregates environmental, health, and socioeconomic data to generate a numerical score for each census tract in the State. Higher scores indicate higher pollution burden and population vulnerability. Census tracts with scores of 75% or higher are designated as "disadvantaged communities."

According to the most recent CalEnviroScreen 4.0 database update (October 2021), all tribal lands are labeled disadvantaged communities. However, the Project is located in a census tract (606941400) with a CalEnviroScreen overall percentile score of 34 of 100, meaning it is not considered a disadvantaged community.⁵ The nearest disadvantaged communities are in the cities of Indio and Coachella, 16+ miles to the east.

The proposed Project does not include any industrial and other potentially hazardous land uses and will not place any residential uses near those land uses. There are no low-income or minority populations in the vicinity of the proposed Project that would be negatively impacted by the Project. Impacts are expected to be less than significant.

⁵ CalEnviroScreen 4.0. Accessed August 2023.
https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/

3.7 Resource Use Pattern

A. Hunting, Fishing, Gathering

There are no designated hunting, fishing or gathering resources on or near the Project site. The site is located in Palm Springs' urban core, and is surrounded by urban development. The proposed Project would have no impact on hunting, fishing or gathering.

B. Timber Harvesting

As described above, the Project site is located on the Coachella Valley floor, about 1 mile east of the nearest slopes of the San Jacinto mountains. There are no timber resources on or in the vicinity of the Project site, and no timber will be removed as a result of the proposed Project. There will be no impact to timber harvesting from the Project.

C. Agriculture

According to the California Department of Conservation's "California Important Farmland Mapper," the Project site is designated "Urban and Built-Up Land." Neither the Project site nor any portion of Section 14 is designated for agricultural use. No impacts to agriculture will occur.

D. Minerals

Mineral resource zones in the City's General Plan are defined consistent with the Surface Mining and Reclamation Act of 1975 (SMARA), managed by the California Department of Conservation, Division of Mines and Geology. Section 14, including the Project site, is designated as a zone MRZ-3, which is described as:

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

The City's General Plan does not identify any locally important mineral resources in the area, nor are any mining facilities located in Section 14. The proposed Project will not mineral resources.

E. Recreation

The City owns and maintains 156 acres of developed parkland, 160 acres of City-owned golf courses open to the public, as well as miles of developed greenbelts along major thoroughfares throughout the City. The City is also home to privately owned golf courses, many of which are also open to the public. These parks and recreational areas contain an array of amenities. In addition to the Indian Canyons Golf Resort and Tahquitz Canyon Park which are located in the City, the Tribe also owns and maintains the Indian Canyons Park adjacent to the City's southern border.

The Project will result in the development of 61 single family residences and will not induce substantial population growth that will result in significant impacts to existing neighborhood and regional parks or other recreational facilities. Less than significant impacts are expected.

F. Transportation

The Project site is located at the southwest corner of Amado Road and Hermosa Drive. It is surrounded on two sides by existing paved streets. The site is bounded by vacant lands to the west, and residential uses to the south, north and east. The main access to the Project site is provided from Hermosa Drive on the easterly boundary of the property. A secondary emergency access point is also on Hermosa Drive and north of the main access.

Adjacent to the Project site, Hermosa Drive and Amado Road are designated as a Collector Roadway and Secondary Thoroughfare, respectively in the Palm Springs General Plan as indicated within the General Plan Update Traffic Analysis.

A secondary thoroughfare serves through and local traffic and may allow on-street parking. Secondary thoroughfares can be up to 4 lanes either divided or undivided, within an 80 foot right of way. 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.

A Collector Roadway consists of two travel lanes that carry traffic from secondary and major thoroughfares into local neighborhoods. On-street parking is permitted. Typical right-of-way for a collector is 60 feet.

Currently, the northern half of Amado Road is fully paved with curb, gutter, and sidewalk. The southern half of Amado Road along the Project boundary is only built to half width and does not include curb, gutter, or sidewalk improvements. Similarly, the eastern half of Hermosa Drive is fully paved with curb, gutter, and sidewalk; however the western half along the Project boundary is only built to half width and does not include curb, gutter, or sidewalk improvements. Buildout of the proposed Project will be required to make full improvements to both Amado Road and Hermosa Drive.

Alternative Transportation

The City's Section 14 Specific Plan proposes a range of bicycle facilities improvements to further the Plan's goal of "complete streets".

Currently there are no bicycle facilities adjacent to the Project site. The City of Palm Springs has identified Amado Road as a possible Class III bike routes. The Section 14 Specific Plan proposes Class II bike lanes on Amado Road and Class III bike routes on Hermosa Drive. Class II bike lanes use signage and striping to delineate the right-of-way assigned to bicyclists and motorists. Class III bike routes are bikeways where bicyclists and cars operate within the same travel lane, either side by side or in single file depending on roadway configuration.

The Project site is approximately 700 feet north of a Sunline Transit Agency Route 4 bus stop and 0.27 miles west of a Route 2 bus stop, which provides service on Tahquitz Canyon Way and Sunrise, respectively. An existing bus stop occurs on westbound Tahquitz Canyon at Hermosa, immediately across Tahquitz Canyon from the Project. Line 14 connects Palm Springs to Desert Hot Springs, and connects to two other SunLine bus routes, Line 24 and 30, which provide service within Palm Springs and to Cathedral City, respectively. SunLine utilizes clean/alternative fuel vehicles.

The Project proposes a 61-unit single family townhome residential use, which is considered less intense than the Section 14 Specific Plan anticipated for the Project site (Resort-Attraction designation). As stated previously, the Project site could be developed with 97 rooms as a hotel use. Trip generation for 97 hotel rooms, regardless of hotel type, would greatly exceed 61 single family residences according to ITE’s Trip Generation Rates (11th Edition). Therefore, transportation impacts would be less than those studied in the Section 14 Specific Plan EIR/EIS and subsequent Environmental Assessment. A more detailed discussion of traffic impacts associated with the proposed Project is provided below.

The Project will have no effect on the Palm Springs International Airport or air traffic in general, or on waterborne traffic or rail service, as it is a residential development of three-story units.

Existing Daily Level of Service (LOS)

The City and Tribe traditionally have measured traffic flow using Level of Service (LOS). The LOS standards establish a hierarchy for traffic flow which ranges from free-flow to gridlock. Table 6 describes LOS and corresponding Volume to Capacity (V/C) ratios for roadway segments.

**Table 6
Level of Service Definitions for Roadway Segments**

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

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

The City’s policy, established in its General Plan, is that roadways and intersections must operate at LOS D or better. This also allows the City to maintain consistency with the Riverside County Congestion Management Plan (CMP), in which the City participates.

General Plan Existing (2012) Traffic Volumes

Level-of-service (LOS) designations for roadway operations are calculated considering the daily volume-to-capacity ratio, where the capacity of each roadway segment is based on its classification (facility type) and number of lanes. In the immediate Project vicinity, one roadway segment is included in the Section 14 Specific Plan Traffic Analysis and currently operating at LOS “A”. Hermosa Drive is a two-lane undivided collector road and was not included in the traffic counts. The traffic analysis determined that daily volume is accommodated within existing lane geometry and all of the segments analyzed in the Section 14 study area currently operate at an acceptable level of service according to City of Palm Springs standards.

**Table 7
Existing Segment Daily Level of Service**

Roadway	Segment	Lanes ⁽¹⁾	Volume	Capacity	V/C Ratio	LOS
Amado Road	East of Avenida Caballeros	2U	3,703	13,000	0.285	A

Source: Agua Caliente Band of Cahuilla Indians Traffic Impact Analysis – Section 14 Specific Plan Update prepared on December 7, 2013.

1. U = Undivided; D = Divided

The Section 14 traffic impact analysis also considered intersections within the Specific Plan area, including the intersection of Amado and Hermosa. Under existing conditions, this intersection operates at LOS B, with a two-way stop sign for the north-south traffic flow, and free-flow for east-west traffic. The intersection of Avenida Caballeros and Amado currently operates at LOS A, and the intersection of Amado and Sunrise Way operates at LOS A. These are all acceptable LOS for City intersections.

Project and Cumulative Impacts

The Project includes 61 single family townhomes. The Institution of Transportation Engineer (ITE) trip rate for single family attached homes (land use code 215) is 7.2 average daily trips per unit (ITE Trip Generation Manual 11th Edition). Using this trip rate, the proposed Project will generate 440 daily trips at buildout, including 34 trips during AM peak hour and 38 trips during PM peak hour. Consistent with Riverside County traffic impact guidelines, a traffic impact analysis is generally required when a proposed project will add 50 or more peak hour trips to an adjacent intersection. Therefore, a traffic impact analysis is not required nor was one conducted for the Project. As described below, the Project would result in 335 fewer trips than could occur on the site based on the uses allowed by the Section 14 Specific Plan. This represents a 43% reduction in trips from the Project site. As described below, the site was analyzed in the Section 14 EIR/EIS, and impacts on surrounding intersections were found to be less than significant, with improvements. Since the Project will reduce trip generation by 43% over that analyzed in the EIR/EIS, and since the impacts in the EIR/EIS were found to be less than significant, the impacts of the Project on traffic in the area will also be less than significant.

If the Project were built out to the Allowed By Zone Alternative (97-room hotel), the ITE Hotel rate (land use code 310) would be 7.99 trips, which would result in 775 ADT. This would represent an increase of 335 daily trips over the proposed Project’s trip generation. Since the traffic impact analysis for the Section 14 Specific Plan Update found that the build out of the site under the Resort Attraction designation would not result in significant impacts, with the implementation of improvements as described below, the Project’s reduction of 335 trips, and net traffic generation of 440 daily trips will also not result in negative impacts to the traffic system in the immediate future.

The Section 14 traffic impact analysis analyzed the long term (build out) impact of the Specific Plan on traffic at intersections within the Specific Plan area, including the intersection of Amado Road and Hermosa Drive. This analysis included not only build out of the Specific Plan area itself, but also of surrounding projects in the area in order to demonstrate the cumulative impacts of all development in the area at the anticipated build out year.

At build out of the Specific Plan (2033), without improvements and assuming a Resort Attraction land use such as a hotel, the intersection of Amado Road and Hermosa Drive would operate at LOS C. Therefore, given the limited peak hour and daily trips generated by the proposed Project, current stop-controlled movements at this intersection will not significantly impact the intersection of Amado Road and Hermosa Drive.

The Project occurs within the boundaries of the City of Palm Springs, but is located on Tribal lands within the Reservation. The City participates in the Transportation Uniform Mitigation Fee (TUMF) program administered by the Coachella Valley Association of Governments (CVAG). The TUMF program applies Coachella Valley-wide, and provides for the payment of fees by new developments in order to construct, improve and maintain regional roadways. This fee distributes the responsibility for regional roadway improvements across all development. As a result, the Tribe will require through conditions of approval that the Project pay an in-lieu TUMF fee prior to the initiation of Project construction. The Tribe will forward the payment to CVAG for inclusion in regional TUMF fee payments.

G. Land Use Plan

The Project proposes the development of 61 townhomes on small lots in the City's urban core. The Project is located on Tribal Trust land and subject to the Tribe's Land Use Ordinance. The subject property is designated as Tribal Enterprise Zoning District, with permitted uses subject to Tribal Council determination. Based on the interest expressed by the Tribe in the Project's design and product type, the Project is consistent with the Tribe's goals for the future of residential development within its properties. Within the context of the City's planning documents, the Project area is located within the Resort Attraction District envisioned in the Section 14 Specific Plan. The Project site is immediately south of the Plan's Residential High District, the area identified as primarily residential.

The proposed Project is a gated single-family residential community. The gates will be fitted with Knox box access, allowing emergency services, including fire and police departments, direct access to the site. The layout of the Project includes a looped road to provide open circulation for residents.

3.8 Other Values

A. Wilderness

The proposed Project occurs on the Valley floor, in the City of Palm Springs' urban core. The site is surrounded on two sides by existing paved City streets, as well as commercial and residential projects. The Project is not adjacent to, or in the vicinity of a wilderness area.

The closest federally recognized wilderness to the Project site is the Santa Rosa and San Jacinto Mountains National Monument, which occurs 1 mile west of the Project site at its closest point, and extends north and south along the western boundary of the Coachella Valley. The Bureau of Land Management and the US Forest Service manage the 280,000 acre Monument lands. The San Jacinto mountains also include the State owned and managed Mount San Jacinto State Park, in the same vicinity as the Monument.

In addition to the National Monument, the Tribe’s Indian Canyons occur approximately 5-6 miles south of the Project site. These lands, managed by the Tribe, hold important biological, cultural and ethnographic resources that are significant in the Tribe’s history.

These federal, state and Tribal areas have been preserved as native open space in order to protect ecological, geologic and cultural resources, including species covered in both the Tribal Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan. Both plans rely on the acquisition and preservation of mountain lands for the protection of Peninsular bighorn sheep, among others.

The Project site is designated part of the Valley Floor Planning Area (VFPA) in the THCP, and is defined by urban development which does not contain habitat for any species covered in the Plan other than the burrowing owl. Mitigation under THCP guidance will be required to avoid and reduce potential impacts to burrowing owls. The development of the 4.2 acres for the proposed Project will not impact the implementation of the THCP because the site does not occur on land planned for conservation; however, Project will be required to pay the VFPA mitigation fee, which is designed to allow the Tribe to conserve and preserve lands within conservation areas in the VFPA. Please also see the Living Resources section above.

B. Noise

Sound is a pressure wave which is created by a vibrating object. It is technically described in terms of amplitude (loudness) and frequency (pitch).⁶ The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from traffic on a major highway. Table 8 illustrates representative noise levels in the environment.

**Table 8
Representative Environmental Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	-110-	Rock Band
Jet Fly-over at 100 feet	105	
	-100-	
Gas Lawnmower at 3 feet	95	

⁶ Noise and its Measurements by EPA (1961).

**Table 8
Representative Environmental Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	-90-	
	85	Food Blender at 3 feet
Diesel Truck going 50 mph at 50 feet	-80-	Garbage Disposal at 3 feet
Noisy Urban Area during Daytime	75	
Gas Lawnmower at 100 feet	-70-	Vacuum Cleaner at 10 feet
Commercial Area	65	Normal Speech at 3 feet
Heavy Traffic at 300 feet	-60-	
	55	Large Business Office
Quiet Urban Area during Daytime	-50-	Dishwasher in Next Room
	45	
Quiet Urban Area during Nighttime	-40-	Theater, Large Conference Room (background)
Quiet Suburban Area during Nighttime	35	
	-30-	Library
Quiet Rural Area during Nighttime	25	Bedroom at Night, Concert Hall (background)
	-20-	
	15	
	-10-	
	5	
Lowest Threshold of Human Hearing	-0-	Lowest Threshold of Human Hearing
Source: California Department of Transportation, Technical Noise Supplement, October 1998. http://www.dot.ca.gov/hq/env/noise/pub/Technical%20Noise%20Supplement.pdf , accessed February 2019.		

Environmental noise levels are generally considered low when the CNEL is below 45 dBA, moderate in the 45–60 dBA range, and high above 60 dBA. Noise levels greater than 85 dBA can cause temporary or permanent hearing loss.

Generally, a difference of 3 dBA over 24 hours is a barely-perceptible increase to most people. A 5 dBA increase is readily noticeable, while a difference of 10 dBA would be perceived as a doubling of loudness. Noise levels from a particular source generally decline as distance to the receptor increases. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA. Noise from stationary or point sources is reduced by about 6 dBA for every doubling of distance. Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA.⁷

The Project will generate noise during both its construction and operation. Each is discussed separately below.

⁷ Highway Traffic Noise Analysis and Abatement Policy and Guidance, U.S. Department of Transportation, https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm

Noise will be generated at the Project site during construction. Noise sources during the grading and excavation phase will primarily consist of heavy equipment, including graders, bulldozers and similar vehicles, as well as the vehicle noise associated with workers' trips to and from the site. Noise associated with construction of the homes will be less loud, and consist of tools, generators and painting equipment. The Project site is surrounded on two sides by existing City roadways. Residential uses are located north, east and south (under construction) of the Project site. West of the Project site is currently vacant with a commercial parking located west of the vacant lot. The distance between the Project and the surrounding residential uses to the north is 80 feet, to the east is 55 feet, and to the south is 215 feet (site under construction). The Tribe will require that the Project construction hours be limited to those required by the City, which will generally limit construction to between 7 a.m. and 7 p.m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No construction will be permitted on Sundays and Holidays. Because of the limitation of construction hours during the less sensitive daytime hours, impacts associated with construction noise emanating from the proposed Project are expected to be less than significant.

The City has established exterior noise standards for residential land uses at 65 dBA CNEL. The Palm Springs General Plan EIR determined that noise levels in 2025 on Amado Road, between Caballeros to Sunrise Way, would be 65 dBA CNEL at 80 feet from the centerline, and by 70 dBA at 37 feet from the centerline, without any mitigation.⁸ Amado Road is designated as a Secondary Thoroughfare with an 80 foot right of way, so the 70 dBA noise contour can be expected to occur within the street right of way, not on the Project site, without mitigation. Further, the Project proposes a masonry wall around all sides of the Project, which will provide added noise attenuation of at least 6 dB for the back yards of the individual units. Therefore, it can be expected that noise levels onsite would be considered acceptable by City standards, and consistent with the noise standards imposed on both fee and trust lands for projects in Palm Springs. Therefore, long-term noise impacts on the Project site would be less than significant.

The Project will consist of 61 townhomes, which do not generate unusually high noise levels. The residents can be expected to increase noise at the site, which is currently vacant, but the noise associated with vehicle ignition, back yard and recreational play and similar domestic activities will not impact surrounding properties, particularly given the site's position adjacent to two roadways. It is expected that noise levels generated by the Project will be less than significant.

C. Visual and Light

The Project site is located in the City's core, and enjoys views of the San Jacinto mountains to the west, and the San Gorgonio and San Bernardino mountains to the northwest and north. The development of the site will provide residents with continued views of these mountain ranges, and will not block views of the mountains from surrounding properties, in particular because of the partial single and three-story construction proposed. Although views of the foothills of mountains to the west may be partially obstructed for development to the east, the varied mass of townhomes, and the distance to the mountains will allow views of the mid-range and peaks of the San Jacinto mountains for these areas. The proposed Project is expected to result in less than significant impacts to visual resources.

⁸ City of Palm Springs General Plan Update Draft EIR, Table 5.11-10 General Plan Buildout (year 2025) Traffic Noise Levels. May 2007.

The proposed Project will provide 61 townhomes in a Modern architectural style consistent with the architecture of the City's downtown, and consistent with the mix of architectural styles that occur in the vicinity. The construction of the Project will improve the character of this infill area, and add to the eventual build out of Section 14. The maximum proposed height of the townhomes is 34 feet, which is within the permitted height of 35 feet for the Resort Attraction designation. The proposed building heights are consistent with the two to three-story developments in the surrounding area, including the Palm Springs Convention Center and Sol residential development to the west, and will not further block any views of the San Jacinto and Santa Rosa mountains.

The Project will generate light from car headlights, landscape lighting, architectural lighting and safety lights. This level of lighting is expected to be consistent with typical residential lighting through the City and Reservation. Generally, lighting fixtures are shielded so as not to result in spill-over to adjacent properties and City streets. The lighting associated with the Project will be consistent with surrounding development, and impacts will be less than significant.

D. Public Health and Safety

The Project site, and the City as a whole, are served by the Palm Springs Fire Department and the Palm Springs Police Department. The Departments respond to calls on Reservation lands, including Tribal and allottee projects.

The Fire Department operates five fire stations throughout the City, including the headquarters station on El Cielo, which also serves the Palm Springs International Airport. The department has four engine companies, one truck Company, and a Battalion Chief on duty at all times. The Fire Department provides fire and rescue operations, basic and advanced paramedic emergency medical service and educational services. Fire services will be provided to the proposed Project by Fire Station 1, located at 277 N Indian Canyon Drive, 0.75 miles to the west of the Project site. The Project plans will comply with the Agua Caliente Band of Cahuilla Indians Tribal Building and Safety Code. Project plans will be subject to review and conditions by the Tribal Fire Marshall to ensure that the development is compliant with the current Tribal Fire Code and other applicable regulations.

Palm Springs Police Department is currently authorized 93 sworn police officer positions, which include the Chief, two captains, four lieutenants and 14 sergeants. These personnel are assigned to Administration, Patrol, Investigations, Traffic, Airport, Bicycle Patrol, and other specialized details. The Police Department also provides educational and outreach programs to the community.

As described in the Section 14 EIR/EIS, impacts associated with police and fire services are expected to be less than significant. That document considered a more intense hotel land use on the Project site, and the implementation of the proposed Project would substantially reduce the demand on emergency services, due to both the reduction in intensity from hotel to residential use, and the smaller scale and mass of structures.

The proposed Project will result in 61 single family homes on 4.2 acres in the City's urban core. The Project plans will be reviewed by both the Fire and Police departments for compliance with their standards, which are consistent with building code standards enforced by both the Tribe and the City.

The main entry provides emergency access at the entry gate, via a Knox box. In addition, a secondary emergency access point will be provided from the property's northeastern boundary to Hermosa Drive. The access point will be gated, equipped with access hardware to Fire Department standards, and will provide an alternative access point for emergency vehicles. Less than significant impacts to fire protection services are expected to result from the Project.

E. Climate Change (Greenhouse Gasses)

Air pollution is a chemical, physical, or biological process that modifies the chemistry and other characteristics of the atmosphere. The primary contributor to air pollution is the burning of fossil fuels used in transportation, power and heat generation, and industrial processes. The byproducts from the combustion of fossil fuels can contain air polluting substances. These emissions are responsible for the poor air quality that is evident in industrial centers worldwide.

Some air polluting agents are also greenhouse gases (GHG), including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases (hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride), which are released into the atmosphere through natural processes and human activities. GHGs are expressed in metric tons (MT) of CO₂e (carbon dioxide equivalent). These gases are termed greenhouse gases due to their shared characteristic of trapping heat, and they are believed to be responsible for the global average increase in surface temperatures of 0.7-1.5 °F that were observed during the 20th century.⁹ The quantity of greenhouse gases in the atmosphere has increased significantly over a relatively short period. More recently, the concentration of CO₂ in the atmosphere had increased by 42%, methane by 15%, and NO_x by 9% from 1990 to 2010.¹⁰

Carbon dioxide is the primary greenhouse gas that has raised the most concern of atmospheric scientists due to current atmospheric levels, current and projected emission levels, and the highly correlated temperature regression curve that has been observed, predicting a future path of rising carbon dioxide levels. Currently (2017), carbon dioxide concentrations in the atmosphere exceed 400 ppm. Comparatively, prior to the Industrial Revolution, about 250 years ago, CO₂ levels were 278 ppm, and over the past 650,000 years carbon dioxide levels have fluctuated between 180 and 300 ppm, making present day atmospheric CO₂ levels substantially greater than at any point in the past 650,000 years.¹¹

State laws such as Assembly Bill 32 (AB 32) and Senate Bill 32 (SB 32) require all cities to reduce greenhouse gas emissions to 1990 levels by the year 2020. SB 32 is the extension of AB 32 which requires the state to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

⁹ U.S. Environmental Protection Agency, State of Knowledge, 2017.

¹⁰ U.S. Environmental Protection Agency, Figure 1: Global Greenhouse Gas Emissions by Gas, 1990-2010, May 2014.

¹¹ "Working Group III Contribution to the Intergovernmental Panel on Climate Change Fourth Assessment Report, Climate Change 2007: Mitigation of Climate Change," prepared by the Intergovernmental Panel on Climate Change, May 2007.

GHG Thresholds

On December 5, 2008, the SCAQMD formally adopted a greenhouse gas significance threshold of 10,000 MTCO₂e/yr that only applies to industrial uses' stationary sources where SCAQMD is the lead agency (SCAQMD Resolution No. 08-35). This threshold was adopted based upon an October 2008 staff report and draft interim guidance document that also recommended a threshold for all projects using a tiered approach. It was recommended by SCAQMD staff that a project's greenhouse gas emissions would be considered significant if it could not comply with at least one of the following "tiered" tests:

- Tier 1: Is there an applicable exemption?
- Tier 2: Is the project compliant with a greenhouse gas reduction plan that is, at a minimum, consistent with the goals of AB 32?
- Tier 3: Is the project below an absolute threshold (10,000 MTCO₂e/year for industrial projects; 3,000 MTCO₂e/year for residential and commercial projects)?
- Tier 4: Is the project below a (yet to be set) performance threshold?
- Tier 5: Would the project achieve a screening level with off-site mitigation?

Impact Significance Considerations

The proposed Project will generate GHG emissions during both construction and operation. As described in the Air Quality section above, the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.18 was used to quantify air quality emission projections, including greenhouse gas emissions (Appendix A).

Construction activities will result in short-term GHG emissions associated with operation of construction equipment, employee commute, material hauling, and other ground disturbing activities. As shown in Table 9, the Project will generate 937 CO₂e metric tons during the 28-month construction period. There is currently no construction related GHG emission thresholds for projects of this nature. To determine if construction emissions will result in a cumulative considerable impact, buildout GHG emissions were amortized over a 30-year period and added to annual operational emissions to be compared to applicable GHG thresholds (see Table 9, below). At buildout, there are five emission source categories that will be contributing either directly or indirectly to operational GHG emissions, including energy/electricity usage, water usage, solid waste disposal, area emissions (pavement and architectural coating off-gassing), and mobile sources. The proposed Project is a residential development and comparable to the Tier 3 SCAQMD's residential thresholds of 3,000 MTCO₂e/yr. Table 9 provides a summary of the projected short-term construction and annual operational GHG generation associated with buildout of the proposed Project. The Project complies with the Tier 3 threshold because emissions will not exceed the 3,000 MT/yr threshold. Therefore, Project impacts will be less than significant.

Table 9
Projected GHG Emissions Summary (Metric Tons)

Phase	CO ₂ e (MT/YR)
Construction (2024-2026)	
Construction Total	937
Operation	
Construction: 30 year amortized ¹	31.23
Annual Operation	720
Total Operation	751.23
SCAQMD Threshold (Residential)	3,000.00
1. Buildout construction GHG emissions were amortized over 30-years then added to buildout operational GHG emissions. $937/30 = 31.23$	

F. Indian Trust Assets

The Project site is an Indian Trust Asset, insofar as it is a parcel of land beneficially owned by the Tribe that has monetary value. A Tribal Member/Allottee also holds beneficial interest in the parcel immediately to the west of the Project site, which is currently vacant and for which there are no known development plans. Land to the south is held in fee and privately owned, while the parcels to the north and east, across Amado Road and Hermosa Drive are Allotted parcels. The Project site is within Section 14, an area of the City that is Reservation land containing Tribal, Allotted and Fee parcels. The Agua Caliente Indian Reservation map of Land Use Ordinance Zoning Districts designates the Project site as *Tribal Enterprise*, which allows uses subject to Tribal Council determination.

The Tribe in this case will lease the property for the long-term development of 61 townhomes to be sold to private individuals. The land will remain Tribal Trust land, and will generate income to the Tribe in the form of annual leases for the individual lots and common areas. The Bureau of Indian Affairs has responsibility to review and approve the leases for the property, in order to protect and maintain the rights of the Tribe granted through treaties, statutes and executive orders. The build out of the Project will expand the Tribe’s portfolio of assets, and its economic base, by adding ground lease revenues on an annual basis. These revenues are expected to provide a positive impact to this Indian Trust Asset for the Tribe.

G. Hazardous Materials

The Section 14 Specific Plan Update IS/EA found that based upon review of the State Cortese List, a compilation of various sites throughout the State that have been compromised due to soil or groundwater contamination from past uses, Section 14 does not include any sites listed as hazardous waste and substance sites by the Department of Toxic Substances Control (DTSC), or any site listed as having an active or open leaking underground storage tank (LUFT) site by the State Water Resources Control Board (SWRCB). Section 14 does, however, have two sites listed as having a previous LUFT by the SWRCB, neither of which were on or near the Project site. Both of these sites have been cleaned and their cases have been closed by the SWRCB; therefore, the impact of any future development on these sites creating a significant hazard to the public or the environment is less than significant.

Database searches were conducted of the Environmental Protection Agency's (EPA) *Envirofacts* information platform and the State of California *Geotracker* and *Envirostor* platforms to identify sites at or near the Project site that have previously experienced State or federal regulation. Neither the Project or surrounding sites were identified in these database searches, and no impact relating to hazardous materials is expected to occur on the Project site.

4.0 MITIGATION

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

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

Unless provided otherwise by Federal regulations (e.g. Clean Water Act) the enforceability of the following mitigation measures will be achieved through Project approval by the Agua Caliente Band of Cahuilla Indians. This section also includes standard conditions which the Tribe imposes on projects, and which it will impose on this Project.

4.1 Land Resources Mitigation

Standard Conditions for Geotechnical:

- The Project proponent shall implement the recommendations included in the “Geotechnical Investigation, Proposed Residential Development, SWC East Amado Road & North Hermosa Drive” prepared by Sladden Engineering in July 2023 and incorporate its findings in grading plans, foundation design and structural load calculations as required to assure safe project construction.

4.2 Air Quality Mitigation

Standard Conditions for Air Quality:

- A Fugitive Dust (PM₁₀) Control Plan will be reviewed and approved prior to issuance of a grading permit.
- The Tribe shall place a condition of approval on the Project requiring the developer to include on all grading plans a note that requires the construction contractor to implement the following measures during grading operations:
 - Contractors shall use Tier 1 or higher construction equipment.
 - Construction contractors shall maintain construction equipment engines by keeping them tuned according to manufacturers’ standards.
 - Contractors shall schedule construction operations to minimize traffic congestion.

- Contractors shall develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, on-street signage and traffic control devices or personnel).

4.3 Living Resources Mitigation

Standard Condition for Living Resources:

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

Mitigation for Living Resources:

- Prior to any ground or habitat disturbance on the Project site, a pre-disturbance survey will be conducted by a Qualified Biologist for the presence of burrowing owls consistent with the guidance provided in THCP:
 1. Surveys and relocation, if applicable, shall be conducted between September 1 and January 31 if possible. Relocation, if necessary, should, at a minimum, comply with the standards of the California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (March 7, 2012).

4.4 Cultural Resources Mitigation

No known historic resources are present in the APE (Area of Potential Effect), and thus no known historic properties will be affected by the undertaking as currently proposed. The implementation of the following Standard Conditions will assure that no impacts to Tribal cultural resources occur.

Standard Conditions for Cultural Resources:

- **ACBCI THPO Monitor Required.** Approved Agua Caliente Native American Cultural Resource Monitor(s) shall be present during all ground disturbing activities. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a qualified Archaeologist (secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the Agua Caliente Tribal Historic Preservation Office.
- **ARPA Compliance.** To the extent a portion of Project development is located on "**public lands**" or "**Indian lands**," as those terms are defined in 16 U.S.C. § 470bb, Client shall not excavate, remove, damage, or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on said lands unless such activity is pursuant to a permit issued under 43 C.F.R. § 7.8 or exempted by 43 C.F.R. § 7.5(b). As used in this Section, the term "**archaeological resource**" has the meaning ascribed to it in 16 U.S.C. § 470bb.

- **NAGPRA Compliance.** To the extent a portion of Project development is located on “federal lands” or “tribal lands” as those terms are defined in 25 U.S.C. § 3001, Project contractor shall comply with the requirements of the Native American Graves Protection and Repatriation Act (25 U.S.C. §§ 3001 *et seq.*), as implemented by 43 C.F.R. §§ 10.4 to 10.6, which include, but are not limited to: (i) compliance with the requirements for the intentional removal from or excavation of Native American cultural items from federal or tribal lands for the purposes of discovery, study, or removal of such items; and, in the case of inadvertent discovery, (ii) notification in writing of the applicable Secretary of the federal department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to federal lands and the appropriate Indian tribe with respect to tribal lands, if known or ascertainable, if the Project contractor knows or has reason to know that it has discovered Native American cultural items on federal or tribal lands; and (iii) cessation of activities in connection with the discovery in the area of discovery. As used in this Section, the term “cultural items” has the meaning ascribed to it in 25 U.S.C. § 3001.

Although no known resources have been identified, excavation is likely to occur to a greater depth and area. Should human remains be discovered during construction of the proposed Project, the Project contractor would be subject to the Tribe’s “Treatment of Human Rights Policy” (ACBCI Tribal Historic Preservation Organization and Policies, 2004) which is consistent with NAGPRA regarding the discovery and disturbance of human remains. In that circumstance the Cultural Monitor has the authority to halt destructive activities in the immediate area and the THPO will work with Tribal Council on treatment and disposition of the remains.

4.5 Resource Use Mitigation

Standard Condition for Traffic:

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

4.6 Other Values Mitigation

Standard Condition for Noise:

- Unless otherwise approved by the Tribe, construction activities shall only be allowed between 7 a.m. and 7 p. m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No construction shall be allowed on Sunday and during City recognized holidays.

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Appendix A

Air Quality and Greenhouse Gas Emission Outputs

for

Latitude 61

CalEEMod Version 2022.1.1.18

Appendix B
US Fish and Wildlife Service Species List
for
Latitude 61 Townhomes

Appendix C
Geotechnical Report

Appendix D
Hydrology and Drainage Report