

**APPENDIX A**

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**Notice of Preparation (NOP), Initial Study (IS), Comment Letters on the NOP and IS, and Distribution List**

**APPENDIX A.1**

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**Notice of Preparation**



## Notice of Preparation Draft Environmental Impact Report

### Section 31 Specific Plan Project

**August 27, 2018**

From: Bud Kopp, AICP  
Planning Manager  
City of Rancho Mirage  
69825 Highway 111  
Rancho Mirage, CA 92270

The City of Rancho Mirage (City) will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Section 31 Specific Plan Project (Project) proposed by EC Rancho Mirage Holdings Limited Partnership. The Project description and location, as well as the potential environmental effects proposed for study in the Draft EIR, are contained in the attached Initial Study. The Specific Plan is proposed to implement the City's General Plan for the approximate 618-acre site by allowing development of a mix of resort, hotel, residential, and commercial uses around a recreational lagoon. The proposed specific plan would allow development of up to 650 hotel/resort units, 2,625 residential units, and 250,000 square feet of nonresidential development, including hotel/resort support facilities and retail commercial uses.

The City needs to know the views of your agency as to the scope and content of the environmental information relevant to your agency's responsibilities in connection with the proposed Project. Your agency may need to use the EIR prepared by the City when considering any permits or other approvals for this Project. Comments are also invited from all other interested parties.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

A scoping meeting will be held on **September 11, 2018** from **2 p.m. to 4 p.m.** at **City Hall** in Rancho Mirage to provide an opportunity to learn more about this proposed Project and provide comments on the possible environmental effects the City should study in the EIR.

Please send your response to Bud Kopp, the City's Planning Manager, at the address shown above. Please include the name, address, and other contact information for an agency representative who should receive future notices and correspondence related to this Project.

Thank you for participating in the City's environmental review of this proposed Project.

Signature:   
Bud Kopp, AICP

Title: Planning Manager

Telephone: (760) 328-2266

**APPENDIX A.2**

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**Initial Study**

**Initial Study**  
**for the**  
**Section 31 Specific Plan**

**Prepared for:**

City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, California 92270

**Prepared by:**

Meridian Consultants LLC  
920 Hampshire Road, Suite A5  
Westlake Village, California 91361

**August 2018**

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## ENVIRONMENTAL CHECKLIST FORM

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1. **Project title:** Section 31 Specific Plan
2. **Lead agency name and address:** City of Rancho Mirage, 69-825 Highway 111, 92270
3. **Contact person and telephone number:** Bud Kopp, AICP, Planning Manager, (760) 328-2266
4. **Project location:** South of Gerald Ford Drive, east of Bob Hope Drive, north of Frank Sinatra Drive, and west of Monterey Avenue.
5. **Project Sponsor Name and Address:** EC Rancho Mirage Holdings Limited Partnership (ECRMH), 1177 W Hastings St, Vancouver, BC V6E 2K3, Canada
6. **Land Use/Zoning Designation:** R-L-2 (Very Low Density Residential), Rs-H (Resort Hotel)
7. **Description of Project:**

The applicant is proposing the Section 31 Specific Plan (“Specific Plan Area” or “Project”) to implement the City of Rancho Mirage (“City”) General Plan by regulating development of a mix of resort, residential, and supporting commercial uses on the approximately 618-acre site.

### ***Project Location***

The 618-acre Project Site is located on the eastern edge of the City of Rancho Mirage, as shown in **Figure 1: Regional Location Map**. The Specific Plan Area is bound by the following streets: Gerald Ford Drive on the north, Bob Hope Drive on the west, Frank Sinatra Drive on the south, and Monterey Avenue on the east, as shown in **Figure 2: Project Location Map**.

The proposed Specific Plan would allow development of a master-planned community containing resort hotel, residential, and commercial uses around a recreational, clear water lagoon. The Specific Plan Area is divided into five planning areas and three sub-areas, as described below, to facilitate the regulation of development.

### ***Project Objectives***

The objectives of the Specific Plan document include ensuring quality development consistent with the goals, objectives, and policies of the City of Rancho Mirage General Plan; designing a high-quality, master-planned mixed-use community; planning a community that is compatible with surrounding development; and generating transient occupancy, property and sales tax revenue for the City that is beneficial to all residents in the City.

## **Project Actions**

The applicant is requesting approval of the following discretionary actions by the City:

- **General Plan/Zoning Map Amendment:** An amendment to the City’s General Plan and Zoning Map to allow the intensity of residential, resort, and commercial uses is proposed.
- **Adoption of Section 31 Specific Plan:** The Specific Plan will guide development within the Specific Plan Area, regulate land uses, define circulation and utility systems to support the allowed uses, and identify development standards and design guidelines.
- **Development Agreement:** Approval of a development agreement between the City and ECRMH addressing implementation of the Project is requested.
- **Master Tentative Tract Map:** The Project calls for the subdivision of the property into large parcels for sale, as well as definition of the primary circulation and utility improvements.

Subsequent actions associated with implementation of the proposed Project are anticipated to include Tentative Tract Maps, Final Tract Maps, and Development Plan Permits and Conditional Use Permits as required by the Specific Plan.

## **Land Uses**

As shown in **Figure 3: Conceptual Land Use Plan**, the Section 31 Specific Plan would create five Planning Areas, three sub-areas, and a circulation system planned to support the proposed uses.

A description of each proposed planning area is provided below:

### **Planning Area 1 (PA 1)**

PA 1 contains approximately 310 acres and is divided into 3 sub-areas. This area will include a recreational, clear-water lagoon in PA 1A; a mixed-use village center and high-end resort hotels in PA 1C; and residential neighborhoods of varying densities and housing types in PA 1B. PA 1 may be developed with up to 250,000 square feet of combined restaurant, recreation, and ancillary building area; up to 650 hotel and hotel-branded residential units; up to 300 mixed-use residential dwelling units; and approximately 912 residential units. PA 1 is further divided into the following sub-areas:

### **Planning Sub-area 1A (PA 1A)**

PA 1A consists of 34 acres containing the recreational lagoon in the center of the site. This lagoon is proposed as the centerpiece of the Specific Plan Area and will include technology solutions that limit both water use and evaporation.

**Planning Sub-area 1B (PA 1B)**

PA 1B consists of 207 acres containing the residential neighborhoods to the south of the western portion of the lagoon, as well as a private beach club on the lagoon shore that will be available to residents of Section 31. PA 1B could be developed with up to 912 residential units.

**Planning Sub-area 1C (PA 1C)**

PA 1C consists of approximately 69 acres on the east side of the site planned for development of a mixed-use village center, resort hotel development, and related supporting uses.

**Planning Area 3 (PA 3)**

PA 3 is located in the westernmost portion of the site along Bob Hope Drive and comprises approximately 97 acres. Development in PA 3 would be limited to a maximum of 98 homes on primarily large-lot estates ranging from ½ to 1 acre in size.

**Planning Area 4 (PA 4)**

PA 4 includes approximately 97 acres located in the northern portion of Section 31 along Gerald Ford Drive. PA 4 could be developed with up to 512 residential units from the northern shore of the lagoon, west of PA 1C, to the project's northern perimeter.

**Planning Area 5 (PA 5)**

PA 5, the smallest Planning Area, consists of approximately 29 acres located at the northeast corner of Section 31. PA 5 includes the proposed development of a residential neighborhood containing up to 256 residential units with higher-density housing types located closer to the lagoon and decreased densities toward the outer boundaries of this neighborhood.

As shown in **Table 1: Land Use Summary by Planning Area**, the proposed Specific Plan would establish the following 3 land use categories:

**Lagoon (LAG)**

This category would regulate the development, operation, and maintenance of the 34-acre recreational lagoon in Planning Sub-area 1A.

**Mixed-Use Core (M-U CORE)**

This category would regulate uses in the approximately 69 acres in the eastern portion of the Project Site. It comprises two components, Resort Hotel and Village Center, which combined would create a shopping, working, and living area. This designation would allow a maximum Floor Area Ratio (FAR) of 0.8–1.5 and an average residential dwelling unit (du) density of up to 12 du/acre.

**Residential (RES)**

This category would regulate land uses within approximately 513 acres, allowing an average density of 4.5 du/acre, and permitting residential development with densities ranging from 1 to 18 du/acre.

Table 1 Land Use Summary by Planning Area															
Planning Area	Land Use Category	Typical Permitted Uses									Gross Land Area (Acres)	Non Residential Building (SF)	Max. Dwelling Units (DU) (3)	Max. Hotel/Resort Units (DU) (3)	
		Neighborhood Commercial	Restaurants	Office /Service	Resort Hotel	Mixed-Use	Commercial Recreation	Multiuse Lagoon	Residential - Estate (1.5 du/acre avg.)	Residential – Conventional					Residential – Cluster (12 du/acre avg.)
PA 1A	LAG											34.0			
PA 1B	RES											206.8		912	
PA 1C	MU CORE											69.4	250,000 <sup>1,2</sup>	300	650
PA 2	RES											83.6		548	
PA 3	RES											97.4		98	
PA 4	RES											97.1		512	
PA 5	RES											28.5		256	
Public ROW	R/W											1.2			
TOTAL											618	250,000	2,625	650	
<p><b>Key:</b>                      LAG = Lagoon                      MU CORE = Mixed Use Core                      RES = Residential</p> <p><b>Notes:</b>                      1. Nonresidential square footage does not include the resort hotel buildings, which are captured in the number of Hotel/Resort Units.                      2. Assumes 0.8- 1.5 FAR for retail and resort uses in the mixed-use core.                      3. May include resort-branded residential near the hotels and lagoon.</p>															

### **Circulation System**

The proposed Specific Plan Area incorporates a multimodal approach to internal site movement, with the objective of decreasing dependence on automobiles. The primary features of this system are a single public access point and multiuse transportation corridors for residents. The internal system of private roads will allow residents to access both the lagoon and Mixed-Use Core area without leaving the site. Public access to the Mixed-Use Core will be limited to the northern of the two Monterey Road entrances, with all other entrances being gated access points for residents only as shown in **Figure 4: Conceptual Vehicle Circulation Plan.**

### **Utility Infrastructure**

A network of 12- and 18-inch water mains is proposed within the private interior street system to convey domestic water for Project uses. This system would connect to the existing public water system in the streets bordering the Specific Plan Area at four locations.

Sanitary sewer service would be provided by the Coachella Valley Water District. Gravity sewers area planned with flows generally from the north to south. A system of 8-, 10-, and 12-inch sewer mains within the private interior streets is planned.

Water for the recreational lagoon would be provided by groundwater wells constructed within the Project Site, with the amount of water used offset by the payment of groundwater replenishment fees to the Coachella Valley Water District (CVWD).

## **8. Surrounding Land Uses and Setting:**

**North:** Single-family homes in the City of Rancho Mirage, approximately 3.7 acres of vacant residential land, and 5.6 acres of vacant office land.

**East:** Shadow Ridge Condo timeshares and Golf Resort and vacant land in the City of Rancho Mirage.

**South:** Rancho Mirage Country Club and Homes, estate homes, and medical offices in the City of Rancho Mirage.

**West:** Shopping center, vacant residential land, and Sunnylands Estate in the City of Rancho Mirage.

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

CVWD will prepare and approve a Water Supply Assessment and a Sewer and Water Agreement.

**10. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code Section (PRC) 21080.3.1 (b,c)?**

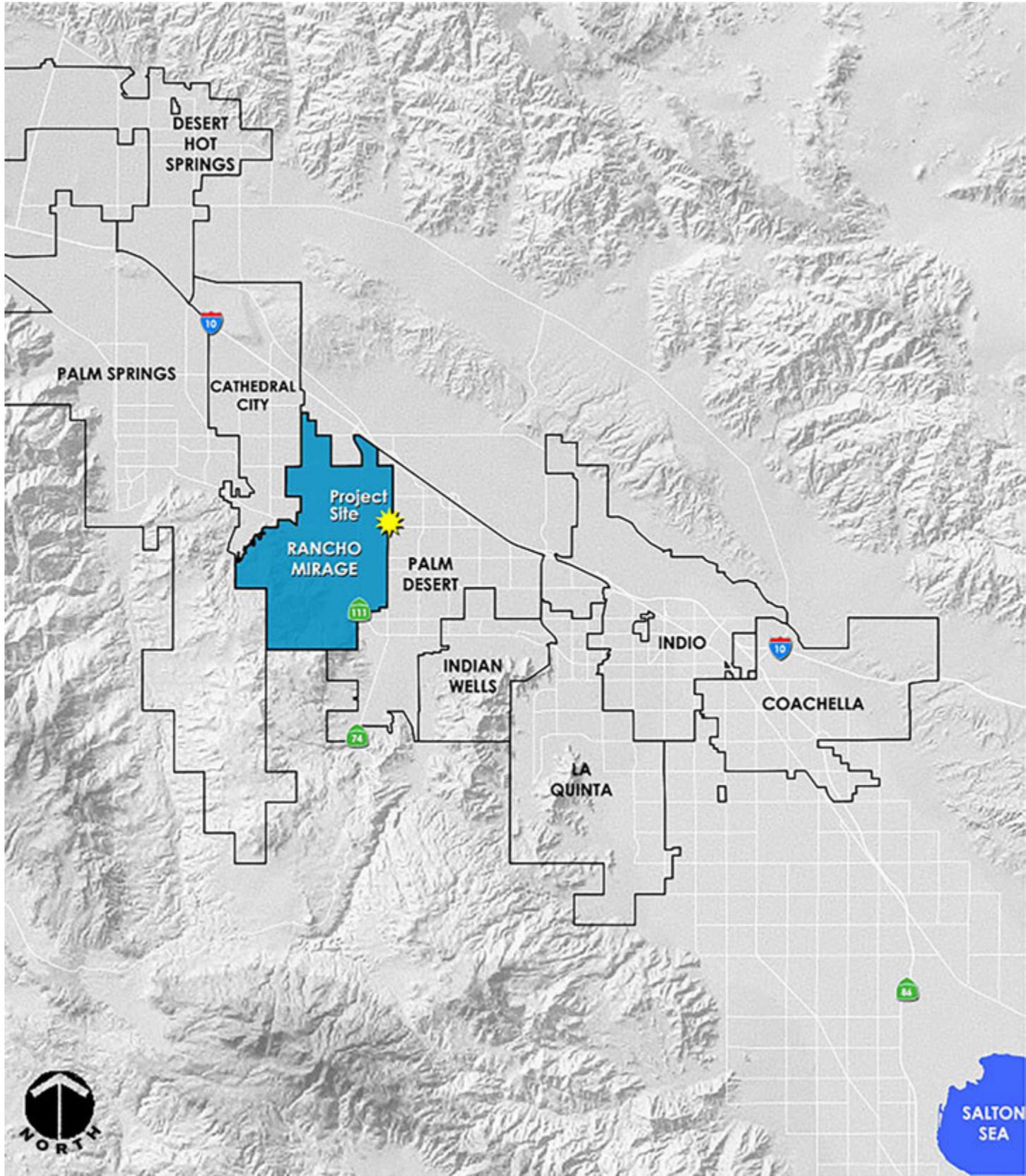
No. The City has provided formal notification of this proposed Project to Native American tribes that have requested project notifications from the City pursuant to PRC 21080.3.1 (b).

In addition, the City has provided notification to tribes identified by the Native American Heritage Commission (NAHC) of the opportunity to consult pursuant to California Government Code Section 65352.

**If so, has consultation begun?**

No.

***Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and Project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 20803.3.2) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office Historical Preservation. Please also note that PRC Section 20892.3(c) contains provisions specific to confidentiality.***



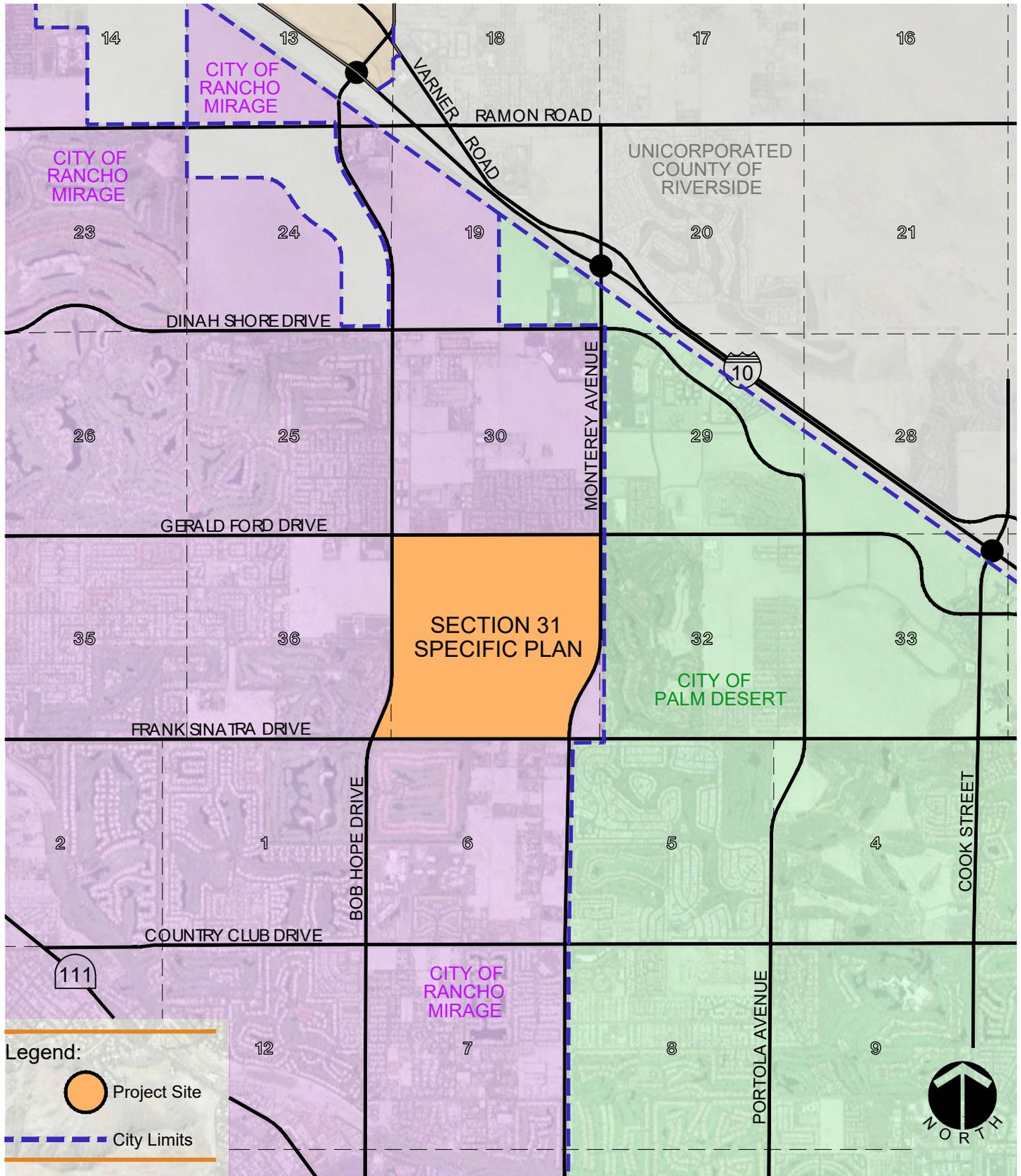
NOT TO SCALE

SOURCE: MSA Consulting Inc. - 2018

FIGURE 1



# Regional Location Map



NOT TO SCALE

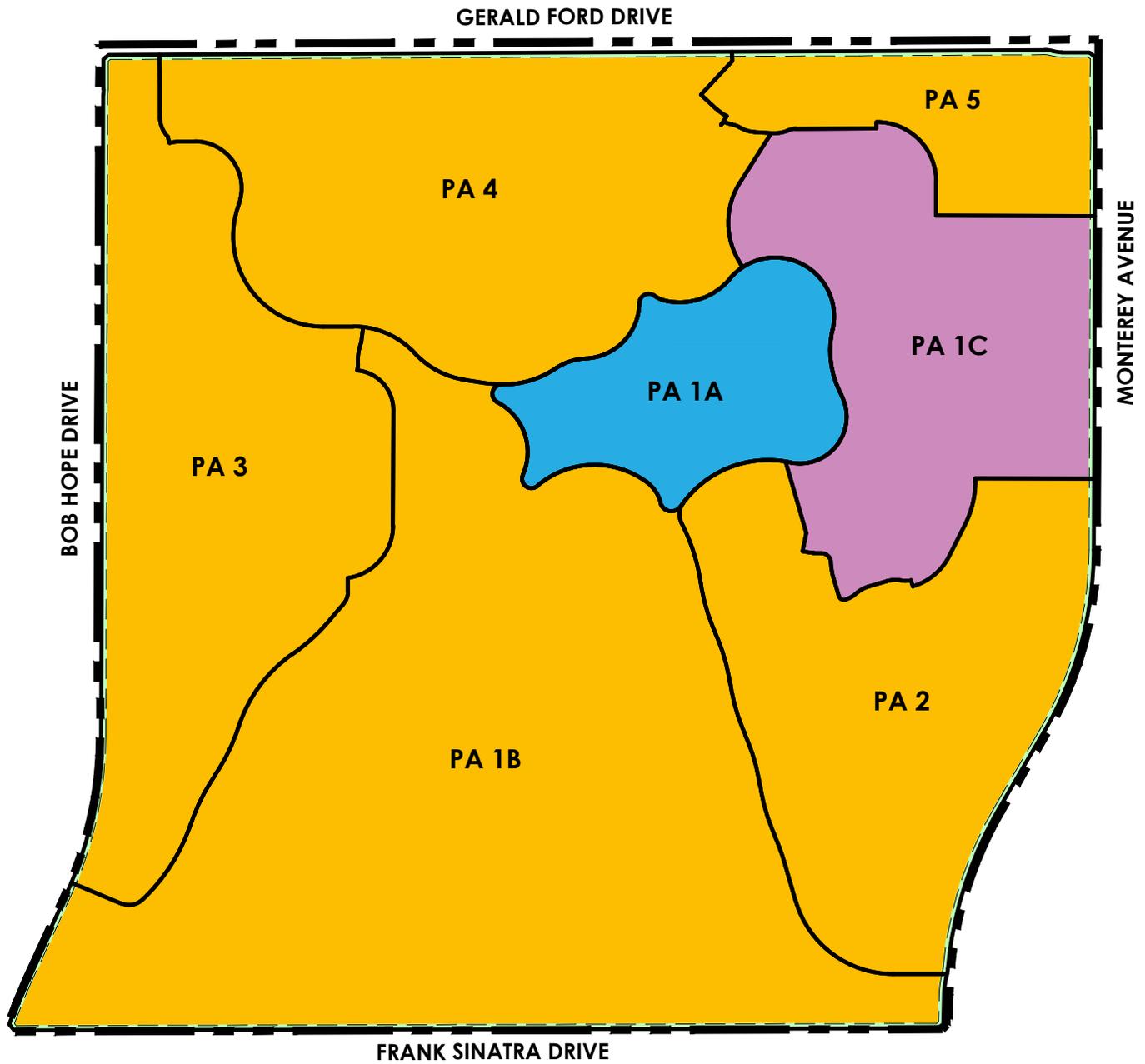
Exhibit Date: August 10, 2018

SOURCE: MSA Consulting Inc. - 2018

FIGURE 2



# Project Location Map



--- Project Boundary



Residential



Mixed Use Core



Lagoon



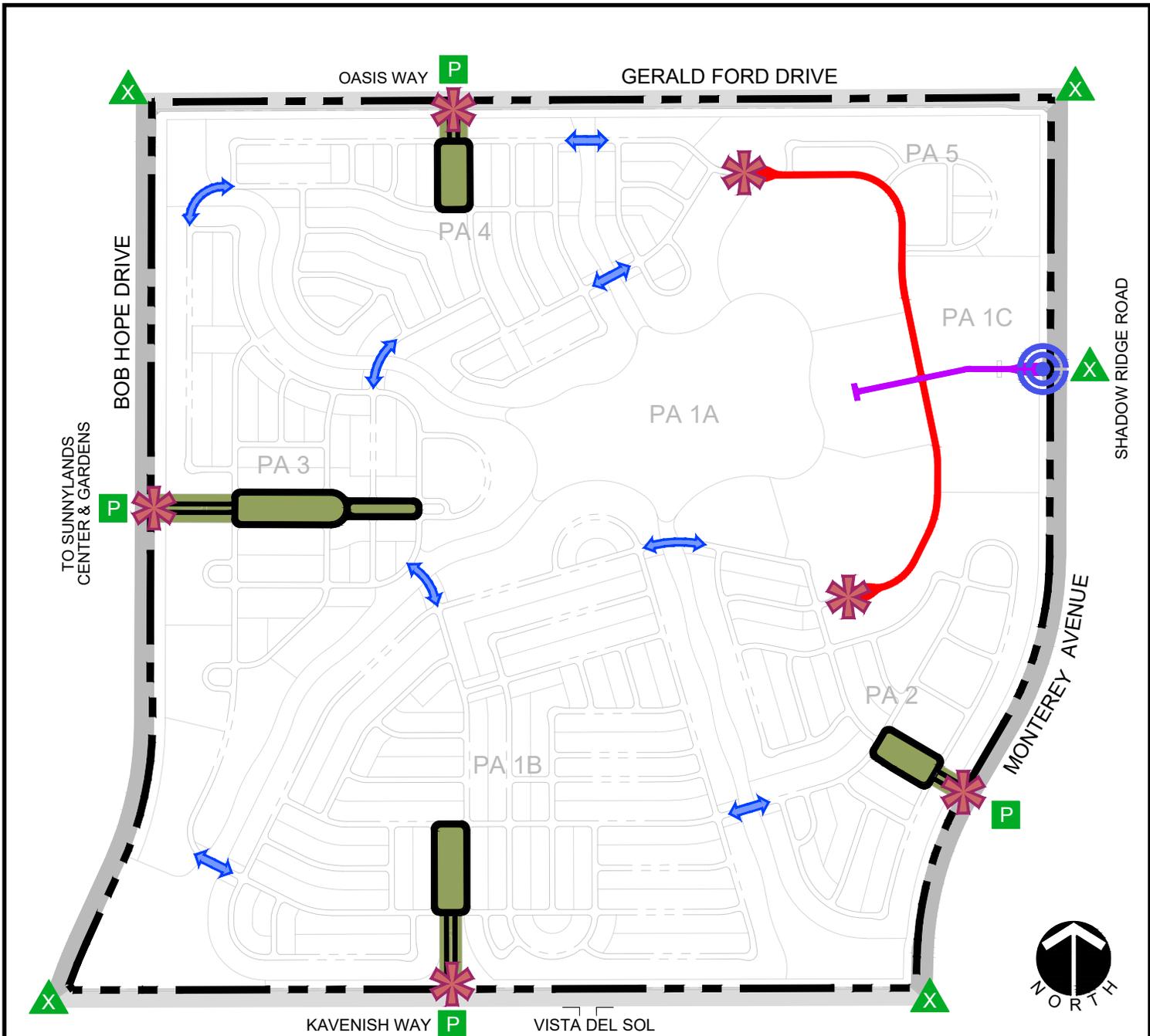
NOT TO SCALE

SOURCE: MSA Consulting Inc. - July 27, 2018

FIGURE 3



# Conceptual Land Use Plan



**Legend:**

- Project Boundary
- Public Access Street
- Main Street (Public Access)
- Major Arterial (Public)  
Bob Hope Drive / Monterey Avenue
- Minor Arterial (Public)  
Gerald Ford Drive / Frank Sinatra Drive

- Public Entry
- Gated Residential Entry
- Entryway Park
- Paseo Cross-Connection
- Potential Future Traffic Signal
- Existing Traffic Signal / Signalized Intersection

**Notes:**

- 1) All streets not identified on this exhibit will be local residential or public access streets.
- 2) Specific street alignments will be determined with implementing project proposals
- 3) Future traffic signals subject to traffic warrants & fair share contributions

NOT TO SCALE

Exhibit Date: August 10, 2018

SOURCE: MSA Consulting Inc. - 2018

FIGURE 4



# Conceptual Vehicle Circulation Plan

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

  
 \_\_\_\_\_  
 Lead Agency Signature

8/27/18  
 \_\_\_\_\_  
 Date

**Bud Kopp, AICP, Planning Manager**  
 \_\_\_\_\_  
 Printed Name

## EVALUATION OF ENVIRONMENTAL IMPACTS

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1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

## INITIAL STUDY CHECKLIST

### 1. Aesthetics

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Have a substantial adverse effect on a scenic vista?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The approximately 618-acre Project Site slopes from northeast to southwest and is nearly entirely covered by low-lying sand dunes and sand fields with some disturbance. Scenic vistas available in the Project area include views of the San Jacinto and Santa Rosa Mountains to the west and south and the Little San Bernardino Mountains to the north.<sup>1</sup> Existing residential communities to the north and south, as well as country clubs to the east, south, and west, are enclosed by 5- to-8-foot-high walls that limit the view of the mountains from within these neighborhoods to some degree.

**Further Study:** The potential effects of the proposed Project on available scenic vistas will be evaluated in the Draft Environmental Impact Report (EIR) based on the land use plan and the development standards and design guidelines in the proposed Specific Plan. Visual simulations of the proposed Project will be prepared and incorporated into the Draft EIR to support this evaluation.

b. <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Findings of Fact:** The Project Site is located approximately two miles northeast of California State Route (SR) 111,<sup>2</sup> which is an eligible State scenic highway without official designation.<sup>3</sup> The nearest officially designated State scenic highway is US Route 62, approximately 16 miles to the northwest. The Project Site is vacant with minimal vegetation and consists primarily of low-lying sand dunes and sand fields. There are no trees, rock outcroppings, historic buildings, or other scenic resources on the Project Site. Impacts would be less than significant.

**Further Study:** No further study required.

1 City of Rancho Mirage, *City of Rancho Mirage General Plan Update* (November 2017), "Conservation + Open Space Element," 67, available at [https://ranchomirageca.gov/content\\_files/pdf/departments/community\\_development/rm-general-plan-17.pdf](https://ranchomirageca.gov/content_files/pdf/departments/community_development/rm-general-plan-17.pdf).

2 *Google Maps*, accessed June 2018, [maps.google.com](https://maps.google.com).

3 Department of Transportation, "California Scenic Highway Mapping System," accessed June 2018, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Findings of Fact:** Surrounding land uses include single-family residential to the north; single-family residential and a golf course to the east and south; and the Sunnylands estate and commercial development to the west. The Specific Plan would permit development of a mixed-use community consisting primarily of single-family residential homes with commercial and recreational uses in the center and on the east side of the Project Site. Only low-density residential development would be permitted on the west side of the site along Bob Hope Drive.

The Project Site is vacant, with minimal vegetation, and consists primarily of low-lying sand dunes and sand fields. The proposed Project would change the existing visual character of the site by allowing the development of a residential, resort, and mixed-use community.

**Further study:** The Project’s effects on the visual character of the site and its surroundings will be further evaluated in the Draft EIR based on the Project’s land use plan and the Specific Plan document.

d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Findings of Fact:** Existing sources of light and glare in the area include light from the residential and commercial uses east of the Project Site across Monterey Avenue, south across Frank Sinatra Drive, west across Bob Hope Drive, and north across Gerald Ford Drive. Another source of nighttime light in the area is vehicle traffic on the streets surrounding the site.

Future development with the Specific Plan Area will introduce new sources of light typical of both residential and commercial uses. PA 1C, described above, will include hotel, retail, and mixed-use residential-commercial buildings. These planning areas make up the central and eastern portions of the Project Site. The northern, southern, and western portions of the site (PAs 1B and 2–5) will be exclusively residential, including associated roads and rights-of-way.

The potential for glare will be dependent on the design of individual development projects within the Specific Plan Area, including the type of building materials used and the location and design of light fixtures.

**Further Study:** The potential effects of light and glare will be examined in the Draft EIR based upon the development and design standards in the proposed Specific Plan.

## 2. Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The Project Site is designated as Other Land by the California Department of Conservation, Farmland Mapping and Monitoring Program.<sup>4</sup> The land surrounding the Project Site is primarily designated as Urban and Built-Up Land to the north, east, south, and west, with minor additional areas designated as Other Land to the north, east, south, and west. No areas within the City are designated or zoned for agricultural use.<sup>5</sup> Implementation of the Project would not involve changes that would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The Project Site General Plan and Zoning designation is Very Low Density (R-L-2; two dwelling units per acre maximum) and Resort Hotel (Rs-H).<sup>6</sup> The General Plan requires a Specific Plan to be developed for the site.<sup>7</sup> It is designated as Non-Enrolled by the California Department of Conservation, Conservation Program Support.<sup>8</sup> The land around the site is developed, and none of it is zoned for agriculture or subject to a Williamson Act Contract. No impacts would occur.

**Further Study:** No further study is needed.

4 California Department of Conservation (DOC), Division of Land Resource Protection, *California Important Farmland Finder* (April 2016), interactive map, accessed June 2018, <https://maps.conservation.ca.gov/dlrp/ciff/>.

5 City of Rancho Mirage, *General Plan Update*, "Land Use Element."

6 City of Rancho Mirage, *General Plan Update*, "Land Use Element."

7 City of Rancho Mirage, *General Plan Update*, "Land Use Element," 12.

8 California Department of Conservation, Division of Land Resource Protection, Conservation Program Support, "Riverside County Williamson Act FY 2015/2016," Sheet 2 of 3 (2016).

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** As defined by the Public Resources Code Section 12220(g),<sup>9</sup> forestland is land that can support 10 percent native tree cover of any species under natural conditions and that allows for management of one or more forest resources. Given that there is minimal vegetative cover on the Project Site and the site is not zoned as forestland, the Project would not affect any forestlands as defined by the Public Resources Code.

A Timberland Production Zone is defined by the Government Code Section 51104(g)<sup>10</sup> as an area that is zoned for the sole purpose of growing and harvesting timber. Because the Project Site does not contain any timber resources, nor is it zoned as timberland or timberland zoned Timberland Production, the Project would not conflict with timberland or Timberland Production areas. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** As previously discussed, the Project Site is not defined as having forestland as defined in Public Resources Code Section 12220(g). Additionally, there is no forestland located in or near the Project Site. The Project would not result in the loss of forestland or result in the conversion of forestland to nonforest uses. No impacts would occur.

**Further Study:** No further study is needed.

9 Public Resources Code (PRC), sec. 12220(g).

10 PRC, sec. 51104(g).

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. <i>Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use, or conversion of forestland to non-forest use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** No farmland or forest land is located near the Project Site. The Project would not involve other changes in the existing environment that could result in the conversion of Farmland to nonagricultural use or forestland to nonforest use. No impacts would occur.

**Further Study:** No further study is needed.

### 3. Air Quality

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:</b>				
<i>a. Conflict with or obstruct implementation of the applicable air quality plan?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site lies within the Salton Sea Air Basin under the jurisdiction of the South Coast Air Quality Management District (SCAQMD), which spans the Coachella Valley portion of the County of Riverside and the entire County of Imperial. The Salton Sea Air Basin is currently designated as being in nonattainment of federal air quality standards for 8-hour ozone and particulate matter (PM10), and as unclassified for the federal sulfur dioxide standard. The Air Basin is currently designated as being nonattainment of State air quality standards for ozone and PM10, and as unclassified for State hydrogen sulfide and visibility-reducing particles standards. Areas where air pollution levels persistently exceed the State or national ambient air quality standards may be designated as nonattainment.

The Project would involve the development of a 618-acre site with up to 2,625 dwelling units organized around a central multiuse recreational lagoon as part of an integrated mixed-use community. In addition, the Project would include up to 650 hotel rooms as part of a luxury resort complex and a mixed-use center with office, restaurant, and neighborhood commercial uses. Construction and operation of the Project will result in an increase in stationary- and mobile-source air emissions.

**Further Study:** Construction and operational air emissions will be quantified and reviewed in relation to SCAQMD significance thresholds in the Draft EIR to determine the significance of these emissions.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As discussed above, the Project would involve the development of up to 2,625 dwelling units, 650 hotels rooms, 250,000 square feet of commercial uses. Construction and operation of the Project would generate air emissions that could contribute to an existing or projected air quality violation.

**Further Study:** The Draft EIR will quantify and evaluate the air emissions that would be generated by construction and operation of the proposed Project and compare these emissions to SCAQMD-recommended thresholds.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Construction and operation of the proposed Project will result in the generation of air emissions. The Air Basin is currently in nonattainment of federal air quality standards for 8-hour ozone and particulate matter (PM10); unclassified for the federal sulfur dioxide standard; in nonattainment of State ozone and PM10 standards; and unclassified for State hydrogen sulfide and visibility-reducing particles standards. Trenching, paving, and other activities associated with the construction of the Project have the potential to emit diesel particulates typical of construction activity. Ongoing operations at the Project Site also have the potential to increase the emission of the specific pollutants mentioned above, including those for which the Air Basin is already in nonattainment of federal and state air quality standards. Implementation of the proposed Project could potentially contribute to air quality impacts that may also be cumulatively considerable with other related projects.

**Further Study:** The Draft EIR will examine the potential for Project-related emissions of criteria pollutants for which the Project area is currently in nonattainment and existing nonattainment status of the Coachella Valley.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>d. Expose sensitive receptors to substantial pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is not located in an area of substantial pollutant concentrations. Further, the construction of the Project and the proposed residential, hotel, and commercial uses would not create substantial pollutant concentrations. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As discussed above, the proposed Specific Plan would allow for the development of the Section 31 site as a mixed-use community containing residential, hotel, and commercial uses that would not have the potential to create objectionable odors. Commercial kitchens associated with hotel and restaurant uses may generate odors from food preparation. Potential impacts will be mitigated by the incorporation of odor-scrubbing filters and equipment into the design of these facilities as needed. Impacts would be less than significant.

**Further Study:** No further study is needed.

#### 4. Biological Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is substantially surrounded (approximately 75 percent) by developed areas in the Cities of Rancho Mirage and Palm Desert. This development has isolated the Project Site from natural habitat areas. The site is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) boundaries.

The low-lying sand dunes and sand fields present on the site have a moderate potential to support one sensitive plant species covered by the CVMSHCP, the Coachella Valley milk vetch. In addition, the site has the potential to support several sensitive plant species not covered by the CVMSHCP: Borrego milk vetch, ribbed cryptantha, pointed dodder, Abram’s spurge, Arizona spurge, flat-seeded spurge, and slender cottonheads.

The habitat present on the site also has the potential to support sensitive wildlife species covered by the CVMSHCP, including the Coachella giant sand treader cricket, Palm Springs pocket mouse, flat-tailed horned lizard, Coachella Valley fringe-toed lizard, and Coachella Valley round-tailed ground squirrel. The Project Site also has the potential to support some sensitive wildlife species not covered by the CVMSHCP, including the loggerhead shrike, Costa’s hummingbird, and black-tailed gnatcatcher.

**Further Study:** A biological resources study for the Project Site will be prepared, and the Draft EIR will address any potential impacts to sensitive plant or wildlife species based on this study and on the Project’s consistency with the CVMSHCP.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The low-lying sand dunes and sand fields present on the Project Site are considered have a low potential to contain riparian habitat or naturally occurring springs or permanent aquatic habitats or other sensitive natural communities.

**Further Study:** A biological resources study for the Project Site will be prepared, and the Draft EIR will address any potential impacts to sensitive to riparian habitat based on this study.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The low-lying sand dunes and sand fields present on the Project Site are considered to have a low potential to contain wetland features as defined by Section 404 of the Clean Water Act. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site contains native habitat that may be used by native wildlife species for local movement and nursery sites, but it is surrounded by developed areas and is not part of any established wildlife corridor. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The City of Rancho Mirage is a participant in the CVMSHCP and is a co-permittee for the permits issued in association with this plan. The Project Site is not located in any Conservation Area identified in the CVMSHCP, and the Project will pay the City’s development mitigation fee collected to implement the CVMSHCP. The Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** As discussed above, The City of Rancho Mirage is a participant in the CVMSHCP and is a co-permittee for the permits issued in association with this plan. This plan was prepared for the Coachella Valley and surrounding mountains to address current and potential future State and federal Endangered Species Act issues in the plan area. The goal of the CVMSHCP is to continue to protect natural resources within the plan area by managing such resources and land uses that impact them and to provide consistency and streamline permitting requirements with respect to protected species in the plan area. The Project Site is not located in any conservation area identified in the CVMSHCP, and the Project will pay the City’s development mitigation fee collected to implement the CVMSHCP. The Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

**Further Study:** No further study is needed.

## 5. Cultural Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
<i>a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is vacant and not developed, and there is no evidence of historic resources on the site. However, there is a possibility that previously unidentified historic resources could be present on the site.

**Further Study:** A cultural resources survey will be prepared that will determine the potential for intact historical resources. Information from this study will be incorporated into the Draft EIR to assess potential impacts.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site has never been developed and currently consists of relatively undisturbed desert lands. However, there is a potential to discover an unknown archaeological resource on site prior to or during construction of the Project.

**Further Study:** A cultural resources survey will be prepared that will determine the potential for intact archaeological deposits. Information from this study will be incorporated into the Draft EIR to assess potential impacts.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As with archaeological resources, there is a potential to encounter paleontological resources during construction of the Project.

**Further Study:** A cultural resources survey will be prepared that will determine the potential for intact paleontological deposits. Information from this study will be incorporated into the Draft EIR to assess potential impacts.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>d. Disturb any human remains, including those interred outside of formal cemeteries</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Human remains are not expected to exist on the Project Site; however, because the site is largely undisturbed, there is the potential for discovering remains during construction activities.

**Further Study:** A cultural resources survey will be prepared that will determine the potential for human remains to be discovered. Information from this study will be incorporated into the Draft EIR to assess potential impacts.

## 6. Energy Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Result in significant impacts with regard to energy use and consumption, if it would cause wasteful, inefficient, and unnecessary consumption of energy?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The proposed Project would develop approximately 618 acres of previously undeveloped land with residential, hotel, commercial, and recreation uses. As such, the energy use and consumption created by Project implementation is a potentially significant impact.

**Further Study:** The Project’s energy consumption and compliance with existing energy standards will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Result in significant impacts if it would result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As mentioned previously, the proposed Project could potentially increase demand for energy resources, including a demand for electricity and/or natural gas for residential and commercial uses.

**Further Study:** The Project’s energy consumption and compliance with existing energy standards will be evaluated in the Draft EIR.

## 7. Geology and Soils

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</i>				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is located in a seismically active area of Southern California. Numerous faults and fault zones, including the San Andreas Fault Zone, are located throughout the Coachella Valley.<sup>11</sup> There is a potential for adverse effects from seismic events.

**Further Study:** The potential for earthquake-related environmental hazards will be further evaluated in the Draft EIR. A summary of applicable policies pertaining to grading, excavation, and related activities, including those set forth by the California Building Code and the California Geological Survey, will be discussed. The potential for development of the proposed Project to expose people or structures to potentially substantial adverse effects from local and regional seismic events—including impacts associated with fault rupture, strong ground shaking, or seismically induced ground failure, such as liquefaction—and likely source(s) of such impacts will be identified.

<sup>11</sup> California Institute of Technology, Southern California Earthquake Data Center, “Significant Earthquakes and Faults,” accessed June 2018, <http://scedc.caltech.edu/significant/>.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Result in substantial soil erosion or the loss of topsoil?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site contains cohesionless dune sand materials, and the Coachella Valley experiences strong winds. Earthmoving activities associated with Project construction will further disturb soils, potentially leading to erosion and/or the loss of topsoil.

**Further Study:** The potential for the Project to affect soil erosion will be further analyzed in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Landslide risks generally occur within mountainous or hilly terrain where steep slopes are present. Although the Project Site slopes from northeast to southwest, its location in the relatively flat Coachella Valley ensures that the site is not at risk of landslides. Lateral spreading, subsidence, liquefaction, and soil collapse are geologic phenomena associated with seismic activity. The Project Site is located in seismically-active Southern California.<sup>12</sup>

**Further Study:** A geotechnical study of the site will be prepared, and the findings of this study will be incorporated in the Draft EIR. Based on the local soil characteristics and related site stability conditions, the ability of the site to support the proposed structures and infrastructure will be evaluated to determine potential impacts, and mitigation measures will be developed based on the recommendations in the project geotechnical study.

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<sup>12</sup> City of Rancho Mirage, *General Plan Update*, “Safety Element,” 85–88.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Expansive soils are characterized as fine-grained, such as silts and clays, or soils with variable amounts of expansive clay minerals that can change in volume due to changes in water content. Collapsible soils typically occur in recently deposited soils that tend to be drier and more granular.

The Project Site consists of wind-blown dune sand and alluvium soil deposits that do not contain silts and clays. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The Project Site will be connected to the existing sewer system serving the area. No impacts would occur.

**Further Study:** No further study is needed.

## 8. Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project would include the development of up to 2,625 residential units, 650 hotel rooms, and 250,000 square feet of commercial uses. Construction and operation of the Project will create greenhouse gas emissions.

**Further Study:** A quantified estimate of greenhouse gas emissions (GHG) emissions from the construction and occupancy and use of the Project will be generated using the SCAQMD CalEEMod land use emissions computer model. This estimate will include emissions of CO<sub>2</sub>, methane, and other select GHGs converted to carbon dioxide equivalents (CO<sub>2</sub>e) associated with development of the Project. The significance of these emissions will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** State Assembly Bill 32 has been adopted for the purpose of reducing GHG emissions in California. The City of Rancho Mirage has adopted a Sustainability Plan that addresses reducing GHG emissions in the City. The Southern California Association of Governments (SCAG), has adopted plans that relate to GHG emissions including the 2016 Regional Transportation Plan/Sustainable Community Strategy.

**Further Study:** A quantified estimate of GHG emissions from the construction and occupancy and use of the new planned facilities will be generated using the SCAQMD CalEEMod land use emissions computer model. This estimate will include emissions of CO<sub>2</sub>, methane, and other select GHGs converted to CO<sub>2</sub>e associated with development of the Project. The consistency of the Project with local, regional, state plans, policies, and regulations adopted for the purpose of reducing GHG emissions will be analyzed in the Draft EIR.

## 9. Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Findings of Fact: The Project Site is located in a developed portion of the City of Rancho Mirage and is surrounded by other developed areas. The construction and operation of these adjacent areas involved the transport, use, and disposal of hazardous materials typical of residential and commercial construction. The proposed Project would use, transport, and dispose of materials in the same manner, primarily during the construction phase. All four roads bordering the Project Site are major local arterials that are appropriate for the transport of potentially hazardous standard construction materials. As a result, potential impacts are less than significant as neither the public nor the environment would be put at risk by standard residential and commercial construction practices as they relate to hazardous materials. Impacts would be less than significant.

Further Study: No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Findings of Fact: As discussed above, potentially hazardous materials used and transported to and from the Project Site are typical of those used in residential and commercial construction. Given that access to the site on all sides is via major local arterials in close proximity to Interstate 10, it would not be reasonably foreseeable that accident conditions would exist upon Project implementation. Impacts would be less than significant.

Further Study: No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** There are no schools within one-quarter mile of the Project Site. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. <i>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Significant impacts would occur if the Project Site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Based on database review, the site is not included on any of these hazardous materials site lists.<sup>13</sup> Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. <i>For a project located within an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, Would the Project result in a safety hazard for people residing or working in the Project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The closest airport to the Project Site is Palm Springs International Airport, located approximately 5.5 miles to the northwest. The height of the buildings that would be permitted under the

13 California Department of Toxic Substances Control, *EnviroStor*, accessed August 8, 2018, <https://www.envirostor.dtsc.ca.gov/public/>.

proposed Specific Plan would not affect operations at this or any other public use airport. No impacts would occur.

Further Study: No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>f. For a project within the vicinity of a private airstrip, Would the Project result in a safety hazard for people residing or working in the Project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Findings of Fact: The closest private airstrip is the Bermuda Dunes Airport, a privately-owned airport located approximately 7.25 miles to the southeast of the Project Site. The height of the buildings that would be permitted under the proposed Specific Plan would not affect operations at this private airport or any other private airstrip. No impacts would occur.

Further Study: No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Findings of Fact: Construction of the Project could require partial closures of portions of Monterey Avenue, Frank Sinatra Drive, Bob Hope Drive, and/or Gerald Ford Drive for short periods. Any partial closure of these roads would be temporary, would not occur simultaneously, and would be conducted in accordance with a construction management plan and under the supervision of construction personnel. Impacts on emergency evacuation north toward Interstate 10 would be less than significant.

Further Study: No further study is needed.

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

**Findings of Fact:** According to the City of Rancho Mirage General Plan<sup>14</sup> and the adjacent City of Palm Desert General Plan,<sup>15</sup> the Project Site and surrounding locations are not in a Fire Hazard Severity Zone. No impacts would occur.

**Further Study:** No further study is needed.

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14 City of Rancho Mirage, *General Plan Update, "Safety Element"* (2017), Exhibit 27: Fire Threat Map, 93.

15 City of Palm Desert, *General Plan, "Safety Element"* (2016), Figure 8.5: Fire Hazard Severity Zones, 119.

### 10. Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
<i>a. Violate any water quality standards or waste discharge requirements?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of Fact: The regulatory programs administered by the Colorado River Basin Regional Water Quality Control Board (RWQCB) are designed to minimize and control discharges to surface and groundwater within the region, largely through permitting, to ensure that water quality standards are maintained. The Project Site is located in the Whitewater River Region of the Colorado River Basin. The City of Rancho Mirage is co-permittee on permits issued by the RWQCB to the Riverside County Flood Control & Water Conservation District and County of Riverside. In accordance with these permits, the Project will comply with National Pollutant Discharge Elimination System (NPDES) requirements during construction and operations, including preparing and implementing of a Storm Water Pollution Prevention Plan during construction.

The proposed Specific Plan includes grading and drainage master plans. The Project will allow the development of a range of urban uses on the Project Site, which is currently undeveloped. The Project will be required to comply with the requirements of the NPDES Municipal Separate Storm Sewer System Permit approved by the RWQCB to control urban runoff by incorporating effective Best Management Practices (BMPs) water quality control features into the design of the drainage system for the Project Site.

Further Study: The consistency of the drainage master plan with applicable water quality permit standards will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Coachella Valley Water District (CVWD) provides water to the City of Rancho Mirage for residents within the Project Site and surrounding area. The primary source of domestic water for CVWD is the local Coachella Valley groundwater basin. The Project would allow the development of up to 2,625 dwelling units, 650 hotel rooms, and 250,000 square feet of commercial uses that would increase demand for domestic water. The proposed Project would also include a manmade recreational lagoon, which would use an evaporation-controlling film technology to reduce evaporation and minimize water use. Water for this lagoon would be provided from groundwater wells constructed within the Project Site, with the amount of water used offset by the payment of groundwater replenishment fees to CVWD.

CVWD will prepare a water supply assessment (WSA) as required by the California Water Code to provide information on the adequacy of available water supplies, including local groundwater resources, to meet the need for water for the Project.

**Further Study:** The Project water needs and potential impacts on groundwater supplies will be examined in the Draft EIR based on the CVWD WSA and other information.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site contains no stream or river features. The existing drainage patterns within the Project Site would be altered by grading the site in accordance with the master grading plan included in the proposed Specific Plan and there is a potential for erosion or siltation to occur during grading. As discussed above, preparation and implementation of a SWPPP to control erosion during construction will be required. The proposed Specific Plan also includes a master plan of drainage that will incorporate BMPs to control potential sources of urban pollutants, including erosion and siltation.

**Further Study:** The consistency of the Master Drainage Plan with applicable water quality permit standards will be evaluate in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The existing drainage patterns within the Project Site would be altered by grading the site in accordance with the master grading plan included in the proposed Specific Plan and the development allowed by the Specific Plan would change the rate and amount of surface runoff generated within the Specific Plan Area. The proposed Specific Plan includes a Master Drainage Plan designed to accommodate storm runoff generated within the Specific Plan Area.

**Further Study:** The changes to drainage patterns and the amount and rate of runoff with the Specific Plan Area that would result from the Project and the adequacy of the proposed Master Drainage Plan will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The proposed Specific Plan includes a Master Drainage Plan designed to accommodate storm runoff generated within the Specific Plan Area. The Project will be required to meet the City's standard by retaining all stormwater from a 100-year-frequency storm (worst case of the 1-, 3-, 6-, or 24-hour duration) on site. Submittal of a hydrology/hydraulic report, prepared by a registered civil engineer in accordance with the *Riverside County Hydrology Manual*, is required to show how stormwater will be handled.

**Further Study:** The changes to the amount and rate of runoff with the Specific Plan Area that would result from the Project and the adequacy of the proposed Master Drainage Plan will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
f. <i>Otherwise substantially degrade water quality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** No aspect of the proposed Project is expected to substantially degrade water quality; however, the issue will be further evaluated in the Draft EIR to ensure this result.

**Further Study:** The design, operation, and maintenance of the proposed project and any potential effects on water quality will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
g. <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is outside federal flood hazard boundaries and other flood hazard delineation maps. <sup>16</sup> Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
h. <i>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is not within a 100-year flood hazard area. <sup>17</sup> Impacts would be less than significant.

**Further Study:** No further study is needed.

<sup>16</sup> City of Rancho Mirage, *General Plan Update*, "Safety Element," 91.

<sup>17</sup> City of Rancho Mirage, *General Plan Update*, "Safety Element," 91.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The City of Rancho Mirage is not susceptible to risks associated with flooding as a result of levee or dam failure. As discussed above, the Project Site is neither in a flood hazard zone nor subject to flooding. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
j. Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Seiches are oscillations generated in enclosed bodies of water, usually as a result of earthquake-related ground shaking. The Project Site is not located near any enclosed body of water and is not subject to inundation by seiche. The proposed lagoon would create a water body on the site that could be create a potential for a localized seiche condition, depending on the design of the lagoon, including the amount of freeboard.

Tsunamis are large ocean waves caused by the sudden water displacement that results from an underwater earthquake, landslide, or volcanic eruption that affect low-lying areas along the coastline. The Project Site is located more than 70 miles east of the Pacific Ocean and is not within a designated tsunami inundation area.

The Project Site does not contain slopes of an angle that would be susceptible to mudflow and is surrounded by urban development. No impacts would occur.

**Further Study:** The design of the proposed lagoon will be evaluated in the Draft EIR for the potential to create a localized seiche condition in areas adjacent to the lagoon.

### 11. Land Use and Planning

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Physically divide an established community?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site is surrounded to the north, east, and south by developed areas in the cities of Rancho Mirage and Palm Desert, with some undeveloped parcels located immediately west, north, and east of the Specific Plan Area. Surrounding uses include residential neighborhoods and resort developments. The Sunnylands Center and Gardens is located directly west of the central portion of the Specific Plan Area.

The Specific Plan Area is bordered by major streets and represents an infill development site in the City in this regard. The City’s General Plan designates the site for residential and resort hotel uses which would be consistent with the pattern of surrounding land uses. The Section 31 Specific Plan is proposed to implement the City’s General Plan<sup>18</sup> Development of the site with the uses identified in the City’s General Plan would not physically divide the established pattern of development around the site. Impacts would be less than significant.

**Further study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The City of Rancho Mirage General Plan designates the majority of the Project Site as Very Low Density Residential (R-L-2; two dwelling units per acre max) and the remainder as Resort Hotel (Rs-H). The site is identified as a Specific Plan Area in the City’s General Plan. An amendment to the City’s

18 City of Rancho Mirage, *General Plan Update*, “Land Use Element,” 12.

General Plan and Zoning Map to allow the intensity of residential, resort, and commercial uses is proposed.

Further Study: The consistency of the proposed General Plan Amendment with the goals, objectives, and policies in the Rancho Mirage General Plan will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Findings of Fact: The City of Rancho Mirage is a participant in the CVMSHCP and is a co-permittee for the permits issued in association with this plan. The Project Site is not located in any Conservation Area identified in the CVMSHCP and the Project will pay the City’s development mitigation fee collected to implement the CVMSHCP. The Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

Further Study: No further study is needed.

## 12. Mineral Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
<i>a. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Coachella Valley, including the surrounding hills and mountains to the north and south of the Project Site, contain known deposits of mineral resources, such as sands and gravel.<sup>19</sup> However, these deposits are found within the entire desert floor and surrounding hills and mountains to the north and south of the Project Site and are not specific or unique to the Project Site. The Project Site itself is located in Mineral Resource Zone 3 (MRZ-3), which indicates that mineral resources at the Site are undetermined. There are currently no mines or extraction sites within the City. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As mentioned previously, the City of Rancho Mirage General Plan indicates that mineral resources exist within the City’s Sphere of Influence but there are currently no mines or extraction sites in the City. Impacts would be less than significant.

**Further Study:** No further study is needed.

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19 City of Rancho Mirage *General Plan Update*, “Conservation + Open Space Element,” 69.

### 13. Noise

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project result in:</b>				
a. <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Construction of the Project, including grading and construction of residential and commercial buildings, would generate noise on a temporary basis. After the site is developed, noise levels generated by the residential, resort, and commercial uses allowed by the Specific Plan would be consistent with the noise levels generated by surrounding residential, resort, and commercial uses.

**Further Study:** The potential for noise generated by construction and use of the proposed residential, resort, and commercial uses to effect surrounding land uses will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Construction activities can generate varying degrees of ground vibration depending on the construction procedures and construction equipment used. Residential and other noise sensitive uses located around the Specific Plan Area may experience a temporary increase in ground-borne vibration and noise. The proposed uses are consistent in character and intensity with surrounding uses and will not include any facilities or equipment that will generate excessive ground-borne vibration or noise levels.

**Further Study:** Noise monitoring will be conducted on and around the Project Site to determine ambient noise levels. Noise levels generated by construction activities will be estimated for each phase of project development, including grading and site preparation, and building construction and compared to City of Rancho Mirage standards to determine whether significant impacts would occur.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project has the potential to permanently increase the ambient noise above current levels by adding residents and visitors to an otherwise undeveloped site. Additional traffic added along the local roadway system could also permanently increase the ambient noise generated by these streets.

**Further Study:** As discussed above, noise monitoring will be conducted on and around the Project Site to determine ambient noise levels. Existing mobile source noise levels along roadways in the Project vicinity will be also be assessed.

The compatibility of the proposed land uses with future on-site noise levels will be evaluated based on the City of Rancho Mirage noise standards established in the Noise Element in the General Plan.<sup>20</sup> The Federal Highway Noise Prediction Model will be used to calculate Community Noise Equivalent Levels (CNEL) for streets around the Project Site that will experience an increase in traffic volume from the Project to determine the significance of changes to noise levels generated by traffic on these streets.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Project construction and subsequent operations have the potential to cause temporary increases in noise levels in the Project vicinity because the currently undeveloped site would be developed into a mixed-use community.

**Further Study:** The increase in in ambient noise levels in the Project vicinity from construction and operation of the Project will be evaluated in the Draft EIR.

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<sup>20</sup> City of Rancho Mirage, *General Plan Update*, “Noise Element,” 82–83.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, Would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The Project Site is not within 2 miles of a public airport. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
f. For a project within the vicinity of a private airstrip, Would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** The Project Site is more than 6 miles away from the closest private airstrip or airport. No impacts would occur.

**Further Study:** No further study is needed.

## 14. Population and Housing

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The proposed Project would allow development of an infill site within the City of Rancho Mirage. The surrounding area is developed and with urban infrastructure available in the streets bordering the Specific Plan Area and the proposed project would not extend roads or other infrastructure, such as water or sewer lines, to any currently unserved areas. While the proposed residential uses would directly result in the population growth in the area and the resort, and commercial uses could also lead to indirect population growth, the Rancho Mirage General Plan designates the site for the type of residential and resort uses proposed. Based on the California Department of Finance 2018 estimated average household size of 2.03 persons per household in the City of Rancho Mirage,<sup>21</sup> it is estimated that the proposed residential units would add approximately 5,329 residents to the City.<sup>22</sup>

**Further Study:** The consistency of the direct and indirect population growth that would be generated by the Project with adopted growth projections will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** Given that the Project Site is currently vacant and Project implementation would include the construction of new housing, the Project would not displace a substantial number of housing units or people on the site. No impacts would occur.

**Further Study:** No further study is needed.

21 California Department of Finance, Demographic Research Unit, *Report E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018," May 1, 2018.

22 Based on the 2018 Department of Finance estimates for occupancy for the City of Rancho Mirage, the average household size for residential units is 2.03 persons per household. 2.03 persons per household multiplied by 2,625 residential units is approximately 5,329 persons.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** Because the Project Site is currently undeveloped, the Project would not displace people. No impacts would occur.

**Further Study:** No further study is needed.

## 15. Public Services

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</i>				
i. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v. Other public services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As discussed above, it is estimated that the proposed residential units would add approximately 5,329 residents to the City that would require public services. The proposed resort and commercial uses would also require public services. As proposed, the Project will include the provision of new park and recreation facilities, including a recreational lagoon, that would be privately managed and maintained.

**Further Study:** The need for additional public service facilities to meet the demands generated by the proposed Project will be evaluated in Draft EIR. Potential impacts associated with construction of the private recreational facilities proposed will be evaluated in the Draft EIR.

## 16. Recreation

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
<i>a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project would include the provision of new park and recreation facilities, including a recreational lagoon, intended to serve residents and visitors. Residents of the proposed Project may also use other City and regional park facilities.

**Further Study:** The potential for the Project to result in an increase in use of existing park and recreational facilities will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project would include the construction of new park and recreation facilities to serve residents and visitors.

**Further Study:** The potential impacts from construction of the proposed recreation facilities will be evaluated in the Draft EIR.

### 17. Transportation and Traffic

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. <i>Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and nonmotorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The City has adopted plans, ordinances, and policies addressing the performance of the circulation system in the City. The Riverside County Transportation Commission has adopted a Congestion Management Program that includes performance standards for major transportation corridors in the County.

The Project would generate traffic during construction and from occupancy and use of the proposed residential, resort, and commercial uses. The traffic generated by the Project could affect the performance of circulation system in the area.

**Further Study:** A traffic impact analysis study will be prepared to evaluate the impacts of the proposed Project on the circulation system serving the Specific Plan Area.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As discussed above, the Riverside County Transportation Commission has adopted a Congestion Management Program that includes performance standards for major transportation corridors in the County. The proposed Project will generate traffic that may impact CMP facilities.

**Further Study:** A traffic impact analysis study will be prepared to evaluate the impacts of the proposed Project on the circulation system serving the Specific Plan Area, including CMP facilities.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Findings of Fact:** Palm Springs International Airport is the largest of the three airports serving the Coachella Valley and is located more than seven miles from the Project Site. No impacts would occur.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
d. <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The proposed Circulation Master Plan identifies access points on the surrounding streets at appropriate locations that would not create any hazards. The proposed residential, resort, and commercial uses are consistent with surrounding uses. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
e. <i>Result in inadequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Access to the Specific Plan Area is proposed from the major streets bordering the site. The proposed Circulation Master Plan would not result in inadequate emergency access to the site and would not impede existing emergency access to the existing surrounding uses. Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project proposes a network of bicycle and pedestrian paths throughout the Specific Plan Area and will be served by existing public transit within the City.

**Further Study:** The consistency of the Project as proposed with applicable policies, plans, and programs addressing public transit, bicycle and pedestrian facilities will be evaluated in the Draft EIR.

### 18. Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with the cultural value to a California Native American tribe, and that is:</b>				
<i>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project Site has never been developed and currently consists of relatively undisturbed desert lands. While there are no known cultural resources within the Specific Plan Area, the site has not been fully surveyed. There is a potential to encounter cultural resources during construction of the Project.

**Further Study:** A cultural resources assessment of the Specific Plan Area will be completed for the Draft EIR and appropriate consultation will be conducted.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (d) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As discussed above, while there are no known resources on the site, no surveys have been conducted.

**Further Study:** A cultural resources assessment of the Specific Plan Area will be completed for the Draft EIR.

## 19. Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<b>Would the Project:</b>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Wastewater treatment for the proposed Project will be provided by CVWD. The proposed residential, resort, and commercial uses will generate wastewater that is consistent with the type of wastewater treated by CVWD to meet the wastewater treatment standards established by the Colorado River Basin Regional Water Quality Control Board (RWQCB). Impacts would be less than significant.

**Further Study:** No further study is needed.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Development of the Project would increase demand for water service, wastewater conveyance, and treatment within CVWD service boundaries that may require additional facilities.

**Further Study:** The need for additional facilities and an assessment of the potential impacts of constructing these facilities will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project proposes the construction of new stormwater drainage facilities within the Specific Plan Area.

**Further Study:** The potential impacts associated with construction of the proposed stormwater drainage facilities will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new and expanded entitlements needed?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The Project would allow the development of up to 2,625 dwelling units, 650 hotel rooms, and 250,000 square feet of commercial uses that would increase demand for domestic water. The proposed Project would also include a manmade recreational lagoon, which would use an evaporation-controlling film technology to reduce evaporation and minimize water use. Water for this lagoon would be provided from groundwater wells constructed within the Project Site, with the amount of water used offset by the payment of groundwater replenishment fees to CVWD.

CVWD will prepare a water supply assessment (WSA) as required by the California Water Code to provide information on the adequacy of available water supplies, including local groundwater resources, to meet the need for water for the Project.

**Further Study:** The Draft EIR will evaluate the sufficiency of available water supplies to meet the needs of the proposed Project based on the WSA that will be prepared by CVWD.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>e. Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** CVWD provides wastewater treatment services in the City of Rancho Mirage. The proposed Project will generate wastewater that will be treated at CVWD water reclamation plants.

**Further Study:** The amount of wastewater that will be generated by the uses that would be allowed by the proposed Specific Plan will be estimated and compared against the available capacity at the CVWD water reclamation plant that will treat this wastewater.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>f. Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** Burrtec Waste and Recycling Services provides solid waste collection services in the City. Riverside County Waste Management Department (RCWMD) is responsible for the efficient and effective landfill disposal of nonhazardous county waste. RCWMD operates six active landfills and administers a contact agreement for waste disposal at the private El Sobrante Landfill. RCWMD also oversees several transfer station leases, as well as a number of recycling and other special waste diversion programs. Solid waste generated in the City is collected and taken to the Burrtec-operated Edom Hill Transfer Station in the city of Cathedral City<sup>23</sup> before deposit in an area landfill. Construction and operation of the Project would generate additional solid waste materials.

**Further Study:** The Draft EIR will evaluate the adequacy of current landfill capacity based on an estimate of the amount of solid waste the proposed uses would generate.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
<i>g. Comply with federal, state, and local statutes and regulations related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The proposed residential, resort, and commercial uses will generate typical of solid waste generated within the City and collected and disposed of at landfills operated by Riverside County in accordance with applicable regulations. Impacts would be less than significant.

**Further Study:** No further study is needed.

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23 Personal communication with Rebecca Caputo, Regional Customer Service Manager for Burrtec Waste and Recycling Services, June 15, 2018.

## 20. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
a. <i>Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** As addressed above, the Specific Plan Area consists of 618 acres of undeveloped land. The site has the potential to support sensitive plant and wildlife species, most of which are covered by the CVMSHCP. While the site does not contain any known cultural resources, the site has not been surveyed. Biological and Cultural Resource studies of the Specific Plan Area will be completed and incorporated into the Draft EIR to evaluate the potential impacts of the Project on any resources determined to be present within the Specific Plan Area.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
b. <i>Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:** The construction and operation of the Project, in conjunction with other related projects, has the potential to result in cumulative impacts. This topic will be evaluated in the Draft EIR.

	Potentially Significant Impact	Less than Significant with Project Mitigation	Less than Significant Impact	No Impact
c. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Findings of Fact: The proposed uses will be compatible with existing and planned surrounding uses; for this reason, the construction and operation of the proposed Project does not have the potential to result in substantial adverse effects. Impacts would be less than significant.

**APPENDIX A.3**

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**Comment Letters on the NOP and IS**

**State**

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EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH

RECEIVED  
GOVERNOR'S OFFICE DEPT.  
18 AUG 31 PM 2:53



KEN ALEX  
DIRECTOR

**Notice of Preparation**

August 27, 2018

To: Reviewing Agencies  
Re: Section 31 Specific Plan  
SCH# 2018081074

Attached for your review and comment is the Notice of Preparation (NOP) for the Section 31 Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Bud Kopp**  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2018081074  
**Project Title** Section 31 Specific Plan  
**Lead Agency** Rancho Mirage, City of

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**Type** NOP Notice of Preparation  
**Description** The Section 31 Specific Plan is proposed to implement the City of Rancho Mirage GP by regulating the development of a master-planned community containing resort hotel, residential, and commercial uses around a recreational, clear water lagoon.

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**Lead Agency Contact**

**Name** Bud Kopp  
**Agency** City of Rancho Mirage  
**Phone** (760) 328-2266 **Fax**  
**email**  
**Address** 69-825 Highway 111  
**City** Rancho Mirage **State** CA **Zip** 92270

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**Project Location**

**County** Riverside  
**City** Rancho Mirage  
**Region**  
**Cross Streets** area bounded by Monterey, Bob Hope, Frank Sinatra, Gerald Ford  
**Lat / Long** 33° 46' 43" N / 116° 23' 56" W  
**Parcel No.** 674-430-016, 685-220-006  
**Township** **Range** **Section** 31 **Base**

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**Proximity to:**

**Highways** 111  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** R-L-2, Resort Commercial, SP Overlay

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Other Issues

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**Reviewing Agencies** Resources Agency; Colorado River Board; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Office of Emergency Services, California; Department of Housing and Community Development; California Highway Patrol; Native American Heritage Commission; Air Resources Board, Transportation Projects; Resources, Recycling and Recovery; State Water Resources Control Board, Division of Drinking Water, District 20; Regional Water Quality Control Board, Region 8; Caltrans, District 9

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**Date Received** 08/27/2018 **Start of Review** 08/27/2018 **End of Review** 09/25/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2018081074

Project Title: Section 31 Specific Plan

Lead Agency: City of Rancho Mirage

Contact Person: Bud Kopp, AICP

Mailing Address: 69825 CA-111

Phone: (760) 328-2266

City: Rancho Mirage

Zip: 92270

County: Riverside

Project Location: County: Riverside City/Nearest Community: Rancho Mirage

Cross Streets: Area bounded by Monterey, Bob Hope, Frank Sinatra, and Gerald Ford Zip Code: 92270

Longitude/Latitude (degrees, minutes and seconds): 33 ° 46 ' 43 " N / 116 ° 23 ' 56 " W Total Acres: 618

Assessor's Parcel No.: 674-430-016, 685-220-006

Section: 31

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: 111

Waterways: N/A

Airports: N/A

Railways: N/A

Schools: N/A

Document Type:

CEQA: [X] NOP

[ ] Early Cons

[ ] Neg Dec

[ ] Mit Neg Dec

[ ] Draft EIR

[ ] Supplement/Subsequent EIR

(Prior SCH No.)

Other:

NEPA:

[ ] NOI

[ ] Draft EIS

[ ] FONSI

Other:

[ ] Joint Document

[ ] Final Document

[ ] Other:

Governor's Office of Planning & Research
AUG 27 2018

Local Action Type:

[ ] General Plan Update

[X] General Plan Amendment

[ ] General Plan Element

[ ] Community Plan

[X] Specific Plan

[ ] Master Plan

[ ] Planned Unit Development

[ ] Site Plan

[ ] Prezone

[ ] Use Permit

[X] Land Division (Subdivision, etc.)

[ ] Other:

[ ] Annexation

[ ] Redevelopment

[ ] Coastal Permit

[X] Other: Dev. Agreement

STATE CLEARINGHOUSE

Development Type:

[X] Residential: Units 2,625 Acres

[ ] Office: Sq.ft. Acres Employees

[X] Commercial: Sq.ft. 250,000 Acres Employees

[ ] Industrial: Sq.ft. Acres Employees

[ ] Educational:

[X] Recreational: 34 acre lagoon

[X] Water Facilities: Type 34 acre lagoon MGD

[ ] Transportation: Type

[ ] Mining: Mineral

[ ] Power: Type MW

[ ] Waste Treatment: Type MGD

[ ] Hazardous Waste: Type

[X] Other: Up to 650 resort hotel units

Project Issues Discussed in Document:

[X] Aesthetic/Visual

[X] Agricultural Land

[X] Air Quality

[X] Archeological/Historical

[X] Biological Resources

[ ] Coastal Zone

[X] Drainage/Absorption

[ ] Economic/Jobs

[ ] Fiscal

[X] Flood Plain/Flooding

[ ] Forest Land/Fire Hazard

[X] Geologic/Seismic

[ ] Minerals

[X] Noise

[X] Population/Housing Balance

[X] Public Services/Facilities

[X] Recreation/Parks

[X] Schools/Universities

[ ] Septic Systems

[X] Sewer Capacity

[X] Soil Erosion/Compaction/Grading

[ ] Solid Waste

[ ] Toxic/Hazardous

[X] Traffic/Circulation

[X] Vegetation

[X] Water Quality

[X] Water Supply/Groundwater

[ ] Wetland/Riparian

[ ] Growth Inducement

[X] Land Use

[X] Cumulative Effects

[X] Other: Energy

Present Land Use/Zoning/General Plan Designation:

R-L-2 (Very Low Density Residential), Resort Commercial, Specific Plan Overlay

Project Description: (please use a separate page if necessary)

The Section 31 Specific Plan is proposed to implement the City of Rancho Mirage General Plan by regulating the development of a master-planned community containing resort hotel, residential, and commercial uses around a recreational, clear water lagoon.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**NOP Distribution List** *BH*

County: Riverside

SCH# 2018081074

Resources Agency

- Resources Agency  
Nadell Gayou
- Dept. of Boating & Waterways  
Denise Peterson
- California Coastal Commission  
Allyson Hitt
- Colorado River Board  
Elsa Contreras
- Dept. of Conservation  
Crina Chan
- Cal Fire  
Dan Foster
- Central Valley Flood Protection Board  
James Herota
- Office of Historic Preservation  
Ron Parsons
- Dept of Parks & Recreation  
Environmental Stewardship Section
- S.F. Bay Conservation & Dev't. Comm.  
Steve Goldbeck
- Dept. of Water Resources  
Resources Agency  
Nadell Gayou

Fish and Game

- Depart. of Fish & Wildlife  
Scott Flint  
Environmental Services Division
- Fish & Wildlife Region 1  
Curt Babcock
- Fish & Wildlife Region 1E  
Laurie Harnsberger
- Fish & Wildlife Region 2  
Jeff Drongesen
- Fish & Wildlife Region 3  
Craig Weightman

- Fish & Wildlife Region 4  
Julie Vance
- Fish & Wildlife Region 5  
Leslie Newton-Reed  
Habitat Conservation Program
- Fish & Wildlife Region 6  
Tiffany Ellis  
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M  
William Paznokas  
Marine Region

Other Departments

- California Department of Education  
Lesley Taylor
- OES (Office of Emergency Services)  
Monique Wilber
- Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture
- Dept. of General Services  
Cathy Buck  
Environmental Services Section
- Housing & Comm. Dev.  
CEQA Coordinator  
Housing Policy Division

Independent Commissions, Boards

- Delta Protection Commission  
Erik Vink
- Delta Stewardship Council  
Anthony Navasero
- California Energy Commission  
Eric Knight

- Native American Heritage Comm.  
Debbie Treadway
- Public Utilities Commission  
Supervisor
- Santa Monica Bay Restoration  
Guangyu Wang
- State Lands Commission  
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Cal State Transportation Agency CalSTA

- Caltrans - Division of Aeronautics  
Philip Crimmins
- Caltrans - Planning  
HQ LD-IGR  
Christian Bushong
- California Highway Patrol  
Suzann Ikeuchi  
Office of Special Projects

Dept. of Transportation

- Caltrans, District 1  
Rex Jackman
- Caltrans, District 2  
Marcelino Gonzalez
- Caltrans, District 3  
Susan Zanchi - North
- Caltrans, District 4  
Patricia Maurice
- Caltrans, District 5  
Larry Newland
- Caltrans, District 6  
Michael Navarro
- Caltrans, District 7  
Dianna Watson
- Caltrans, District 8  
Mark Roberts

- Caltrans, District 9  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
Jacob Armstrong
- Caltrans, District 12  
Maureen El Harake

Cal EPA

Air Resources Board

- Airport & Freight  
Jack Wursten
- Transportation Projects  
Nesamani Kalandiyur
- Industrial/Energy Projects  
Mike Tollstrup
- California Department of Resources, Recycling & Recovery  
Kevin Taylor/Jeff Esquivel
- State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance
- State Water Resources Control Board  
Cindy Forbes - Asst Deputy  
Division of Drinking Water
- State Water Resources Control Board  
Div. Drinking Water # 20
- State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- State Water Resources Control Board  
Phil Crader  
Division of Water Rights
- Dept. of Toxic Substances Control Reg. # \_\_\_\_\_  
CEQA Tracking Center
- Department of Pesticide Regulation  
CFRA Coordinator

Regional Water Quality Control Board (RWQCB)

- RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- RWQCB 3  
Central Coast Region (3)
- RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- RWQCB 5S  
Central Valley Region (5)
- RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- RWQCB 6  
Lahontan Region (6)
- RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- RWQCB 7  
Colorado River Basin Region (7)
- RWQCB 8  
Santa Ana Region (8)
- RWQCB 9  
San Diego Region (9)
- Other \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_  
Conservancy

**Regional/County**

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# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA USPS AND E-MAIL:

September 12, 2018

[budk@ranchomirageca.gov](mailto:budk@ranchomirageca.gov)

Bud Kopp, AICP

Planning Manager

City of Rancho Mirage

69825 Highway 111

Rancho Mirage, CA 92270

## **Notice of Preparation of a Draft Environmental Impact Report for the Proposed Section 31 Site Specific Plan Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files<sup>1</sup>. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

### **Air Quality Analysis**

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to

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<sup>1</sup> Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

SCAQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. SCAQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operation, the air quality impacts from the overlap should be combined and compared to SCAQMD's regional air quality CEQA operational thresholds to determine significance.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance<sup>2</sup> on strategies to reduce air pollution exposure near high-volume roadways can be found at: [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.PDF](https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF).

### **Mitigation Measures**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project

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<sup>2</sup> In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of the SCAQMD *CEQA Air Quality Handbook*. SCAQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Alternatives**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

### **Permits and SCAQMD Rules**

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD’s Engineering and Permitting staff at (909) 396-3385. The final CEQA document should also discuss compliance with SCAQMD Rules, including, but not limited to, Rule 403 – Fugitive Dust and 403(e) Additional Requirements for Large Operations.

### **Data Sources**

SCAQMD rules and relevant air quality reports and data are available by calling SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at SCAQMD’s webpage at: <http://www.aqmd.gov>.

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

Sincerely,

*Daniel Garcia*

Daniel Garcia

Program Supervisor

Planning, Rule Development & Area Sources

Bud Kopp

-4-

September 12, 2018

DG/AM  
RVC180828-14  
Control Number



September 27, 2018

Mr. Bud Kopp, AICP, Planning Manager  
City of Rancho Mirage  
69825 Highway 111  
Rancho Mirage, California 92270  
Phone: (760) 328-2266  
E-mail: budk@ranchomirageca.gov

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Section 31 Specific Plan Project [SCAG NO. IGR9710]**

Dear Mr. Kopp,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Section 31 Specific Plan Project ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.<sup>1</sup> SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Section 31 Specific Plan Project in Riverside County. The proposed project includes a specific plan for the development of up to 650 hotel/resort units, 2,625 residential units, and 250,000 square feet of hotel/resort support facilities and commercial space on a 618 acre project site.

**When available, please send environmental documentation to SCAG's Los Angeles office in Los Angeles (900 Wilshire Boulevard, Ste. 1700, Los Angeles, California 90017) or by email to [au@scag.ca.gov](mailto:au@scag.ca.gov) providing, at a minimum, the full public comment period for review.**

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Associate Regional Planner, at (213) 236-1874 or [au@scag.ca.gov](mailto:au@scag.ca.gov). Thank you.

Sincerely,

Ping Chang  
Acting Manager, Compliance and Performance Monitoring

<sup>1</sup> Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
T: (213) 236-1800  
[www.scag.ca.gov](http://www.scag.ca.gov)

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County Transportation Authority**

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**Peggy Huang, Transportation  
Corridor Agencies**

Energy & Environment  
**Linda Parks, Ventura County**

Transportation  
**Curt Hagman, San Bernardino  
County**

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
SECTION 31 SPECIFIC PLAN PROJECT [SCAG NO. IGR9710]**

**CONSISTENCY WITH RTP/SCS**

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

**2016 RTP/SCS GOALS**

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

<b>SCAG 2016 RTP/SCS GOALS</b>	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

\*SCAG does not yet have an agreed-upon security performance measure.

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

**2016 RTP/SCS STRATEGIES**

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

**DEMOGRAPHICS AND GROWTH FORECASTS**

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Rancho Mirage Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	18,600	24,200	25,000
Households	6,458,000	7,325,000	7,412,300	9,600	13,100	13,600
Employment	8,414,000	9,441,000	9,871,500	16,100	19,900	20,500

**MITIGATION MEASURES**

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.





A Public Agency

RECEIVED  
COMMUNITY DEVELOPMENT DEPT  
MEMBERS: Desert Hot Springs Palm Springs Cathedral City Rancho Mirage  
Palm Desert Indian Wells La Quinta Indio Coachella Riverside County  
18 SEP 11 PM 1:34

September 7, 2018

Bud Kopp, AICP  
Planning Manager  
City of Rancho Mirage  
69825 Highway 111  
Rancho Mirage, CA 92270

RE: Section 31 Specific Plan Project

Dear Mr. Bud Kopp:

This letter responds to your request for comments regarding the proposed Section 31 Specific Plan Project located Gerald Ford Drive on the north, Bob Hope Drive on the west, Frank Sinatra Drive on the south, and Monterey Avenue on the east within the City of Rancho Mirage. The SunLine Transit Agency (SunLine) staff has reviewed the project and offers the following comments.

SunLine currently provides service within close proximity to the project site, with the closest bus stop # 444 located on the west side of Bob Hope Drive at Gerald Ford across the street from the project site served by Line 32. SunLine is not requesting inclusion of any transit amenities at this time. However, SunLine recommends that the developer construct non-meandering sidewalks in all areas fronting the project to ensure that current and future residents are able to readily access service provided in the neighborhood.

Please note internal transit-friendly pedestrian access can be accomplished by following the guiding principles listed below:

- Pedestrian walkways to bus stops should be designed to meet the needs of all passengers, including the disabled, seniors and children. All pedestrian walkways should be designed to be direct from the street network to the main entrance of buildings.
- Pedestrian walkways should be designed to provide convenient connections between destinations, including residential areas, schools, shopping centers, public services and institutions, recreation, and transit.
- Provide a dedicated sidewalk and/or bicycle paths through new development that are direct to the nearest bus stop or transit facilities.
- Provide shorter distance between building and the bus stop by including transit friendly policies that address transit accessibility concerns to encourage transit-oriented development. These policies can be achieved through zoning policies, setback guidelines, building orientation guidelines, and parking requirements.

Section 31 Specific Plan Project  
Page Two

- Limit the use of elements that impede pedestrian movement such as meandering sidewalks, walled communities, and expansive parking lots.
- Eliminate barriers to pedestrian activities, including sound walls, berms, fences, and landscaping which obstructs pedestrian access or visibility. Gates should be provided at restricted areas to provided access to those using transit services.
- Pedestrian pathways should be paved to ensure that they are accessible to everyone. Accessible circulation and routes should include curb cuts, ramps, visual guides and railing where necessary. ADA compliant ramps should be placed at each corner of an intersection.
- A minimum horizontal clearance of 48 inches (preferable 60 inches) should be maintained along the entire pathway.
- A vertical clearance of 84 inches (preferable 96 inches) should also be maintained along the pathway.

Should you have questions or concerns regarding this letter, please contact me at 760-343-3456, ext. 1627.

Sincerely,



Victor A. Duran  
Transit Planning Manager

cc: Lauren Skiver, CEO/General Manager  
Stephanie Buriel, Chief of Administration

## Tony Locacciato

---

**From:** Vargas, Donald A <DVargas@IID.com>  
**Sent:** Tuesday, September 04, 2018 8:42 AM  
**To:** Jeremy Gleim, AICP; Bud Kopp, AICP  
**Subject:** City of Rancho Mirage - NOP of a DEIR for Section 31 Specific Plan Project  
**Attachments:** City of Rancho Mirage-DEIR-Section 31 Specific Plan Project.pdf

Getlemen,

For the purpose of reviewing the above mentioned project, please forward me a copy of the NOP's supporting documents (Initial Study, location map, etc.) If possible, please provide a digital copy of the documentation or an online link.

Thank you.

Imperial Irrigation District  
333 E. Barioni Blvd.  
Imperial CA 92251



Donald Vargas  
Compliance Administrator II  
Regulatory & Environmental  
Compliance Section  
General Services Department  
Tel: (760) 482-3609  
Cel: (760) 427-8099  
E-mail: [dvargas@iid.com](mailto:dvargas@iid.com)

**Facilities  
Planning &  
Development**

*Julie Arthur, Executive Director*

September 14, 2018

Mr. Bud Kopp  
Planning Manager  
City of Rancho Mirage  
69825 Highway 111  
Rancho Mirage, CA 92270

**RE: Notice of Preparation of Draft Environmental Impact Report – Section 31 Specific Plan Project**

Dear Mr. Kopp,

The Palm Springs Unified School District (“School District”) is in receipt of the Notice of Preparation (“NOP”) for the Draft Program Environmental Impact Report (“Draft EIR”) associated with the Section 31 Specific Plan Project (“Project”). Based on our review of the initial information contained in the NOP, the School District—as the agency that would provide kindergarten through 12<sup>th</sup> grade education to the Project—has identified concerns with the Project that if not properly mitigated would result in significant negative impacts to the environment.

**Potential Student Enrollment Impacts**

The School District understands the Plan includes up to 2,625 residential units, 250,000 square feet of non-residential space, and up to 650 hotel/resort units. To understand the potential student enrollment impacts from the Plan, the School District utilized student generation factors (“SGFs”) contained in its “Residential Development School Fee Justification Study” dated April 5, 2018 (“Residential Study”), which are summarized below.

**Student Generation Factors**

School Level	Single Family Detached Units	Multi-family Attached Units
Elementary School	0.1211	0.0617
Middle School	0.0795	0.0349
High School	0.1332	0.0526
<b>Total</b>	<b>0.3338</b>	<b>0.1492</b>

Assuming all residential units in the Plan are single family detached units, multiplying the SGFs by the 2,625 residential units would result in the creation of 877 additional students as summarized below by school level.

School Level	Projected Student Enrollment
Elementary School	318
Middle School	209
High School	350
<b>Total</b>	<b>877</b>

The School District does not have sufficient capacity to accommodate this student enrollment in its existing facilities and would be required to build additional school facilities and/or expand existing school facilities to accommodate such enrollment growth.

### **School Fee Mitigation**

While the School District understands that the developers of the Plan will be required to pay school impact fees at the time of building permit issuance, such fees are inadequate to construct the necessary facilities. As identified in the Residential Study, each residential unit has a cost impact to the School District of \$16,290 in order to fund the construction of necessary facilities. The School District, however, is limited to collecting fees in the current amount of \$3.79 per square foot.

Assuming an average unit size of 2,500 square feet that translates into a fee per unit of \$9,475. Each unit, therefore, is producing an unmitigated impact of \$6,815 on the School District in order to provide adequate school facilities. Across the Plan's 2,625 residential units, that translates into an unmitigated impact of \$17,889,375.

Without sufficient funding, the School District will be unable to construct adequate facilities to accommodate student enrollment growth from the Plan. Instead, the School District would be limited to expanding the existing facilities that serve the area included in the Plan.

### **Negative Impacts**

Aside from the negative impacts of inadequate school capacity, if the Plan is not properly mitigated to fund the construction of adequate school facilities, there would be significant negative impacts to traffic, pollution and noise resulting from the Plan.

The addition of 877 students would create a substantial number of car trips in the area around the Plan as students are transported to and from school and at the impacted schools, the impacts to traffic would negatively impact the existing communities. An additional 318 elementary school students at Rancho Mirage Elementary School, for example, would create significant traffic—and potentially safety hazards—

Letter to Bud Kopp  
September 14, 2018  
Page 3

at drop off and pick up hours. The site itself would not have sufficient parking to accommodate parents of all the children. Similarly, an additional 209 students at Nellie Coffman Middle School and 350 students at Rancho Mirage High School would create traffic impacts in the neighborhoods surrounding those schools. Because the three schools serving the Plan are in three different directions, the substantial new traffic impacts would be spread across a wide area.

The addition of these new car trips and the distances to the schools--4.2 miles to Rancho Mirage Elementary School, 3.2 miles to Nellie Coffman Middle School and 3.6 miles to Rancho Mirage High School (all measured from the corner of Bob Hope Drive and Gerald Ford Drive)—would create substantial air pollution and potentially noise pollution.

#### **Recommended Mitigation**

The School District has been actively planning for potential development and accompanying student enrollment growth in this eastern part of the School District for more than a decade. It was proactive in acquiring a site in the City of Palm Desert near the corner of Gateway Drive and Dick Kelly Drive with plans for the future construction of a K-8 school facility ("K-8 School"). While the School District already possesses the land, it does not have adequate funding—nor would impact fees from the Plan provide sufficient funding—to construct a school facility. The School District proposes that the DEIR recommend the Plan be required to fund its portion of the K-8 School in order to adequately mitigate not only its impact on the school facilities of the School District, but also the other negative environmental impacts to the community associated with inadequate school facilities.

We welcome the opportunity to discuss our thoughts and work together to reach a solution that will provide quality school facilities for the families residing within the Development. I can be reached at 760.883.2710 or via email at [jarthur@psusd.us](mailto:jarthur@psusd.us).

Sincerely,



Julie Arthur  
Executive Director  
Facilities Planning and Development

JA:dd



RECEIVED  
COMMUNITY DEVELOPMENT DEPT  
18 AUG 31 PM 2:53



Dear Recipient:

We received attached letter in our office by error on August 28, 2018.

We are not part of the Riverside County waste management. Our company is Waste Management of the Inland Empire. You may address your letter to the county offices.

Riverside County Department of Waste Resources  
14310 Frederick Street, Moreno Valley, CA 92553

Sincerely,

Lidia Obregon  
Operations Specialist  
[lobregon@wm.com](mailto:lobregon@wm.com)

**Waste Management of the Inland Empire**  
800 S Temescal St  
Corona, CA 92504  
Tel 951-280-5483  
Fax 951-280-5469

**Emily Perri Hemphill**

Attorney-at-Law  
13614 E. Geronimo  
Scottsdale, AZ 85259  
760-880-4292  
[ephemphill@aol.com](mailto:ephemphill@aol.com)

September 4, 2018

Bud Kopp, Planning Manager  
City of Rancho Mirage  
69-825 Highway 111  
Rancho Mirage, CA 92270

RE: Proposed Section 31 Specific Plan and CEQA Initial Study

Dear Mr. Kopp:

I am writing on behalf of my client, the Annenberg Foundation Trust at Sunnylands (the "Trust"). As you know, the property located in Section 31 (the "Property") is currently the subject of a proposed Specific Plan ("SP"), and an Initial Study has been prepared by the City to determine the scope of the required environmental review for the proposed Project. The purpose of this letter is to provide the Trust's comments with regard to the scope of environmental review, and preliminary comments on the SP, itself.

The Property was formerly owned by the Annenbergs, and upon its sale in the 1980's, a covenant was recorded (the "Covenant") in favor of Sunnylands that allowed only for residential use on the Property, with the exception of 20 acres along Monterrey which could be used for commercial uses. Prior to the current Applicant purchasing the Property, the Trust worked with the Applicant to negotiate revisions to the Covenant that would allow for hotel uses, previously forbidden under the original Covenant. The resulting Amended and Restated Covenant ("Restated Covenant"), which the Applicant agreed to, was recorded on March 27, 2018, and is attached for your information.

In negotiating the Restated Covenant, the allowable density on the Property was a key issue for the Trust. The original Covenant limited development to no more than 1932 residences, and no hotel rooms. After much discussion on the issue of density between the Trust and the Applicant's representative, both parties agreed to limit density to no more than 1932 residential units and no more than 400 hotel rooms. (See Restated Covenant Section 2(d).) The SP, as submitted, calls for 2625 residential units and 650 hotel units, amounts which clearly exceed the agreed upon limits under the terms of the Restated Covenant. The Trustees have concerns about the impact of increased density on the character of the area and on the local traffic, which is why they insisted on the limits found in the Restated Covenant. The Applicant has not requested a waiver of the density limits found in the Restated Covenant, and the Trustees have given no indication they would be inclined to consider such a waiver. Even at the density permitted under the Restated Covenant, the project results in a significant change in the character of the local area, which is now primarily residential. The EIR should consider the impact of that change in character.

The City's Initial Study indicates that the Project will not have impacts on historic resources because no such resources are found on the Project site. However, the Project lies

across the street from what many consider to be Rancho Mirage's most significant historic site, Sunnylands. Given the density, proposed uses and proposed building heights, the Project will impact Sunnylands, and the EIR should consider and mitigate that impact. In the context of the Restated Covenant, we have included several provisions designed to mitigate the Project's impact on Sunnylands which we believe must also be included either in the SP's development standards, or the EIR's mitigation measures, including, among other things:

1. Specific set backs to minimize commercial and aesthetic impacts of the Project,
2. Prohibition of construction traffic on Bob Hope Drive
3. Requiring construction of the Project perimeter wall along Bob Hope before any vertical construction occurs on the Project site, to mitigate the impacts of the construction on Sunnylands and the Visitor Center
4. The entry on Bob Hope to be used only for residential uses

Sunnylands is in the unique position of being both a historic property and a property that continues to make history by hosting Presidential summits, Supreme Court retreats, and a variety of other meetings involving important national and world leaders. If the Trust is to continue to serve that mission, it is critical that we be able to maintain the security of the Sunnylands property, as well as its historic character. We therefore believe that the EIR must give due consideration of the Project's impact on Sunnylands and its functions. The EIR's mitigation measures should, at a minimum, include the types of protections that the Trust has included in the Restated Covenant, and the EIR must contain a comprehensive computer simulated view study that looks not only at views toward the Project, but also at views from Project buildings toward Sunnylands, with an eye toward preserving the secure environment Sunnylands currently offers its visitors.

As you know, fostering sustainability is an important goal of both the City and the Trust, and the Trust has instituted several innovative systems on the Sunnylands property to achieve that goal. Given that emphasis, coupled with California's recent drought, we are concerned that the proposed lagoon presents questions related to both its actual and perceived water efficiency.

During the negotiations to complete the Restated Covenant, the idea of the lagoon was raised by the Applicant, and they indicated that the water efficiency of the lagoon arises largely due to an innovative new "crystal" technology. In reviewing the SP, we find no mention of this innovative technology. Rather, the SP seems to describe a fresh water lake fed by newly drilled wells, with no enhanced technology. The SP is vague on details related to the lagoon's construction providing no information on what materials will be used on its bottom, how it will be cleaned to assure it remains safe for the proposed swimming and boating, how the banks will be structured, etc. It appears that greater detail on the lagoon is needed to effectively evaluate its environmental effect. Further, we believe that standards for the structure of the lagoon must be included in the SP.

We have reviewed materials provided by the Developer which indicate that the "crystal" technology will be more water efficient than a golf course and will also use less water than is permitted under the CVWD water budget for the Property. Our concern is that much of this analysis appears to rest upon claims made by the technology's proponents, but there are no operational facilities similar to this in the U.S. which can bear out those claims. Lagoons in other parts of the world are either in dissimilar climates, much smaller in size or under construction, and therefore are of limited use in establishing the performance of this technology in the desert climate of Rancho Mirage.

The lagoon should be a major point of discussion in the EIR. In reviewing the proposed project, we urge the City to carefully examine the lagoon technology suggested by the

Developer to determine its effectiveness in a desert environment. In reviewing the technology, the City should consider both the actual water conservation effect, and the perception that such a facility has with the public. It would further be advisable to require the Developer to provide a definitive maintenance plan to assure that the lagoon does not become a nuisance. Rancho Mirage has experienced difficulties with golf course water features that were far smaller than the lagoon size proposed here. It is important to understand, therefore, who is responsible for maintenance, and how it will be achieved.

If, after careful review, the City finds that the proposed technology is as water effective as claimed, we suggest that you require that there be a regular monitoring program to make certain that the water conservation features of the lagoon are working as intended, and if not, require a mechanism to assure an immediate cure. Further, to address the perception left by a lagoon in the desert, the EIR's mitigation measures should require that the Developer provide all hotel guests, homeowners, etc., with an educational pamphlet, and provide on-site signage that explains to the public the water conservation features of the lagoon and why it is not an anachronism in the desert.

The EIR should clarify the uses for the lagoon, particularly prohibition of motorized boats. The Trust is concerned about the concept that the lagoon is not simply an amenity for the adjacent hotels but is proposed to be open to the public. This fact will impact issues related to traffic, noise, and the security of Sunnylands, as a "water park" atmosphere will be contrary to the quality and security objectives we would expect for a development on this site. While we recognize that amenities are critical to the success of luxury brand hotels, a public beach is not. To effectively analyze the impact of a public beach on traffic, parking, noise, water quality, etc., the SP should specify the size of the proposed public beach and how it will be operated.

One of the proposed amenities identified in the SP is potentially an "outdoor amphitheater for concert and entertainment venues." This type of facility was not discussed with or contemplated by the Trustees during the negotiations of the Restated Covenant. The SP needs to clarify the size and proposed uses of this facility, and the EIR must consider the impacts of such a facility, especially with respect to noise, traffic and parking.

The SP states that one of the project objectives is to create a "21<sup>st</sup> century, sustainable development," and the Trust agrees that this is an important objective. A review of the SP, however, demonstrates few measures to attain that sustainability other than use of native plants and anticipated reduction of vehicle dependency due to the mixed use nature of the project. We believe that a project of this size is a unique opportunity to create sustainable neighborhoods, and therefore encourage the Applicant and the City to consider incorporating additional sustainable development standards both for residences to be built on the project and for the commercial structures and recreational amenities.

As always, the Trust is pleased to work with the City to achieve a project which will benefit the community, while not negatively impacting Sunnylands and its mission. With careful planning, the proposed project certainly has the potential to achieve those objectives. We look forward to working with the City on this project as it unfolds.

Sincerely,  
  
Emily Perri Hemphill

**RECORDING REQUESTED BY:**

**WHEN RECORDED MAIL DOCUMENT TO:**

Stowell, Zeilenga, Ruth, Vaughn & Treiger LLP  
4590 E. Thousand Oaks Blvd, Suite 100  
Westlake Village, Ca 91362  
Attn: James D. Vaughn, Esq.

\*\*This document was electronically submitted  
to the County of Riverside for recording\*\*  
Received by: MARIA #309

Space Above This Line for Recorder's Use Only

FIRST AMENDED AND RESTATED COVENANT  
AGREEMENT

(Please fill in document title(s) on this line)

Exempt from fee under GC 27388.1 due to being recorded in connection with a concurrent transfer that is subject to the imposition of documentary transfer tax, or

Exempt from fee under GC 27388.1 due to the maximum fees being paid on documents in this transaction, or

Exempt from fee under GC 27388.1 due to being recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier, or

Exempt from fee under GC 27388.1 (a) (1); Not related to real property, or,

Exempt from fee under GC 27388.1 for the following reasons:

NOTE: The following exemptions **may not be acceptable for use in all counties:**

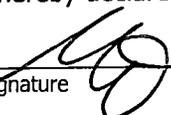
Exempt from fee under GC 27388.1 due to being recorded in connection with a transaction that was subject to documentary transfer tax which was paid on document recorded \_\_\_\_\_ as Document No. \_\_\_\_\_ of Official Records, or

Exempt from fee under GC 27388.1 due to the maximum fees having been paid on document(s) recorded \_\_\_\_\_ as Document No. \_\_\_\_\_ of Official Records, or

Exempt from fee under GC 27388.1 due to it being recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier. The recorded document transferring the dwelling to the owner-occupier was recorded \_\_\_\_\_ as Document No. \_\_\_\_\_ of Official Records.

THIS PAGE ADDED TO PROVIDE EXEMPTION INFORMATION FOR THE BUILDING HOMES AND JOBS ACT FEE  
(SB-2; AFFORDABLE HOUSING FEE)  
(Additional recording fee applies)

I hereby declare under penalty of perjury that the information provided above is true and correct.

  
\_\_\_\_\_  
Signature

Recording Requested By:  
First American Title Insurance Company  
National Commercial Services  
777 S. Figueroa Street, 4th Floor  
Los Angeles, CA 90017  
File No: NCS 847648

RECORDING REQUESTED BY  
AND WHEN RECORDED  
MAIL DOCUMENT TO:

Stowell, Zeilenga, Ruth, Vaughn & Treiger LLP  
4590 E. Thousand Oaks Blvd., Suite 100  
Westlake Village, CA 91362  
Attn: James D. Vaughn, Esq.

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**FIRST AMENDED AND RESTATED COVENANT AGREEMENT**

RECORDING REQUESTED BY  
AND WHEN RECORDED  
MAIL DOCUMENT TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**FIRST AMENDED AND RESTATED COVENANT AGREEMENT**

THIS FIRST AMENDED AND RESTATED COVENANT AGREEMENT (the "AGREEMENT") is entered into this 18<sup>th</sup> day of December 2017, by and between the ANNENBERG FOUNDATION TRUST AT SUNNYLANDS ("TRUST") and EC RANCHO MIRAGE HOLDINGS LIMITED PARTNERSHIP, a Delaware limited partnership ("ECRMH"). TRUST and ECRMH, individually or collectively may be referred to as a Party or as the Parties as appropriate.

**RECITALS**

A. This AGREEMENT is entered into with regards to that certain real property located in the City of Rancho Mirage (the "City"), California, as more particularly described in **Exhibit "A"** (the "Subject Property");

B. ECRMH is under contract to purchase the Subject Property, and expects to acquire fee title to the Subject Property in or about November 2017;

C. The TRUST owns that certain real property located to the west and on the opposite side of Bob Hope Drive from the Subject Property, which is the former California residence of Walter and Leonore Annenberg and the Sunnylands Center and Gardens, as more particularly described in **Exhibit "B,"** (collectively, the "Annenberg Properties");

D. At one time the Annenbergs owned the Subject Property and sold it subject to that certain Agreement dated December 5, 1977, and recorded in the Official Records of Riverside County as Instrument No. 244810, as amended by that certain Agreement Re Modification of Covenants, Conditions and Restrictions Agreement dated December 31, 1984, and recorded as Instrument No. 47409 (collectively, the "Original Covenant");

E. ECRMH wishes to entitle and develop the Subject Property as a high end Master-Planned Community with residential, commercial and resort hotel uses generally consistent with

the existing land use zoning designations for the Subject Property and which is compatible with the Annenberg Properties ("Project");

F. ECRMH and TRUST wish to replace and supersede the Original Covenant in its entirety to read as herein provided, and this Agreement shall be recorded immediately upon ECRMH or its successor acquiring fee simple title to the Subject Property. Notwithstanding the forgoing, this Agreement shall not take effect and replace the Original Covenant until the later of (1) approval of the required entitlements from the City, with those entitlements having become final and beyond challenge under the California Environmental Quality Act ("CEQA"), and (2) the Buyer or its successor acquiring the first grading permit for implementation of the Project. If (a) Buyer fails to apply for the required entitlements within eighteen (18) months of the recording of this Agreement, or (b) Buyer fails to diligently prosecute said entitlements through the City process, the Trust shall have the right but not the obligation, to record a rescission of this Agreement, thereby reinstating the Original Covenant, and this Agreement shall thereafter have no force and effect.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual covenants contained herein, TRUST and ECRMH agree as follows:

1. Incorporation of Recitals. The Parties hereby affirm the facts set forth in the Recitals above and agree to incorporate the Recitals as though fully set forth herein.
2. Development of the Subject Property. As further provided in this AGREEMENT, the following provisions shall apply to the development of the Subject Property:

(a) Uses on the Subject Property shall be limited to residential, commercial, hotel and related recreational facilities, all subject to the limitations otherwise set forth herein. Other than hotels and resort-serving commercial uses in the resort-hotel zones, commercial uses shall be allowed only in the commercial zones located in the eastern portion of the Property along Monterey Avenue, and shall be limited to "neighborhood commercial" type uses as opposed to "big box" uses (i.e., a single tenant occupying in excess of 75,000 square feet). Hotels shall be permitted on the Subject Property provided any multi story hotels are located at least 1760 feet east of the Section 31 property line on the east side of Bob Hope Drive, and any single-story hotels are located at least 1500 feet east of the Section 31 property line on the east side of Bob Hope Drive ("Hotel Limit Line"). In addition, all hotel development within the Specific Plan shall be subject to a separate final development plan review and approval by the City to determine the room count, height, and square footage of each hotel, based upon an updated traffic study, view shed analysis, fiscal analysis, and such other studies as the City deems necessary, which shall require one or more noticed public hearings before the Planning Commission and City Council. Property west of the Hotel Limit Line shall be used solely for single family residential uses, with 20 foot building height limits.

(b) The area of the Subject Property shown on the Project Concept Plan attached hereto as **Exhibit "C,"** being an approximately five hundred foot wide strip along the western boundary of the Subject Property, extending from Frank Sinatra Drive north to Gerald Ford Drive (the "Bob Hope Corridor"), will be restricted to no more than one dwelling unit per

acre with a maximum height of twenty feet (20'). The purpose of this restriction is to minimize the visual and other impacts from the Project on the Annenberg Properties.

(c) There shall be a water-efficient landscaped parkway along the entire eastern frontage of Bob Hope Drive with a minimum width of 32 feet at Gerald Ford and widening to 50 feet at Frank Sinatra Drive. Landscaping within the parkway shall be drought tolerant plants which complement the landscaping across the street at Sunnylands. The Trust shall have the right to reasonably approve the landscape plan for the Bob Hope Parkway. Immediately behind the landscape parkway, the developer shall construct a masonry perimeter wall at least six feet in height. Said perimeter wall shall be constructed before other vertical construction within the Property occurs. To the extent the City requires any landscaping or other perimeter improvements inconsistent with this paragraph, the Trust and ECRMH shall meet with the City and use reasonable efforts to agree on an acceptable landscape/perimeter improvement plan, which plan shall be deemed to satisfy the requirements of this paragraph.

(d) Not more than 1,932 residences shall be built on the Subject Property. No more than 400 hotel rooms may be built on the Subject Property, 90% of which must be located at least 1760 feet east of the section 31 property line on the east side of Bob Hope Drive.

(e) ECRMH shall construct a secondary entrance to the Project at the intersection of Bob Hope Drive and the entrance to the Sunnylands Center and Gardens, and shall install a traffic light at its sole cost and expense, subject to City approval and any required traffic warrants. ECRMH acknowledges and agrees, for its successors and assigns, that there may be occasions when Bob Hope Drive will be closed along the frontage of the Project for brief periods of time to accommodate events occurring on the Annenberg Properties. The Project shall therefore be designed to assure alternative access for all portions of the Project.

(f) ECRMH will ensure that there is no access for construction traffic on Bob Hope Drive.

(g) ECRMH will prepare a Project sustainability plan, in consultation with the TRUST and the City of Rancho Mirage, to help ensure that the Project is designed, constructed and operated in an environmentally sensitive and sustainable manner to ensure the project's water use is limited to 80% of the CVWD Maximum Applied Water Allowance ("MAWA") in effect as of the date of this Agreement.

3. Resort and Commercial Uses. ECRMH plans to entitle portions of the Subject Property for resort hotels and commercial uses ("Resort and Commercial Uses"). In consideration of the additional restrictions contained in Section 2, the following uses and restrictions will apply to the Subject Property:

(a) The Resort and Commercial Uses will not exceed 175 gross acres in total cumulative area on the Subject Property. No more than 25 acres of the area devoted to Resort and Commercial Uses may be used for neighborhood commercial uses as described in Section 2(a).

(b) The resort hotels component of the Resort and Commercial Uses will consist of only resort hotel uses equal or superior to Marriott, Westin, Rosewood, Montage, St. Regis, Andaz and Four Seasons.

(c) Prior to construction of multi-story structures, the property owner shall provide view simulations satisfactory to the Trust which demonstrate no significant impact on the Annenberg Properties or the security thereof. Primary entrances to multi-story hotels shall not be on Bob Hope or Frank Sinatra Drives.

4. Cooperation. TRUST acknowledges that ECRMH intends to submit applications to the City to entitle the Project which are consistent with the criteria contained in this Agreement. The plan is still in the planning stages but will be generally consistent with the Concept Plan that has previously been shared with the TRUST, and is attached as Exhibit C. Nothing in this Agreement shall be deemed to limit or waive the right of the TRUST to comment on or challenge the entitlement applications for the Project or the related Environmental Impact Report.

5. Miscellaneous Provisions.

(a) Entire Agreement. This AGREEMENT, which includes all attached exhibits, supersedes any and all previous agreements, either oral or written, between the parties hereto, including but not limited to the Original Covenant, and contains all of the covenants and agreements between the parties concerning the subject matter of this AGREEMENT. Any modification of this AGREEMENT will be effective only if it is in writing signed by both parties.

(b) Relationship between the Parties. The Parties hereby mutually agree that this AGREEMENT shall not operate to create the relationship of partnership, joint venture, or agency between them. Each Party's contractors are exclusively and solely under the control and dominion of such Party. Nothing herein shall be deemed to make ECRMH or its contractors an agent or contractor of TRUST and nothing herein shall be deemed to make TRUST or its contractors an agent or contractor of ECRMH.

(c) Notices. All notices, demands, invoices, and written communications shall be in writing and delivered to the following addresses or such other addresses as the Parties may designate by written notice:

To ECRMH:

EC Rancho Mirage Holdings Limited Partnership  
1910-1177 West Hastings St.  
Vancouver, B.C. V6E 2K3  
Attention: Alekos Bill Tsakumis  
E-mail: abtsakumis@eptaproperties.com

with a copy to:

Stowell, Zeilenga, Ruth, Vaughn & Treiger LLP  
4590 E. Thousand Oaks Blvd., Suite 100  
Westlake Village, CA 91362  
Attention: James D. Vaughn, Esq.  
E-mail: jvaughn@szrlaw.com

To TRUST:

Annenberg Foundation Trust at Sunnylands  
 37977 Bob Hope Drive  
 Rancho Mirage, CA 92270  
 Attn: Chairman, Board of Trustees

with a copy to:

Emily Hemphill, Esq.  
 13614 E. Geronimo Road  
 Scottsdale, AZ 85259-2223  
 E-mail: Ephemphill@aol.com

Depending upon the method of transmittal, notice shall be deemed received as follows: by e-mail, as of the date and time sent; by messenger, as of the date delivered; and by U.S. Mail first class postage prepaid, as of 72 hours after deposit in the U.S. Mail. Any notices sent by e-mail shall also be sent by U.S. Mail, but the effective date and time of notice shall be determined by the e-mail notice.

(d) Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this AGREEMENT.

(e) Counterparts. This AGREEMENT may be signed in counterparts, each of which shall constitute an original and which collectively shall constitute one instrument.

(f) Binding Nature. This Agreement shall bind and inure to the benefit of the parties hereto and to their respective executors, administrators, heirs, successors and assigns. The covenants made herein shall run with the Annenberg Properties and the Subject Property, and each portion thereof, and shall be binding upon ECRMH and each successive owner of ECRMH's Subject Property, or any portion thereof for the benefit of the Annenberg Properties and any owner or owners thereof.

(g) Remedies. Violation or breach of any covenant, condition, restriction or agreement herein contained shall give to the owner or owners of the Annenberg Properties the right to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of those covenants, conditions, restrictions or agreements to enjoin or prevent them from doing so, to cause said violation to be remedied, or to obtain specific performance of the terms set forth herein.

(h) Attorneys' Fees. In any legal or equitable proceeding for the enforcement of any of the terms and provisions of this Agreement, the losing party or parties shall pay the attorneys' fees of the prevailing party or parties, in such amount as may be fixed by the court in such proceedings.

(i) Mortgages. A breach of any of the covenants, conditions, restrictions or agreements herein contained shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Subject Property or any portion thereof, but such covenants, conditions, restrictions and agreements shall be binding upon and effective against any owner or owners of the Subject Property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale or otherwise. IN WITNESS WHEREOF, the parties hereby have made and executed this AGREEMENT to be effective as of the day and year first above-written.

**TRUST:**

**ECRMH:**

ANNENBERG FOUNDATION TRUST

EC RANCHO MIRAGE HOLDINGS LIMITED PARTNERSHIP

By: David Lane  
Its President David Lane aka David J. Lane

by: EC Rancho Mirage Holdings General Partner, Limited Partnership, its sole General Partner

by: EC Rancho Mirage Holdings GP Corp., a Delaware corporation, its sole General Partner

Date: 12-18-17

Signed in Counterpart

District of Columbia: SS  
Subscribed and Sworn to before me,  
this 18th day of December, 2017

By: \_\_\_\_\_

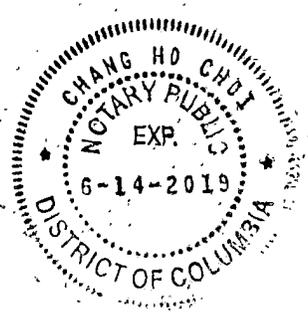
Name: \_\_\_\_\_

Title: \_\_\_\_\_

[Signature]  
Chang Ho Choi, Notary Public, D.C.  
My commission expires

Date: \_\_\_\_\_

**CHANG HO CHOI**  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires June 14, 2019



(i) Mortgages. A breach of any of the covenants, conditions, restrictions or agreements herein contained shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Subject Property or any portion thereof, but such covenants, conditions, restrictions and agreements shall be binding upon and effective against any owner or owners of the Subject Property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale or otherwise. IN WITNESS WHEREOF, the parties hereby have made and executed this AGREEMENT to be effective as of the day and year first above-written.

**TRUST:**

ANNENBERG FOUNDATION TRUST

By: \_\_\_\_\_  
Its President

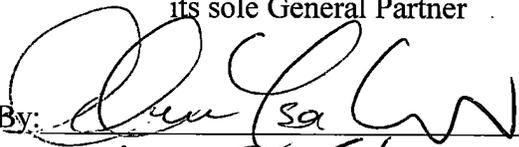
Date: \_\_\_\_\_

**ECRMH:**

EC RANCHO MIRAGE HOLDINGS  
LIMITED PARTNERSHIP

by: EC Rancho Mirage Holdings General  
Partner, Limited Partnership, its sole  
General Partner

by: EC Rancho Mirage Holdings GP  
Corp., a Delaware corporation,  
its sole General Partner

By:  \_\_\_\_\_

Name: ALEKOS Bill Tsakumis

Title: President

Date: December 19, 2017

Signed in Counterpart

**ACKNOWLEDGMENT  
OF NOTARY PUBLIC**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Washington )  
 ) SS.  
District of Columbia )

On 18th December 2019 before me, Chang Ho Choi, Notary Public, personally appeared David J. Lane who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the District of Columbia that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature   
Notary Public

**CHANG HO CHOI**  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires June 14, 2019



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

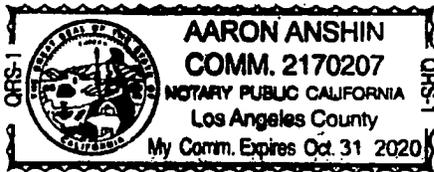
On Dec 18, 2017 before me, AARON ANSHIN, NOTARY PUBLIC,  
Date Here Insert Name and Title of the Officer

personally appeared Alexos Bill Tsakumis  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

Real property in the City of Rancho Mirage, County of Riverside, State of California, described as follows:

**PARCEL A:**

THAT PORTION OF SECTION 31, IN TOWNSHIP 4 SOUTH, RANGE 6 EAST, SAN BERNARDINO MERIDIAN, IN THE CITY OF RANCHO MIRAGE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF RIO DEL SOL ROAD (80.00 FEET WIDE) AS DESCRIBED IN DEED TO COUNTY OF RIVERSIDE, RECORDED MAY 24, 1949 AS INSTRUMENT 3476 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITH THE NORTH LINE OF SAID SECTION 31, BEING A POINT ON SAID NORTH LINE NORTH 89° 42' 26" EAST, 40 FEET THEREON FROM THE NORTHWEST CORNER OF SAID SECTION;

THENCE SOUTH 00° 09' 54" WEST, 2,660.80 FEET ON SAID EAST LINE;

THENCE SOUTH 00° 10' 45" WEST, 1,001.09 FEET ON SAID EAST LINE TO THE BEGINNING OF A TANGENT CURVE THEREIN CONCAVE WESTERLY OF 2,040.00 FEET RADIUS;

THENCE SOUTHERLY 404.64 FEET ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 11° 21' 53", TO THE WEST LINE OF SAID SECTION 31;

THENCE SOUTH 00° 10' 45" WEST, 1,257.93 FEET TO THE SOUTHWEST CORNER OF SAID SECTION;

THENCE ON THE SOUTH LINE OF SAID SECTION, NORTH 89° 50' 47" EAST, 1,972.62 FEET, NORTH 89° 51' 01" EAST, 2651.43 FEET AND NORTH 89° 52' 18" EAST, 783.13 FEET TO THE SOUTHEAST CORNER OF SAID SECTION;

THENCE NORTH 00° 12' 39" EAST, 5,335.36 FEET TO THE NORTHEAST CORNER OF SAID SECTION;

THENCE ON THE NORTH LINE OF SAID SECTION SOUTH 89° 39' 19" WEST, 1,321.44 FEET;

THENCE SOUTH 89° 44' 59" WEST, 1,322.01 FEET; AND SOUTH 89° 42' 26" WEST, 2,734.41 FEET TO THE POINT OF BEGINNING;

EXCEPTING THAT PORTION DESCRIBED BY DEED TO THE COUNTY OF RIVERSIDE, RECORDED OCTOBER 15, 1986 AS INSTRUMENT NO. 256010 OFFICIAL RECORDS.

ALSO EXCEPT THAT PORTION DESCRIBED BY DEED TO THE CITY OF RANCHO MIRAGE, RECORDED FEBRUARY 11, 1987 AS INSTRUMENT NO. 40088 OFFICIAL RECORDS.

ALSO EXCEPT EXHIBIT "A" AS SHOWN ON CERTIFICATE OF COMPLIANCE, AS EVIDENCED BY DOCUMENT RECORDED MAY 10, 2016 AS INSTRUMENT NO. 2016-0188516, OF OFFICIAL RECORDS.

**PARCEL B:**

THAT PORTION OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF RIO DEL SOL ROAD (80.00 FEET WIDE) AS DESCRIBED IN DEED TO COUNTY OF RIVERSIDE, RECORDED AUGUST 2, 1949, AS INSTRUMENT NO. 274 OF OFFICIAL RECORDS, WITH THE WEST LINE OF SECTION 31, IN TOWNSHIP 4 SOUTH, RANGE 6 EAST; SAID INTERSECTION BEING A POINT ON A CURVE IN SAID EAST LINE CONCAVE WESTERLY OF 2,040.00 FEET RADIUS TO WHICH A RADIAL BEARS SOUTH 78° 27' 22" EAST;

THENCE SOUTH 00° 10' 45" WEST, 1,257.93 FEET ON SAID WEST LINE OF SECTION 31, TO THE SOUTHWEST CORNER OF SAID SECTION 31, BEING THE SOUTHEAST CORNER OF SAID SECTION 36;

THENCE SOUTH 89° 52' 25" WEST, 536.35 FEET ALONG THE SOUTH LINE OF SAID SECTION 36 TO THE INTERSECTION OF THE EAST LINE OF SAID DEL RIO DEL SOL ROAD, SAID INTERSECTION BEING A POINT ON A CURVE OF SAID EAST LINE, CONCAVE EASTERLY OF 1,960.00 FEET RADIUS, TO WHICH A RADIAL BEARS NORTH 73° 55' 05" WEST;  
THENCE ALONG SAID EAST LINE, NORTHERLY 482.81 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14° 06' 50"; THENCE NORTH 30° 11' 45" EAST, 229.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY OF 2,040.00 FOOT RADIUS AND NORTHERLY 664.10 FEET ON SAID CURVE THROUGH A CENTRAL ANGLE OF 18° 39' 07" TO THE POINT OF BEGINNING;  
EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF RANCHO MIRAGE, RECORDED FEBRUARY 11, 1987 AS INSTRUMENT NO. 40088, OFFICIAL RECORDS.

**EXHIBIT "B"**  
**LEGAL DESCRIPTION OF ANNENBERG PROPERTIES**

Parcel 1.

That portion of the South half of Section 36, Township 4 South, Range 5 East, San Bernardino Base and Meridian, Riverside County, California, particularly described as follows:

Beginning at the Northeast corner of Wonder Estates as per map recorded in book 24, pages 94 and 95 of Maps, in the office of the County Recorder of said County; thence along the centerline of said Section, North  $89^{\circ} 54' 39''$  East 3981.19 feet to the Westerly line of Rio Del Sol Road (80 ft. wide, as conveyed to the County of Riverside by deed recorded August 2nd, 1949 in book 1099, page 32 of Official Records); thence along said Westerly line the following courses South  $0^{\circ} 10' 45''$  West 1000.36 feet to the beginning of a curve concave Northwesterly, tangent to the preceding course; thence Southwesterly along said curve having a radius of 1960.00 feet through a central angle of  $30^{\circ} 01' 00''$  a distance of 1026.82 feet to the end of said curve; thence South  $30^{\circ} 11' 45''$  West tangent to preceding course a distance of 229.63 feet to the beginning of a tangent curve concave Southeasterly; thence Southwesterly along said curve having a radius of 2040.00 feet through a central angle of  $14^{\circ} 44' 57''$  a distance of 524.14 feet to the Southerly line of said Section 36; thence leaving said Westerly line South  $89^{\circ} 59' 30''$  West 2363.65 feet along said Southerly line to a point distant North  $89^{\circ} 59' 30''$  East 332.50 feet from the Southeast corner of the amended Map of Desert Dunes, as shown on a Map on file in book 19, page 43 of Maps, records of said County, thence North  $0^{\circ} 19' 07''$  East parallel with and distant Easterly 332.50 feet measured at right angles from the Easterly line of said amended map of Desert Dunes, a distance of 1310.00 feet, thence parallel with the Southerly line of said Section, South  $89^{\circ} 59' 30''$  West 1039.22 feet to the Easterly line of said Wonder Estates; thence along said Easterly line North  $0^{\circ} 05' 21''$  East a distance of 40.00 feet, thence North  $89^{\circ} 59' 30''$  East a distance of 55.00 feet; thence North  $0^{\circ} 05' 21''$  East parallel with the Easterly line of said Wonder Estates a distance of 100.00 feet; thence South  $89^{\circ} 59' 30''$  West parallel with the Southerly line of said Section a distance of 55.00 feet; thence North  $0^{\circ} 05' 21''$  East 1205.50 feet along the Easterly line of said Wonder Estates to the point of beginning.

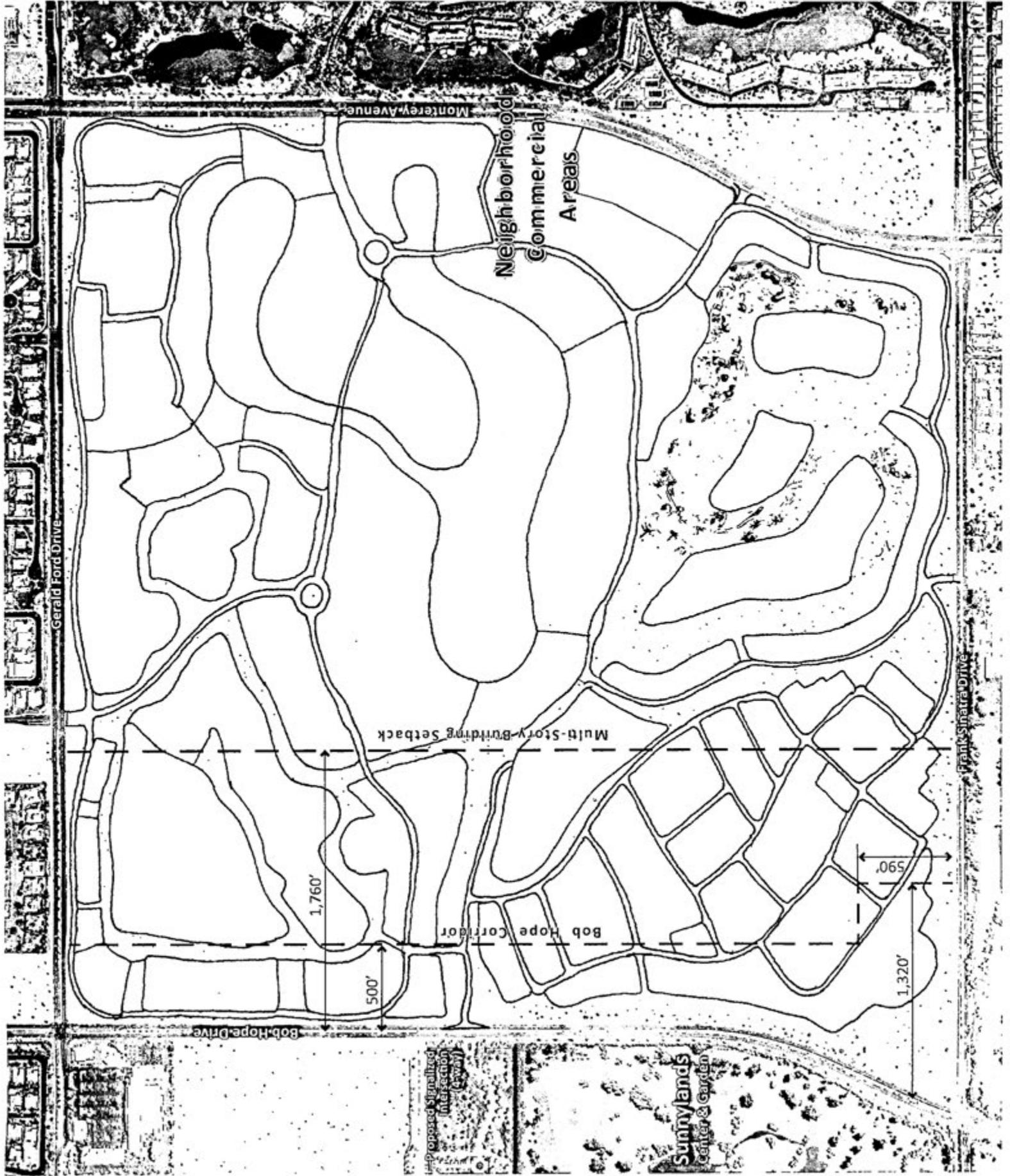
Parcel 2:

The South half of the Northeast quarter of Section 26, Township 4 South, Range 5 East, San Bernardino Meridian, in the County of Riverside, State of California, according to the official plat thereof.

Except the Northwest quarter of the Southwest quarter of said Northeast quarter as conveyed to Delton D. Smith and Mary White Smith, husband and wife, by deed recorded June 12, 1946 in Book 746 Page 567 of official records; Riverside County Records.

Also except the East 40.00 feet as conveyed to the County of Riverside by deed recorded June 16, 1949 as Instrument No. 2235.

Exhibit C.





T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

*Via Email and U.S. Mail*

October 16, 2018

Bud Kopp, Planning Manager  
City of Rancho Mirage  
Planning Department  
69-825 Highway 111  
Rancho Mirage, CA 92270  
[budk@ranchomirageca.gov](mailto:budk@ranchomirageca.gov)

Jeremy Gleim, Director of Development Services  
City of Rancho Mirage  
Planning Department  
69-825 Highway 111  
Rancho Mirage, CA 92270  
[jeremyg@ranchomirageca.gov](mailto:jeremyg@ranchomirageca.gov)

Kristie Ramos, City Clerk  
City of Rancho Mirage  
City Clerk's Office  
69-825 Highway 111  
Rancho Mirage, CA 92270  
[kristier@ranchomirageca.gov](mailto:kristier@ranchomirageca.gov)

**Re: CEQA and Land Use Notice Request for the project known as Section 31 Specific Plan Project (State Clearinghouse #2018081074)**

Dear Mr. Kopp, Mr. Gleim and Ms. Ramos:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in Riverside County and/or the City of Rancho Mirage ("LiUNA"), regarding the project known as Section 31 Specific Plan Project (State Clearinghouse #2018081074), including all actions related or referring to the proposed specific plan that would allow development of up to 650 hotel/resort units, 2,625 residential units, and 250,000 square feet of nonresidential development of combined restaurant, recreation, and ancillary building area on 618 acres located South of Gerald Ford Drive, east of Bob Hope Drive, north of Frank Sinatra Drive, and west of Monterey Avenue on APNs: 674-430-016 and 685-220-006 in the City of Rancho Mirage ("Project").

We hereby request that the City of Rancho Mirage ("City") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.

October 16, 2018

CEQA and Land Use Notice Request for the project known as Section 31 Specific Plan Project  
(State Clearinghouse #2018081074)

Page 2 of 2

- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
  - Notice of any Final EIR prepared pursuant to CEQA.
  - Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Richard Drury  
Komalpreet Toor  
Lozeau Drury LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607  
510 836-4200  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[komal@lozeaudrury.com](mailto:komal@lozeaudrury.com)

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Komalpreet Toor  
Legal Assistant  
Lozeau | Drury LLP

**APPENDIX A.4**

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**Distribution List**

**Section 31 Specific Plan Public Draft EIR  
Distribution List**

**July 2019**

<b>Agency/Organization/Company</b>	<b>Contact Name</b>	<b>Title/Division</b>	<b>Address</b>	<b>City/State/Zip</b>	<b>Mailing Receipt</b>	<b>Mailing Status</b>	<b>Received Date</b>
<b>State Agencies - FedEx</b>							
California Department of Fish and Wildlife		Region 6, Inland Deserts	3602 Inland Empire Blvd., Suite C-220	Ontario, CA 91764			
California Air Resources Board			P.O. Box 2815	Sacramento, CA 95812			
California Department of Transportation		Caltrans District 8, Planning Division	464 W. 4th Street	San Bernardino, CA 92401			
Colorado River RWQCB			73-720 Fred Waring Drive, Suite 100	Palm Desert, CA 92260			
California Public Utilities Commission	Yen Ken Chiang	Utilities Engineer	320 W. 4th Street, Suite 500	Los Angeles, CA 90013			
<b>Other Agencies - Mail Certified</b>							
South Coast Air Quality Management District	Daniel Garcia	Program Supervisor	21865 East Copley Drive	Diamond Bar, CA 91765-4182			
Southern California Association of Governments	Jonathan Nadler	Manager	900 Wilshire Blvd., Ste 1700	Los Angeles, CA 90017			
Agua Caliente Band of Cahuilla Indians	Katie Croft	Cultural Resources Manager, Tribal Historic Preservation Office	5401 Dinah Shore Drive	Palm Springs, CA 92264			
Sunline Transit Agency	Victor A. Duran	Transit Planning Manager	32-505 Harry Oliver Trail	Thousand Palms, CA 92276			
Imperial Irrigation District	Donald Vargas	Compliance Administrator II	333 E. Barioni Blvd.	Imperial, CA 92251			
Palm Springs Unified School District	Julie Arthur	Executive Director	150 District Center Drive	Palm Springs, CA 92264			
Waste Management of the Inland Empire	Lidia Obregon	Operations Specialist	800 S Temescal Street	Corona, CA 92504			
Riverside County Fire Department		Environmental Review	44-400 Town Center Way	Palm Desert, CA 92260			
Coachella Valley Water District Div. 1	Patrick O'Dowd	Director, Rancho Mirage	P.O. Box 1058	Coachella, CA 92236			
Coachella Valley Water District		Environmental Review	P.O. Box 1058	Coachella, CA 92236			
Riverside County Flood Control and Water Conservation District		Regulatory	1995 Market Street	Riverside, CA 92501			
Riverside County Transportation Department		Environmental Review	4080 Lemon Street, 8th Floor	Riverside, CA 92501			
Coachella Valley Association of Governments	Katie Barrows	Director of Environmental Services	73710 Fred Waring Drive	Palm Desert, CA 92260			
Riverside County Sheriff's Office	Jennifer Benoit	Crime Prevention Division	73705 Gerald Ford Drive	Palm Desert, CA 92211			
Riverside County Planning Department		Environmental Review	77588 El Duna Ct, Suite H	Palm Desert, CA 92211			
City of Cathedral City	Pat Milos	Community Dev. Dir.	68-700 Avenida Lalo Guerrero	Cathedral City, 92234			
City of Palm Desert	Lauri Aylaian	City Manager	73510 Fred Waring Drive	Palm Desert, CA 92260			
City of Palm Desert	Ryan Stendell	Director of Community Development	73510 Fred Waring Drive	Palm Desert, CA 92261			
Desert Sands Unified School District			47-950 Dunes Palm Road	La Quinta, CA 92253			
Riverside County	Jay Orr	Executive Officer	4080 Lemon St., 4th Floor	Riverside, CA 92501			
	Raul Ruiz	Congressman, CA-36	43875 Washington Street, Suite F	Palm Desert, CA 92211			
	Chad Mayes	Assemblyman, 42nd Assembly District	41608 Indian Trail, Suite 1	Rancho Mirage, CA 92270			
	Jeff Stone	Senator, 28th Senate District	45-125 Smurr Street, Suite B	Indio, California 92201			
United States Environmental Protection Agency		Region 9	75 Hawthorne Street	San Francisco, CA 94105			
Sierra Club		Tahquitz Group	P.O. Box 4944	Palm Springs, CA 92263			
Riverside County Department of Waste Resources			14310 Frederick Street	Moreno Valley, CA 92553			
City of Palm Springs	Flinn Fagg	Dir. of Planning Svcs.	3200 E. Tahquitz Canyon Way	Palm Springs, CA 92262			
City of Rancho Mirage	Dana Hobard	City Council	69825 Highway 111	Rancho Mirage, CA 92270			
City of Rancho Mirage	Isaiah Hagerman	City Manager	69825 Highway 111	Rancho Mirage, CA 92270			
City of Rancho Mirage	Ted Lyles	City Council	69825 Highway 111	Rancho Mirage, CA 92270			

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Imperial County Planning & Development Services			940 Main Street	El Centro, CA 92243		
San Bernardino County County Government Center			385 N. Arrowhead Ave.	San Bernardino, CA 92415		
Orange County Community Development			300 North Flower Street	Santa Ana, CA 92703-5000		
San Diego County Planning & Development Svsc.			5510 Overland Ave., Ste 310	San Diego, CA 92123		
Riverside County Transportation Commission	Steven Keel	Environmental Manager	3850 Vine Street, Suite 210	Riverside, CA 92507		
Union Pacific Railroad	Kenneth Tom	Manager of Special Projects – Southern California	2015 South Willow Avenue	Bloomington, CA 92316		
Riverside County LAFCO			3850 Vine St., Suite 240	Riverside, CA 92507-4277		
United States Fish and Wildlife Service	Ken Corey	Asst. Field Supervisor, Palm Springs Office	777 E. Tahquitz Canyon Wy, Ste 208	Palm Springs, CA 92262		
Bureau of Indian Affairs	Ollie Beyal	Superintendent, Palm Springs Field Agency	3700A East Tachevah Dr., Suite 201	Palm Springs, CA 92262		
County of Riverside	V. Manuel Perez	Supervisor, 4th District	73-710 Fred Waring Drive, Suite 222	Palm Desert, CA 92260		
Riverside County Department of Environmental Health			P.O. Box 7909	Riverside, CA 92513-7909		
<b><u>Native American Tribes - Mail Certified</u></b>						
Native American Heritage Commission	Dave Singleton	Program Analyst	1550 Harbor Boulevard, Suite 100	West Sacramento, CA 95691		
Augustine Band of Cahuilla Indians	Victoria Martin	Tribal Secretary	84-481 Avenue 54	Coachella, CA 92236		
Twenty-Nine Palms Band of Mission Indians	Anthony Madrigal, Jr.	Tribal Historic Preservation Officer	46-200 Harrison Place	Coachella, CA 92236		
Pala Tribal Historic Preservation Office, Pala Band of Mission Indians	Shasta C. Gaughen, PhD	Tribal Historic Preservation Officer	PMB 50, 35008 Pala Temecula Road	Pala, CA 92059		
<b><u>Other Interested Parties - Regular Mail</u></b>						
Lozeau Drury LLP	Richard Drury, Esq.		410 12th Street, Suite 250	Oakland, CA 94607		
Southern California Gas Company	Deborah McGarrey	Environmental Review	45123 Towne Street	Indio, California 92201		
Spectrum			44-425 Town Center Way	Palm Desert, CA 92260		
Southern California Edison	Jennifer Cusack	Region Manager, SCE Palm Springs Service Center	36100 Cathedral Canyon Drive	Cathedral City, CA 92234		
Frontier Communications		Environmental Review	73766 Palm Desert Drive	Palm Desert, CA 92260		
Burrtec Waste Management		Environmental Review	41575 Eclectic Way	Palm Desert, CA 92260		
Rancho Mirage Country Club HOA	Steve Downs	President	38-500 Bob Hope Drive	Rancho Mirage, CA 92270		
Marriott's Shadow Ridge I-The Villages	Mike Wright	Head Golf Professional	9003 Shadow Ridge Road	Palm Desert, California 92211		
Mira Vista at Mission Hills HOA		Associa Desert Resort Management	42635 Melanie Place, Suite 103	Palm Desert, CA 92211		
Legacy at Mission Hills HOA		The Management Trust: Monarch Group	39755 Berkey Drive, Suite A	Palm Desert, CA 92211		
Mission Hills HOA		Personalized Property Management	68950 Adelina Rd.	Cathedral City, CA 92234		
Mission Hills Phase IV HOA		Desert Management	42427 Rancho Mirage Ln.	Rancho Mirage, CA 92270		
Mission Hills Desert Haciendas 4 HOA, Mission Hills Racquet Club Estates HOA		Gold Coast Enterprises	34400 Date Palm Drive, Suite A	Cathedral City, CA 92234		
Oakmont Estates at Mission Hills HOA, Mission Hills East HOA		Albert Management	41865 Boardwalk, Ste 101	Palm Desert, CA 92211		
The Springs Community Association			174 Yale Drive	Rancho Mirage, CA 92270		
Versaille Homeowners Association	Joyce Witten	Manager	68-950 Adelina Road	Cathedral City, CA 92234		
Escala at Rancho Mirage		The Management Trust	39755 Berkey Drive, Suite A	Palm Desert, CA 92211		
Victoria Falls HOA	David Carter	Manager	41865 Boardwalk, Suite 101	Palm Desert, CA 92211		
Desert Island HOA		Associa Desert Resort Management	42635 Melanie Place Suite 103	Palm Desert, CA 92211		
Desert Island HOA	Dana Brown	General Manager	950 Island Drive	Rancho Mirage, CA 92270		
The S at Rancho Mirage	Tim Martin	President	71-777 Frank Sinatra Drive	Rancho Mirage, CA 92270		
Coachella Valley Mountains Conservancy	Jim R. Karpiak	Executive Director	73-710 Fred Waring Drive, Suite 112	Palm Desert, CA 92260		
Friend of the Desert Mountains			51500 CA-74	Palm Desert, CA 92260		
Bennion Deville Homes	Carol Trentacosta		98 Via Bella	Rancho Mirage, CA 92270		
	Nansci LaGette		13 Napoleon Rd.	Rancho Mirage, CA 92270		
The S at Rancho Mirage	Tim Martin		38 Mayfair Dr.	Rancho Mirage, CA 92270		

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Landmark Golf Co.	Andy Vossler		74947 Highway 111, Suite 215	Indian Wells, CA 92210		
American Public Works Association, Coachella Valley Chapter			45025 Manitou Dr., Suite11	Indian Wells, CA 92210		
Berger Foundation	Douglas Vance	VP, Real Estate	PO BOX 13390	Palm Desert, CA 92255		
BIA Desert Chapter	Erica Harnik	Coachella Valley Coordinator	3891 11th Street	Riverside, CA 92501		
The Torah Oasis			72295 Via Marta	Rancho Mirage, CA 92270		
Palm Desert Greens HOA			73750 Country Club Dr	Palm Desert, CA 92260		
Palm Springs Life Magazine	Julie Rogers		303 N Indian Canyon Dr.	Palm Springs, CA 92262		
California Desert Association of Realtors			73271 Fred Waring Dr. #100	Palm Desert, CA 92260		
La Quinta Arts Foundation			78150 Calle Tampico #215	La Quinta, CA 92253		
Greater Palm Springs Convention and Visitors Bureau	Scott White	Executive Director	70100 CA-111	Rancho Mirage, CA 92270		
Desert Valleys Builders Association	Gretchen Gutierrez	CEO	75100 Mediterranean Ave.	Palm Desert, CA 92211		
Coachella Valley Economic Partnership (CVEP)	Joe Wallace	CEO	3111 East Tahquitz Canyon Way	Palm Springs, California 92262		
Monterey Country Club Properties			41502 Monterey Ave.	Palm Desert, CA 92260		
Wilshire Palms HOA		Desert Management	42427 Rancho Mirage Ln.	Rancho Mirage, CA 92270		
Nansci LeGette			13 Napoleon Road	Rancho Mirage, CA 92270		
<b><u>Team List</u></b>						
City of Rancho Mirage - FedEx overnight	Jeremy Gleim, AICP	Development Services Director	69-825 Highway 111	Rancho Mirage, CA 92270		
DMB Development LLC - regular mail	Mary S. Alexander	Executive Vice President and General Counsel	7600 E Doubletree Ranch Rd Suite 250	Scottsdale, AZ 85258-2137		
Stowell, Zeilenga, Ruth, Vaughn & Treiger LLP - regular mail	James Vaughn, Esq.		4590 E. Thousand Oaks Blvd., Suite 100	Westlake Village, CA 91362		
Annenberg Foundation Trust at Sunnylands - FedEx	Emily P. Hemphill, Esq.	Law Offices of Emily Perri Hemphill	13614 E. Geronimo Road	Scottsdale, AZ 85259		
Quill Enterprises LLC - regular mail	Paul D. Quill		51245 Avenida Rubio	La Quinta, CA 92253		
MSA Consulting, Inc. - regular mail	Paul Depalatis	Vice President, Director of Planning Services	34200 Bob Hope Drive	Rancho Mirage, CA 92270		
<b><u>Other Mailings</u></b>						
State Clearinghouse - FedEx			1400 Tenth Street	Sacramento, CA 95814		
City of Rancho Mirage Public Library - FedEx overnight			71-100 CA-111	Rancho Mirage, CA 92270		