



Prepared For:

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

Environmental Impact Report In-N-Out Burger Restaurant

SCH NO. 2020050075



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September 2020

Draft

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for the

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1.0 INTRODUCTION

This section provides information on the background on the proposed In-N-Out Burger Restaurant Project (proposed Project), as further described in **Section 3.0: Project Description** and assessed in this Draft Environmental Impact Report (Draft EIR), the environmental review process being conducted by the City of Rancho Mirage (City) for this Project, and the organization and content of this Draft EIR. See **Section 8.0: Terms, Definitions, and Acronyms** for a definition of terms and acronyms used in this Draft EIR.

A. PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

This Draft EIR (State Clearinghouse No. 2020050075) has been prepared by the City in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC], Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, Section 15000 et seq.) to evaluate the potential environmental effects of the Project. This Draft EIR identifies and discusses potential Project-specific and cumulative environmental impacts that may occur should the Project be implemented. The intent of this EIR is to (1) be an informational document, which serves to inform public agency decision makers and the general public of the potential environmental impacts of the Project; (2) identify possible ways to minimize or avoid any potential significant impacts either through mitigation or the adoption of alternatives; and (3) disclose to the public required agency approvals.

In accordance with the State CEQA Guidelines, public agencies are required to make written findings for each environmental impact of the project identified in the EIR. If the lead agency and responsible agencies decide that the benefits of the proposed project outweigh any identified unmitigated significant environmental effects, they will be required to adopt a statement of overriding considerations supporting their actions. The City will act as the Lead Agency for this proposed Project. The discretionary actions involved in the implementation of the proposed Project by the City are described in **Section 3.0**.

B. STANDARDS FOR ADEQUACY

The principal use of an EIR is to provide input and information to the comprehensive planning analysis undertaken for the proposed Project. Given the role of the EIR in this planning and decision-making process, it is important that the information presented in the EIR be factual, adequate, and complete. The standards for adequacy of an EIR, defined in Section 15151 of the State CEQA Guidelines, are as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

C. ENVIRONMENTAL REVIEW PROCESS

The State CEQA Guidelines define a process for environmental review that includes a series of steps that must be completed prior to any action taken by the Lead Agency on a project.

Scoping Process

In compliance with Section 15201 of the State CEQA Guidelines, the City has taken steps to provide opportunities for public participation in the environmental process. A Notice of Preparation (NOP) was distributed on May 4, 2020 to State, regional, local government agencies, and interested parties for a 30-day public review period to solicit comments and to inform agencies and the public of the Project. The proposed Project was described, potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and responses received are included in **Appendix A: Notice of Preparation (NOP) and Comment Letters on the NOP** of this Draft EIR.

The City received comments from one state agency, one public agency and 20 individuals. The NOP and received comments are contained in **Appendix A** of this Draft EIR. The purpose of the NOP was to formally convey to the public that the City was preparing a Draft EIR for the proposed Project and to solicit input regarding the scope and content of the environmental information to be included in this Draft EIR.

Topics evaluated in this Draft EIR have been identified based on the responses to the NOP and the review of the proposed Project by City staff. The City determined through this initial review process that impacts related to the following environmental topics are potentially significant and require an assessment in this Draft EIR:

- Aesthetics
- Air Quality
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Traffic and Transportation
- Utilities and Service Systems

Other environmental issues were eliminated or scoped out from detailed review in this Draft EIR during the NOP process because the impacts were determined to have no impact or less than significant impacts. These environmental issues are not discussed in detail within this Draft EIR. For a complete discussion of the environmental issues that were scoped out from this Draft EIR, refer to **Section 7.1: Effects Not Found to Be Significant**.

Review and Comment on the Draft Environmental Impact Report

CEQA requires that the Lead Agency provide the public and agencies the opportunity to review and comment on the Draft EIR. The City is providing a 45-day period for review and comment on this Draft EIR, starting Wednesday, September 23, through Friday, November 6, 2020.

Copies of this Draft EIR have been sent to the State Clearinghouse, responsible agencies, other agencies that have commented on the NOP, and to all interested parties that have requested notice and copies of the Draft EIR.

The Draft EIR is also available for review at the following locations:

- City of Rancho Mirage Planning Division, 69-825 Highway 111, Rancho Mirage, CA 92270, (760) 328-2266; and
- City of Rancho Mirage Library and Observatory, 71-100 Highway-111, Rancho Mirage, CA 92270, (760) 341-7323

In addition, the Draft EIR is available at the City's website at:

<https://ranchomirageca.gov/our-city/city-departments/planning/environmental-documents/>

Interested individuals, organizations, responsible agencies, and other agencies can provide written comments about the Draft EIR addressed to:

Jeremy Gleim, AICP, Development Services Director
City of Rancho Mirage
(760) 328-2266
jeremyg@ranchomirageca.gov

When submitting comments, please note "In-N-Out Burger Restaurant Project Draft EIR" in the subject line and include the name of the contact person within the commenting agency (if applicable).

After completion of the 45-day review period, a Final EIR will be prepared that includes responses to comments submitted on the Draft EIR and any necessary corrections or additions to the Draft EIR. The Final EIR will be made available to agencies and the public prior to the City's determination on the Project. Once the Final EIR is complete, the City may certify the Final EIR, prepare Findings, adopt a mitigation monitoring and reporting program, and issue a Notice of Determination, which is the final step in the CEQA process.

D. ORGANIZATION OF THE DRAFT EIR

As stated, a principal objective of CEQA is to ensure that the environmental review process be a public one. In meeting this objective, an EIR informs members of the public, reviewing agencies, and decision-makers of the physical impacts associated with a project. To this end, specific features have been incorporated into this Draft EIR to make it more understandable for nontechnically oriented reviewers while providing the technical information necessary for the City to proceed with processing the Project. Sections of the Draft EIR are organized as follows:

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

Section 2.0: Summary presents a concise summary of the environmental information, analysis, and conclusions in this EIR.

Section 3.0: Project Description presents a description of the proposed Project which addresses the location of the Project Site, the objectives of the Project, the characteristics of the Project, and identification of all discretionary actions requiring approval to allow implementation of the Project.

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

Section 5.0: Environmental Impact Analysis presents the existing conditions, Project and cumulative impact analyses, mitigation measures, and conclusions regarding the level of significance after mitigation.

Section 6.0: Alternatives discusses alternatives to the proposed Project that have been developed and analyzed to provide additional information on ways to avoid or lessen the impacts of the Project.

Section 7.0: Other Environmental Impacts

- **Section 7.1: Effects Not Found to Be Significant** discusses the potential impacts of the proposed Project that were determined not to be significant and were therefore not discussed in detail in this Draft EIR.
- **Section 7.2: Significant Irreversible Environmental Changes** discusses the significant irreversible and irretrievable commitment of resources associated with implementation of the Project.
- **Section 7.3: Growth-Inducing Impacts** discusses the growth-inducing impacts of the Project.
- **Section 7.4: Secondary Effects** discusses the secondary effects, if any, of implementation of the Project's mitigation measures.

Section 8.0: Terms, Definitions, and Acronyms provides a list of specially defined terms and acronyms used throughout this Draft EIR.

Section 9.0: Organizations and Persons Consulted lists persons involved in the preparation of this Draft EIR or who contributed information incorporated into this Draft EIR.

Section 10.0: References lists the principal documents, reports, maps, and other information sources referenced in this Draft EIR.

Appendices to this EIR include technical information and other materials used in the preparation of this Draft EIR.

2.0 SUMMARY

This section provides information on the background and summary of the proposed In-N-Out Burger Restaurant (proposed Project), as described in **Section 3.0: Project Description**, and assessed in this Draft Environmental Impact Report (Draft EIR).

A. PURPOSE OF THIS ENVIRONMENTAL IMPACT REVIEW

The environmental review process for this proposed Project is being conducted by the City of Rancho Mirage (City). The California Environmental Quality Act (CEQA) was adopted to inform governmental decision makers and the public about the potential significant environmental effects of proposed activities, identify the ways that environmental damage can be avoided or significantly reduced and prevent significant, avoidable impacts to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures. When it is determined through preliminary review that a proposed project may result in significant impacts to the quality of the natural environment, preparation of an EIR in accordance with the process defined in CEQA is required.

The City, acting as the Lead Agency for the planning and environmental review of this Project, has prepared this EIR in compliance with CEQA, including the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.).

B. OVERVIEW OF PROPOSED PROJECT

Project Location, Existing Site Conditions, and Background

The City is located in the central portion of the Coachella Valley within Riverside County, California, as shown in **Figure 3.0-1: Regional Location Map**. Regional access to the City is provided by Interstate 10 (I-10), which runs east from Santa Monica through Los Angeles and San Bernardino, before crossing the state of Arizona.

The proposed Project is located on approximately 1.52 acres of vacant land within the existing Rancho Las Palmas Shopping Center (Project Site) on the northeast corner of Highway 111 and Magnesia Falls Drive at 42560 Bob Hope Drive, as shown in **Figure 3.0-2: Project Site Location Map**. The existing General Plan land use and zoning designation for the Project Site is Neighborhood Commercial (C-N) as shown in **Figure 3.0-3: Land Use and Zoning Map**. The C-N zoning district is applied to areas appropriate for neighborhood-scale shopping centers compatible with adjacent residential areas, including supermarkets and drugstores on sites generally eight to ten acres in size, providing approximately a maximum of eighty thousand to one hundred thousand square feet of gross floor area. The shopping center is currently occupied by commercial tenants such as CVS Pharmacy (with associated drive-through), Hobby Lobby, Steinmart, and Starbucks (with associated drive-through).

The Rancho Las Palmas Shopping Center was originally approved in 1978 and was redeveloped in 2015. With the most recent upgrade, the Rancho Las Palmas Shopping Center went through a large amount of demolition, reconstruction, and re-facing. The redevelopment of the Project Site within the Rancho Las Palmas Shopping Center included the demolition of a 5,470-square-foot sit-down restaurant that previously occupied the Project Site. The 2014 development package for the Rancho Las Palmas Shopping Center received approval for a 7,000-square-foot building, known as “Building K,” to be built on the Project Site. The pad was prepared for development with the redevelopment of the rest of the Rancho Las Palmas Shopping Center, but was never built, and the Project Site currently remains vacant.

Project Characteristics

In-N-Out Burger (the Applicant) proposes the 3,885-square-foot restaurant with drive-through project on approximately 1.52 acres. The proposed Project would be an approximately 3,885-square-foot building with indoor seating for 74 guests, and outdoor seating for 82 guests, as shown in **Figure 3.0-4: Site Plan**. A 1,762-square-foot patio cover would be connected to the restaurant building at its southwest corner to provide shade for outdoor dining. The proposed building would include a preparation and kitchen area, a cooler area, an office, two dressing rooms, two restrooms, a dining room, a self-serving bar area, a serving area, and a storage/miscellaneous room, as shown in **Figure 3.0-5: Floor Plan**. The building would have two customer entrances: one along the north side of the building and one along the east side of the building.

Other outdoor uses would include car parking and electric vehicle charging stations, bicycle parking, a drive-through, and an approximately 442-square-foot, roof-covered trash and recycling enclosure.

There would be no delivery dock or designated delivery parking bay required on the premises, as deliveries are made only by In-N-Out-owned and -operated vehicles, after the restaurant is closed to the public, between the hours of 2:00 AM and 9:00 AM.

The proposed Project would be equipped with three grills. Two grills would operate at all times, and activation of the third grill would be done in response to high dine-in or, more typically high drive-through demand, as activating the third grill significantly increases the speed at which drive-through orders are delivered to customer vehicles. In addition, standard store operating procedure requires that as soon as the drive-through queue reaches the 8th car, In-N-Out Associates are deployed outside to take orders using hand-held ordering tablets. The use of these tablets allows orders to funnel into the kitchen faster than ordering at the menu board. When combined with increased production from the third grill, the result is extremely fast and efficient food production with the shortest possible food wait times, and therefore the shortest possible drive-through vehicle queues.

Outdoor cameras and indoor monitors provide awareness of the queue reaching the 8th car. Between four and six outdoor cameras would be on site, with three to four of these cameras specifically viewing the drive-through lane. These cameras display on multiple monitors located inside the restaurant, including at the manager's office, above the grills, and at both the pay and pickup windows.

The following additional construction-related and operational characteristics are defined for the proposed Project.

Design Materials and Elevations

Design materials and colors used for the building would be consistent with those at many In-N-Out locations, with a more enhanced architectural design. These materials include composite wood, aluminum storefront, and stone veneer. Colors would be gray, white, and red. The building would be 26 feet 8 inches high at its tallest location; however, a majority of the building would be 19 feet 10 inches high, as shown in **Figure 3.0-6: North and East Colored Elevations** and **Figure 3.0-7: West and South Colored Elevations**.

Lighting and Signage

Lighting and signs would be used throughout the Project Site to provide direction to restaurant patrons, as well as security at nighttime.

Circulation and Access

Access to the shopping center is provided by three entrances, one along Magnesia Falls, one along Highway 111, and one along Bob Hope Drive. The proposed Project would have four vehicle access points to and from the restaurant parking lot to allow for better circulation.

Utilities

Infrastructure, including wet and dry utilities, curbs, and gutters, were installed for the Rancho Las Palmas Shopping Center. Electricity would be provided by Southern California Edison (SCE) Company; natural gas would be provided by Southern California Gas (SoCalGas); water would be provided by the Coachella Valley Water District; cable/internet would be provided by Charter Spectrum; telephone services would be provided by Frontier Communications; and solid waste services would be provided by Burrtec.

Landscaping

The site would be landscaped using heat- and drought-tolerant plant materials and water-saving irrigation methods. The proposed Project would involve the removal of approximately 26 trees and the planting of approximately 57 trees for a net increase of approximately 31 trees which would include a mix of palms, and other desert type trees. The trees would be planted around the building and throughout the parking lot. A mix of desert type shrubs would be planted in between these trees.

Construction

Construction for the restaurant would be done in a single phase and take approximately 7 months. These activities, some of which would run concurrently, include demolition and excavation, building construction, paving, and painting. Demolition would occur over approximately 3 weeks. Building construction, paving, and painting would occur afterwards.

Intended Uses of this EIR

This Draft EIR examines the environmental impacts of the proposed Project. It is the intent of this Draft EIR to enable the City, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed Project, and identify feasible measures to mitigate such impacts, thereby enabling them to make informed decisions with respect to the requested entitlements.

The CEQA Guidelines require an EIR to include a statement briefly describing the intended uses of the EIR, including a list of agencies expected to use the EIR in their decision-making and the list of the permits and other approvals required to implement the Project.

The City will use this Draft EIR to provide information on the potential environmental effects of the following proposed actions:

- Approval of a Zoning Text Amendment which seeks to modify allowable uses in the Neighborhood Commercial and General Commercial Zones in order to consider fast-food restaurants with a Conditional Use Permit in a large-scale shopping center;
- Approval of a zone text amendment to Section 17.90.020, "Definitions of specialized terms and phrases" of Title 17, "Zoning" of the Rancho Mirage Municipal Code be amended to include the definition of a large-scale shopping center, which reads as follows: A "Large Scale Shopping Center" is a comprehensively planned shopping center comprising 15 acres or more;
- Approval of the Conditional Use Permit;
- Approval of a Development Agreement; and
- Approval of Preliminary and Final Development Plans for proposed Project development.

C. PROJECT OBJECTIVES

The CEQA Guidelines require an EIR to include a statement of the objectives of the project that address the underlying purpose. The objectives of the proposed Project are:

- Develop and revitalize an infill site near major transportation corridors with a restaurant use that is consistent with other drive-through uses consistent with the City's large scale shopping center land use and zoning designation;

- Incorporate a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center;
- Provide a restaurant with a drive-through in compliance with the City's regulations and plans, including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials;
- Provide an iconic restaurant with a drive-through located mid-Valley along Highway 111 that allows the general public living, working, or visiting the City a location more convenient than the other In-N-Out Burger restaurant locations within the Valley; and
- Provide a project that will invigorate the local economy, employment, and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis.

D. SUMMARY OF ALTERNATIVES

Analysis of a reasonable range of alternatives would be required by CEQA. The purpose of the alternatives analysis is to provide additional information on ways to avoid or minimize the significant effects of a Project. The Alternatives to the Project evaluated in this Draft EIR include:

1. Alternative 1 – No Project/No Development
2. Alternative 2 – Alternative Commercial Development
3. Alternative 3 – No Drive-Through

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

Alternative 1—No Project/No Development

The CEQA Guidelines require consideration of a No Project alternative, with the definition of this alternative to be based on several factors, including consideration of what is likely to occur if the proposed Project is not approved. As required by CEQA, the analysis must examine the impacts that might occur if the Project Site is left in its existing condition, as well as what may reasonably be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.

Section 15126.6(e) of the CEQA Guidelines states: “the No Project/No Build Alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, under the No Project/No Development Alternative (Alternative 1), the Project Site would remain in its current and existing

condition. The developed pad would remain and the site would remain underdeveloped and the existing environmental conditions would be maintained. However, this Alternative must also consider what would be reasonably expected to occur in the foreseeable future if the proposed Project were not approved. The site previously had a 7,000-square-foot building approved, and it's reasonable to expect that absent this project, or denial of the proposed Project, a similar proposal would be made against 15126.6(e)(3)(B) and subsection (C). It is foreseeable that a restaurant like the prior 7,000-square-foot proposal would be proposed again, and thus, it is analyzed in the Alternative Commercial Development (Alternative 2).

The No Project Alternative would result in mostly reduced environmental effects compared to the proposed Project's less than significant impacts. However, Alternative 1 would result in similar hydrology and water quality impacts and greater land use impacts. No new development or land uses would be introduced on the Project Site under Alternative 1, and the existing site would continue to remain with a development pad and surface parking lot. As such, Alternative 1 would not meet any of the proposed Project's objectives.

Alternative 2—Alternative Commercial Development

The shopping center was originally approved in 1978 and was redeveloped in 2015. With the most recent upgrade, the center went through a large amount of demolition, reconstruction, and re-facing. The redevelopment of the Project Site included the demolition of the 5,470-square-foot sit-down restaurant that previously occupied the subject site. The 2014 development package for the center received approval for a 7,000-square-foot building, known as "Building K," to be built on the subject site. The pad was prepared for development with the revitalization of the rest of the center but the proposed "Building K" was never built. The Alternative Commercial Development (Alternative 2) assumes that the Project Site would be developed with a 7,000-square-foot building occupied by a full-service restaurant. The restaurant may result in a longer amount of time spent on the Project Site and could represent a reduced customer turnover frequency.

The Alternative Commercial Development assumes that the Project Site would be developed with a 7,000-square-foot building occupied by a full-service restaurant. The Alternative Commercial Development Alternative would result in greater impacts to aesthetics and utilities and service systems; similar impacts to geology and soils, hydrology and water quality, public services, and tribal cultural resources; and reduced impacts to air quality, greenhouse gases, land use and planning, noise, and transportation when compared to the proposed Project's less than significant impacts.

Alternative 3—No Drive-Through

Under the No Drive-Through Alternative, the proposed 3,885-square-foot building would be developed, but it would not include a drive-through. Without the drive-through lane, the site plan could be

reconfigured to add parking spaces in addition to the 75 spaces included in the proposed Project. Without a drive-through component, all customers would park their cars and enter the restaurant, rather than remaining in their cars and using the drive-through, in a manner akin to a "fast-casual" restaurant. For some customers, this may result in a longer amount of time spent on the Project Site and could represent a reduced customer turnover frequency.

The No Drive-Through Alternative would eliminate the drive-through associated with the 3,885-square-foot In-N-Out restaurant. The No Drive-Through Alternative would also result in similar geology and soils, hydrology and water quality, public services and tribal cultural resource impacts when compared to the proposed Project. Alternative 3 would result in reduced aesthetic, air quality, greenhouse gas emissions, land use and planning, noise, transportation, and utilities and service system impacts when compared to the proposed Project.

Environmentally Superior Alternative

The environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. In addition to the discussion and comparison of impacts of the project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of the project applicant or City.

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

The No Project/No Development Alternative would avoid environmental effects that may occur under the proposed Project. In comparison, all of the other alternatives would not fully eliminate any of the proposed Project's less than significant environmental effects. As such, Alternative 1 would be the environmentally superior alternative. However, as previously discussed, Alternative 1 would not achieve any of the proposed Project objectives or meet the underlying purpose to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center. As Alternative 1 has been determined to be the environmentally superior alternative, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As such, Alternative 3: No Drive Through Alternative, would reduce the environmental impacts associated with the proposed Project to a greater degree than Alternative 2. Specifically, the reduction in floor area associated with the restaurant occurring under this Alternative would further reduce the less than significant impacts of the proposed Project. Therefore, Alternative 3 would be considered the Environmentally Superior Alternative. However, Alternative 3 would not meet the primary purpose and objective of the proposed Project or the other proposed Project Objectives to the same extent as the proposed Project or Alternative 2.

E. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Some issues of concern were expressed through responses to the Notice of Preparation (NOP). Concerns regarding potential air quality impacts have been addressed in **Section 5.2: Air Quality** and potential greenhouse gas emissions have been addressed in **Section 5.7: Greenhouse Gas Emissions**. The Draft EIR also focuses on the secondary effects that can be expected from the zone text amendments and found impacts from the zone text amendments to be less than significant. The Project was found to have less than significant impacts, as addressed in **Section 5.6: Land Use and Planning**. Impacts associated with noise during construction and operation of the proposed Project as addressed in **Section 5.7: Noise**. Impacts on the existing traffic network and transportation impacts are addressed in **Section 5.9: Transportation**. Utilities and service system impacts, including water, wastewater, dry utility, and solid waste impacts on existing facilities, have been addressed in **Section 5.10: Utilities and Service Systems**. All other related potential impacts resulting from the Project have been addressed throughout this Draft EIR. All impacts were found to be less than significant.

F. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

A summary of the potential environmental impacts of the proposed Project and the features of the proposed Project is provided below for each topic addressed in this Draft EIR. **Table 2.0-1: Summary of Project Impacts** summarizes the significance of the impacts of the Project based on the information and analysis in **Section 5.0** of this Draft EIR.

**Table 2.0-1
Summary of Project Impacts**

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Aesthetics			
<i>Have a substantial adverse effect on a scenic vista?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Air Quality			
<i>Conflict with or obstruct implementation of the applicable air quality plan?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>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?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Expose sensitive receptors to substantial pollutant concentrations?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
Geology and Soils			
<i>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the 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?</i>	No Impact.	No mitigation measures are necessary.	No Impact.
<i>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving Seismic-related ground failure, including liquefaction?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Result in substantial soil erosion or the loss of topsoil?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Be located on a geologic unit or soil that is unstable, or that would become unstable as result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>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?</i>	No Impact.	No mitigation measures are necessary.	No Impact.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Greenhouse Gas Emissions			
<i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Hydrology and Water Quality			
<i>Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would 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?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Land Use and Planning			
<i>Physically divide an established community?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Noise			
<i>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Generation of excessive groundborne vibration or groundborne noise levels?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>For a project located within the vicinity of a private airstrip or 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?</i>	No Impact.	No mitigation measures are necessary.	No Impact.
Public Services			
Fire Protection and Emergency Medical Services			
<i>Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Law Enforcement			
<i>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 law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Transportation			
<i>Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</i>	No Impact.	No mitigation measures are necessary.	No Impact.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Result in inadequate emergency access?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Tribal Cultural Resources			
<i>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 cultural value to a California Native American tribe, and that is 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 § 5020.1(k).</i>	Potentially Significant.	MM 5.10-1: Prior to the commencement of any ground disturbing activities, the Project Applicant shall coordinate with the Agua Caliente Band of Cahuilla Indians (Tribe) to allow representatives of the Tribe to monitor the excavation of native, undisturbed soils on the Project Site for tribal cultural resources. During disturbance of any native, undisturbed soils, by excavation or other activities, if buried tribal cultural resources are encountered, then the Tribe Monitor shall request that construction activities be modified to investigate and notify a qualified archeologist that meets the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738–39). If activities are modified, based on the recommendation of the qualified archaeologist, then procedures for temporary stop and redirection of work to permit sampling, identification, and evaluation of possible resources, and procedures for additional analysis and resource protection shall be documented and then submitted to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.	Less than Significant.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 cultural value to a California Native American tribe, and that is 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i>	Potentially Significant.	Refer to MM 5.10-1 above.	Less than Significant.
Utilities and Service Systems			
Water Service and Supply			
<i>Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Wastewater Collection and Treatment			
<i>Would the project result in the relocation or construction of new or expanded wastewater treatment or storm water drainage facilities, the construction or relocation of which could cause significant environmental impacts?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.

Project Impacts	Impact without Mitigation	Mitigation Measures	Impact with Mitigation
<i>Would the project result in 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 providers existing commitments?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Dry Utilities (Electricity, Natural Gas, and Telecommunications)			
<i>Require or result in the relocation or construction of new or expanded power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
Solid Waste			
<i>Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.
<i>Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?</i>	Less than Significant.	No mitigation measures are necessary.	Less than Significant.

3.0 PROJECT DESCRIPTION

This section of the Draft Environmental Impact Report (Draft EIR) describes the location, objectives, and characteristics of the proposed In-N-Out Burger Restaurant Project (proposed Project) and the intended uses of this EIR, as required by the California Environmental Quality Act (CEQA) Guidelines Section 15124.¹ A general description of the Project's technical, economic, and environmental characteristics is provided in this section. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. PROJECT LOCATION

The City of Rancho Mirage is located in the central portion of the Coachella Valley within Riverside County, California, as shown in **Figure 3.0-1: Regional Location Map**. Regional access to the City is provided by Interstate 10 (I-10), which runs east from Santa Monica through Los Angeles and San Bernardino, before crossing the state of Arizona.

The proposed Project is located on approximately 1.52 acres of vacant land within the existing Rancho Las Palmas Shopping Center (Project Site) on the northeast corner of Highway 111 and Magnesia Falls Drive at 42560 Bob Hope Drive, as shown in **Figure 3.0-2: Project Site Location Map**. The existing Rancho Las Palmas Shopping Center consists of approximately 15 acres of land bound by Bob Hope Drive to the north, Highway 111 to the west, Magnesia Falls Drive on the south, and the Rancho Las Palmas Golf Course and multifamily residential units. Access to the Project Site is gained through the Rancho Las Palmas Shopping Center entrances along Bob Hope Drive, Highway 111, and Magnesia Falls Drive.

Existing Site Conditions and Background

The existing General Plan land use and zoning designation for the Project Site is Neighborhood Commercial (C-N) as shown in **Figure 3.0-3: Land Use and Zoning Map**. The C-N zoning district is applied to areas appropriate for neighborhood-scale shopping centers compatible with adjacent residential areas, including supermarkets and drugstores on sites generally eight to ten acres in size, providing approximately a maximum of eighty thousand to one hundred thousand square feet of gross floor area. The shopping center is currently occupied by commercial tenants such as CVS Pharmacy (with associated drive-through), Hobby Lobby, Steinmart, and Starbucks (with associated drive-through).

The Rancho Las Palmas Shopping Center was originally approved in 1978 and was redeveloped in 2015. With the most recent upgrade, the Rancho Las Palmas Shopping Center went through a large amount of

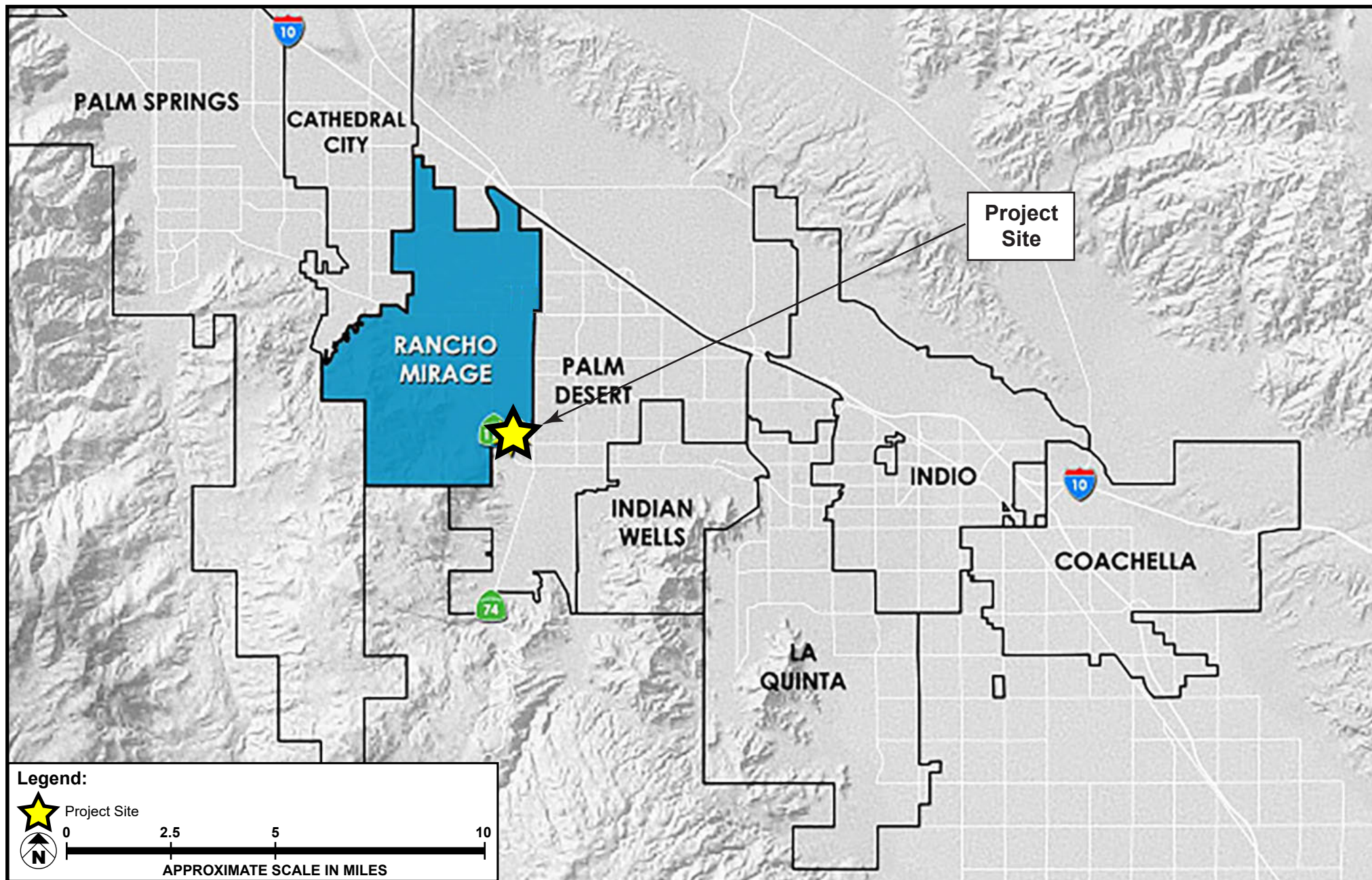
¹ California Code of Regulation, Title 14, Section 15000 et seq.

demolition, reconstruction, and re-facing. The redevelopment of the Project Site within the Rancho Las Palmas Shopping Center included the demolition of a 5,470 square foot sit-down restaurant that previously occupied the Project Site. The 2014 development package for the Rancho Las Palmas Shopping Center received approval for a 7,000-square-foot building, known as “Building K,” to be built on the Project Site. The pad was prepared for development with the redevelopment of the rest of the Rancho Las Palmas Shopping Center, but was never built, and the Project Site currently remains vacant.

B. PROJECT OBJECTIVES

CEQA Guidelines Section 15124(b) requires the Project Description to contain “a statement of the objectives sought by the proposed project,” which “should include the underlying purpose of the project and may discuss project benefits.” The underlying purpose of the proposed Project is to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City’s large-scale shopping center General Plan land use and zoning designation. The objectives of the Project are:

- Develop and revitalize an infill site near major transportation corridors with a restaurant use that is consistent with other drive-through uses consistent with the City’s large scale shopping center land use and zoning designation;
- Incorporate a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center;
- Provide a restaurant with a drive-through in compliance with the City’s regulations and plans, including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials. ;
- Provide an iconic restaurant with a drive-through located mid-Valley along Highway 111 that allows the general public living, working, or visiting the City of Rancho Mirage a location more convenient than the other In-N-Out Burger restaurant locations within the Valley; and
- Provide a project that will invigorate the local economy, employment, and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis.



SOURCE: Meridian Consultants - 2020

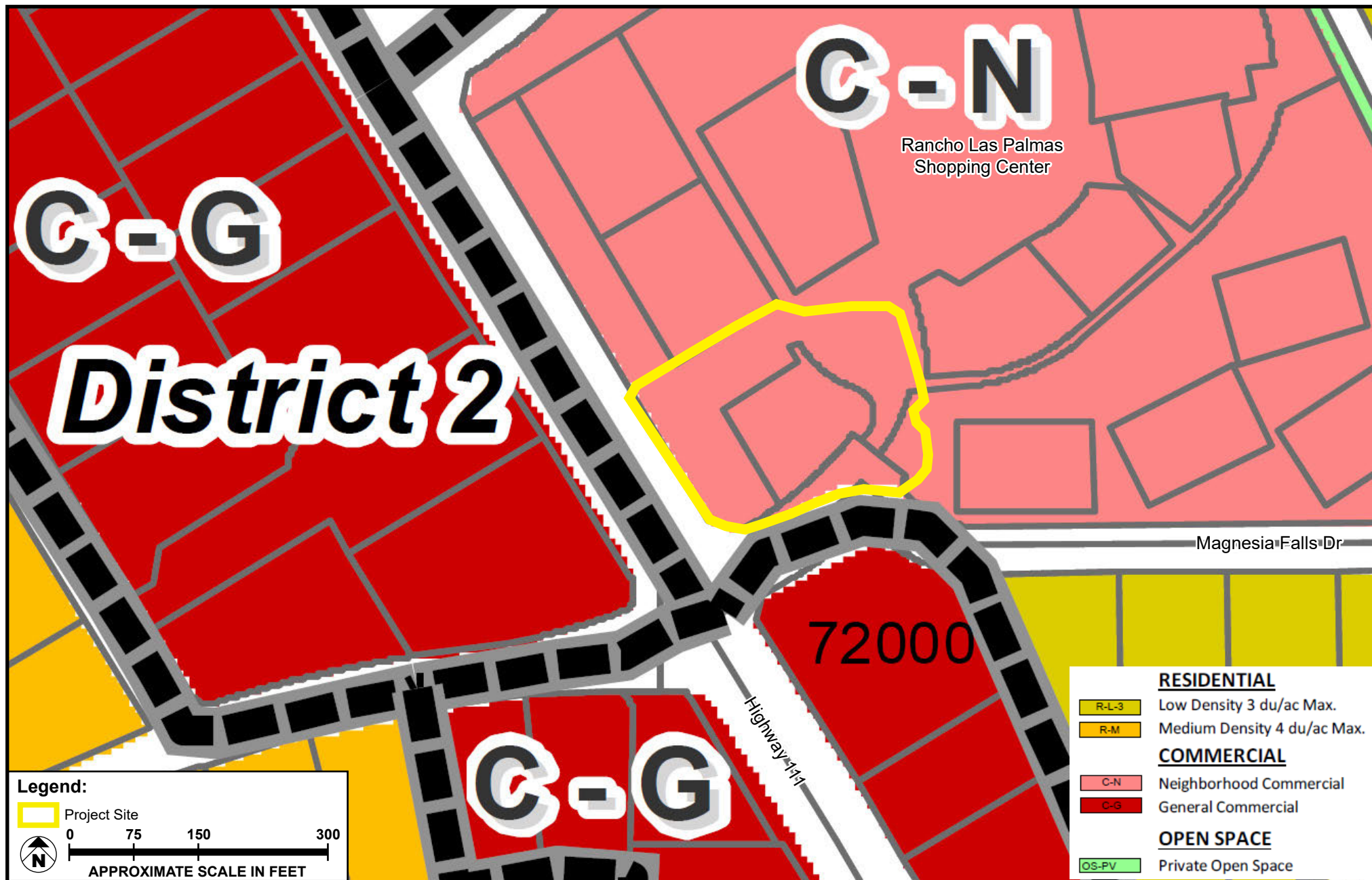
FIGURE 3.0-1



Regional Location Map



FIGURE 3.0-2



SOURCE: City of Rancho Mirage - 2013

FIGURE 3.0-3



Land Use and Zoning Map

C. PROJECT CHARACTERISTICS

In-N-Out Burger (the Applicant) proposes the 3,885-square-foot restaurant with drive-through project on approximately 1.52 acres. The following construction-related and operational characteristics are defined for the proposed Project.

Demolition and Grading

Demolition would occur over approximately 3 weeks and would include removal of existing curb, gutter, and asphalt, which would be approximately 41,000 square feet of demolition material and removal of vegetation debris and other rubbish which would be approximately 27,000 square feet. Grading of the Project Site would occur subsequent to demolition activities. Grading would involve mostly recompacting existing soils but would require approximately 200 cubic yards of soil export.

Proposed Development

The proposed Project would be an approximately 3,885-square-foot building with indoor seating for 74 guests, and outdoor seating for 82 guests, as shown in **Figure 3.0-4: Site Plan**. A 1,762-square-foot patio cover would be connected to the restaurant building at its southwest corner to provide shade for outdoor dining. The proposed building would include a preparation and kitchen area, a cooler area, an office, two dressing rooms, two restrooms, a dining room, a self-serving bar area, a serving area, and a storage/miscellaneous room, as shown in **Figure 3.0-5: Floor Plan**. The building would have two customer entrances: one along the north side of the building and one along the east side of the building.

Other outdoor uses would include car parking, bicycle parking, a drive-through, and an approximately 442-square-foot roof-covered trash and recycling enclosure.

Design Materials and Elevations

Design materials and colors used for the building would be consistent with those at many In-N-Out locations, with a more enhance architectural design. These materials include composite wood, aluminum storefront, and stone veneer. Colors would be gray, white, and red. The building would be 26 feet 8 inches high at its tallest location; however, a majority of the building would be 19 feet 10 inches high, as shown in **Figure 3.0-6: North and East Colored Elevations** and **Figure 3.0-7: West and South Colored Elevations**.

Lighting and Signage

As shown in **Figure 3.0-8: Lighting and Signage Plan**, lighting and signs would be used throughout the Project Site to provide direction to restaurant patrons, as well as security at nighttime. **Figure 3.0-9: Project Signage** shows the different types of signs, sizes, and colors that would be used throughout the site.

Circulation and Access

Access to the shopping center is provided by three entrances, one along Magnesia Falls, one along Highway 111, and one along Bob Hope Drive. The proposed Project would have four vehicle access points to and from the restaurant parking lot to allow for better circulation.

Drive-Through

The proposed Project would also contain a drive-through, similar to all In-N-Out Restaurants and similar to other uses within the shopping center. In order to accurately determine the length needed for the drive-through queue, three busy local Coachella Valley In-N-Out Burger Restaurants were surveyed, and it was determined that a 23-car drive-through would provide the necessary volume to ensure no backup extending into the shopping center entrance drive from Highway 111.

Parking

Parking would include 75 parking spaces, which exceeds the City Code requirement of 49 parking spaces. Included in the 75 parking spaces are accessible car and van stalls, as well as two Electric Vehicle charging stations. In addition, four short-term bicycle parking spaces would also be available.

Utilities

Infrastructure, including wet and dry utilities, curbs, and gutters, were installed for the Rancho Las Palmas Shopping Center. Electricity would be provided by Southern California Edison (SCE) Company; gas would be provided by Southern California Gas (SoCalGas); water would be provided by the Coachella Valley Water District; cable/internet would be provided by Charter Spectrum; telephone services would be provided by Frontier Communications; and solid waste services would be provided by Burrtec.

Landscaping

The site would be landscaped using heat- and drought-tolerant plant materials and water-saving irrigation methods. The proposed Project would involve the removal of approximately 26 trees and the planting of approximately 57 trees for a net increase of approximately 31 trees which would include a mix of palms, and other desert type trees. The trees would be planted around the building and throughout the parking lot. A mix of desert type shrubs would be planted in between these trees, as shown in **Figure 3.0-10: Conceptual Landscape Layout**.

Operation

The restaurant would operate seven days a week, from 10:00 AM to 1:00 AM Sunday through Thursday, and from 10:00 AM to 1:30 AM on Friday and Saturday. The restaurant, drive-through, and parking lot, as with all In-N-Out Burgers restaurants, would be well-lit and meticulously maintained. The restaurant would be staffed by approximately 10 to 12 Associates per shift, with 3 shifts per day.

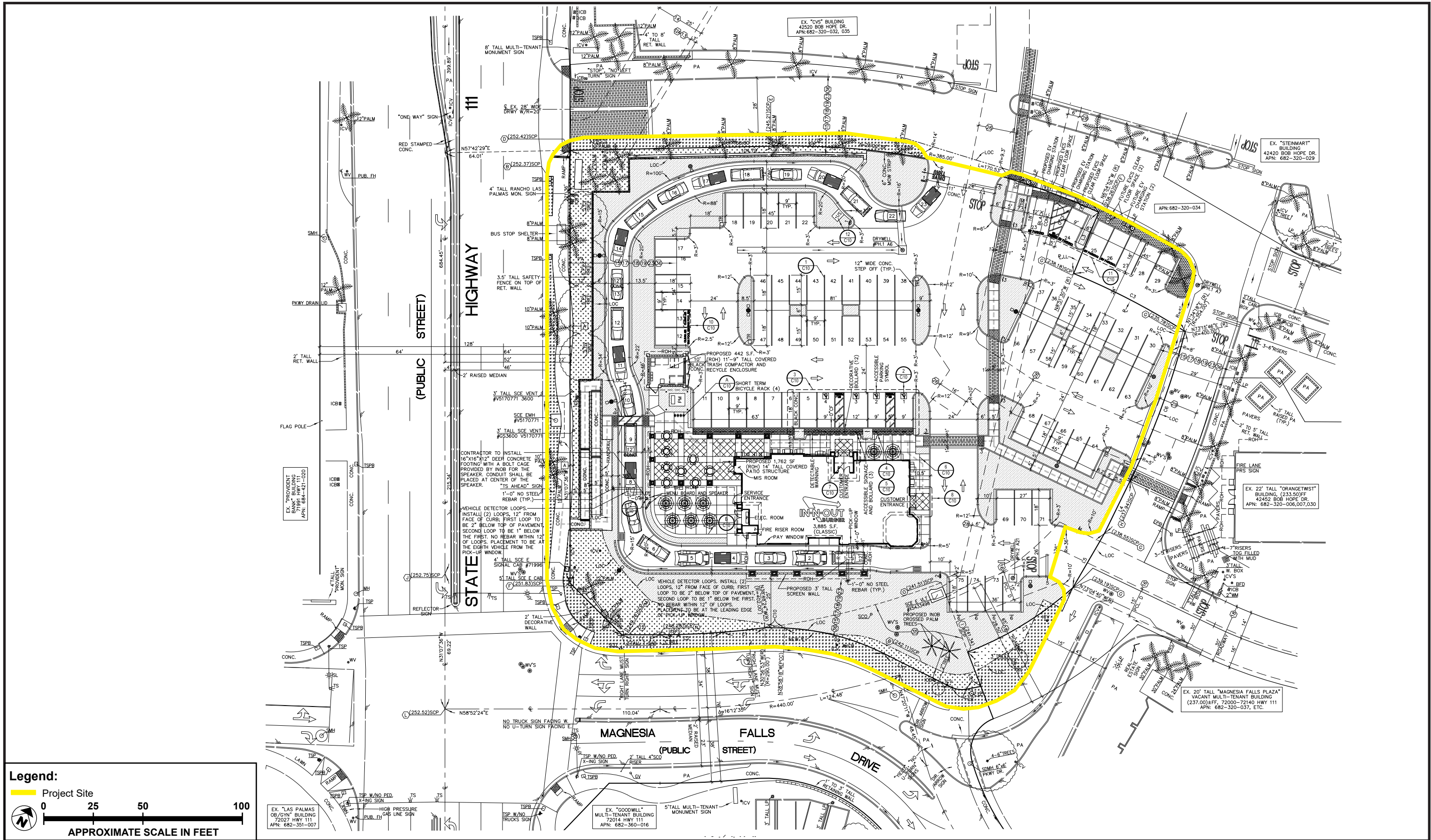


FIGURE 3.0-4

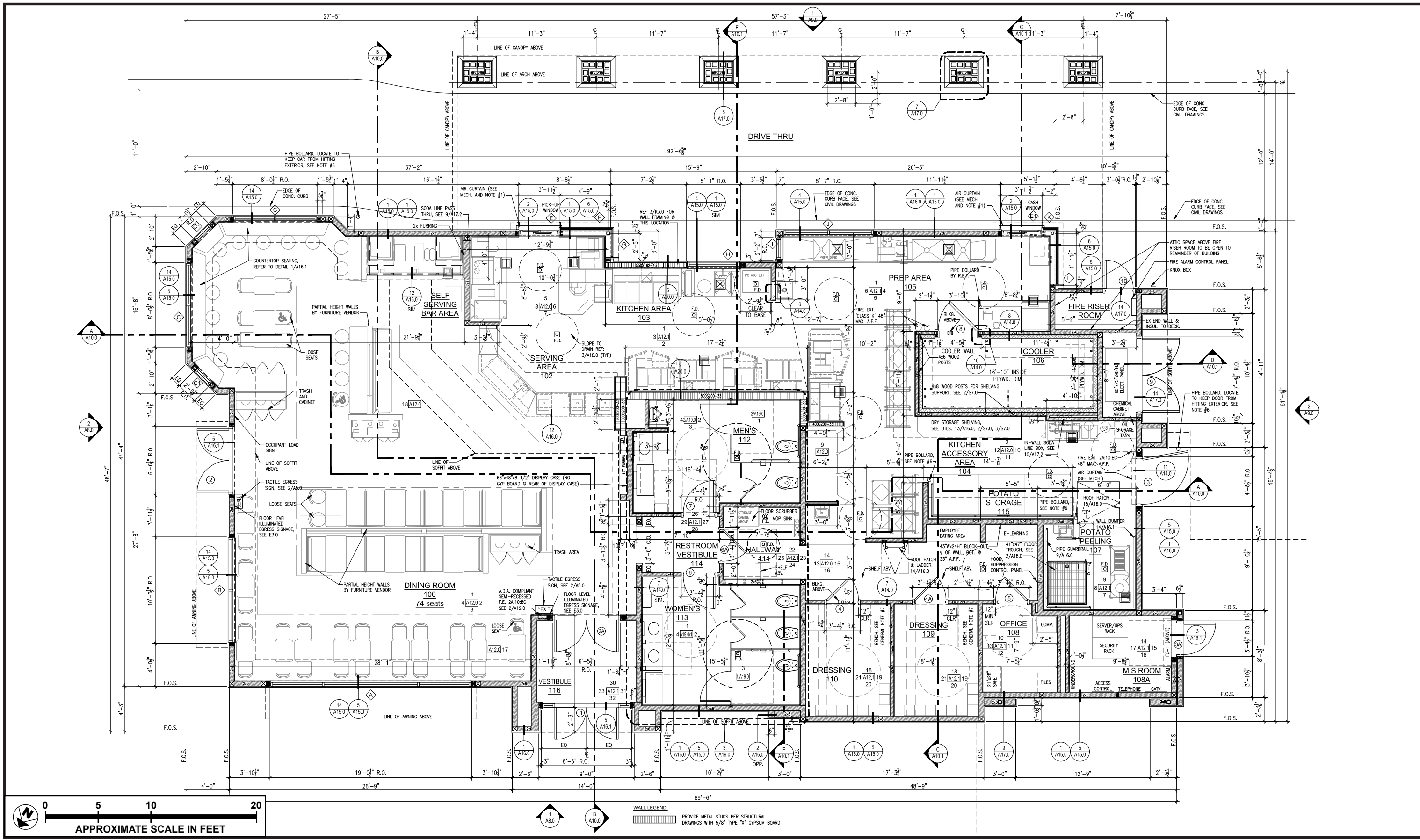


FIGURE 3.0-5



Floor Plan



SOURCE: GHA Architecture/Development - 2020

FIGURE 3.0-6

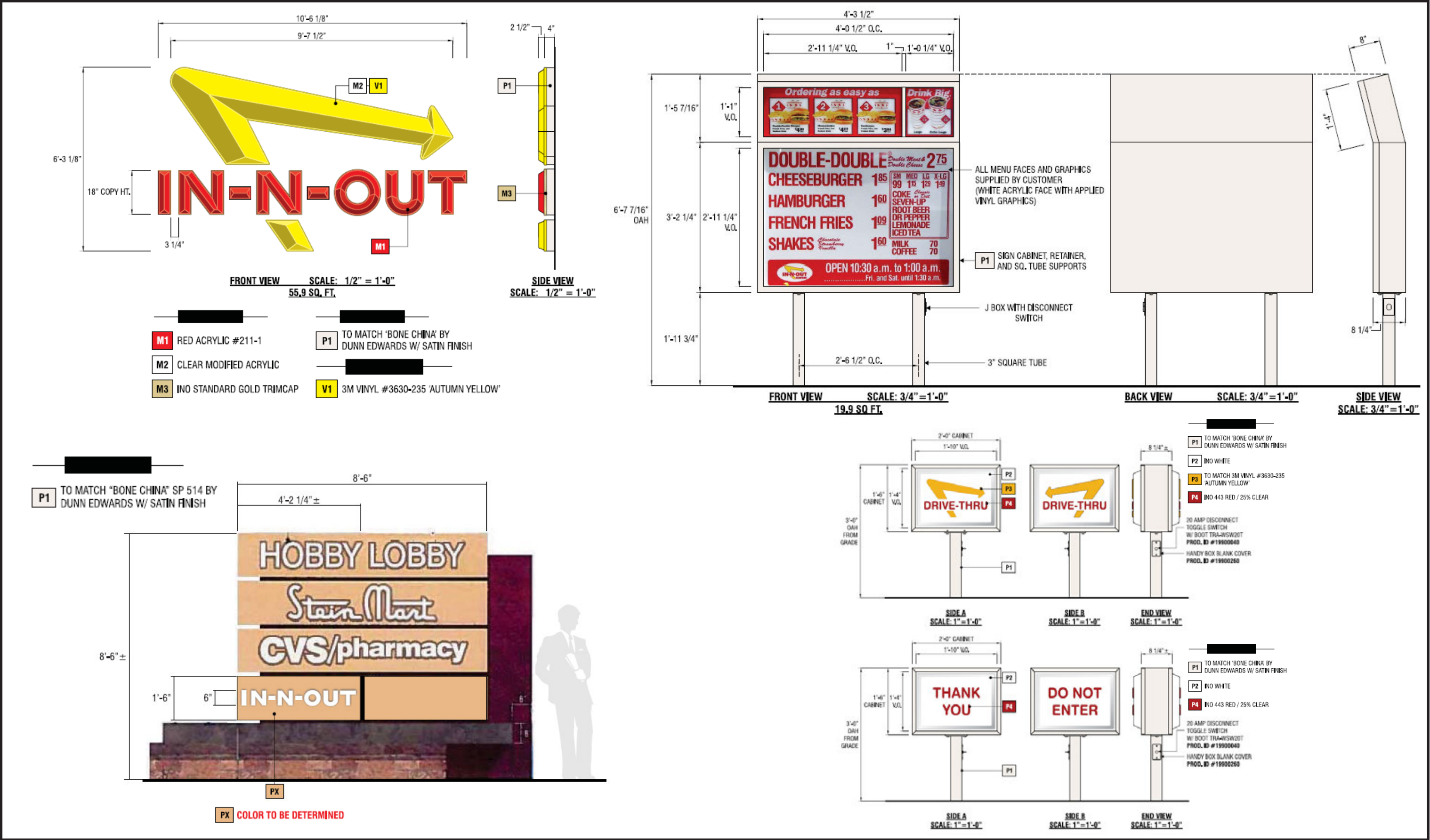


SOURCE: GHA Architecture/Development - 2020

FIGURE 3.0-7

SOURCE: MSL Engineering, Inc. - 2020

FIGURE 3.0-8



SOURCE: MSL Engineering, Inc. - 2020

FIGURE 3.0-9



SOURCE: BPA Landscape Architects -2020

FIGURE 3.0-10

Deliveries

There would be no delivery dock or designated delivery parking bay required on the premises, as deliveries are made only by In-N-Out-owned and -operated vehicles, after the restaurant is closed to the public, between the hours of 2:00 AM and 9:00 AM.

Drive-Through Operation

The proposed Project would be equipped with three grills. Two grills would operate at all times, and activation of the third grill would be done in response to high dine-in or, more typically high drive-through demand, as activating the third grill significantly increases the speed at which drive-through orders are delivered to customer vehicles. In addition, standard store operating procedure requires that as soon as the drive-through queue reaches the 8th car, In-N-Out Associates are deployed outside to take orders using hand-held ordering tablets. The use of these tablets allows orders to funnel into the kitchen faster than ordering at the menu board. When combined with increased production from the third grill, the result is extremely fast and efficient food production with the shortest possible food wait times, and therefore the shortest possible drive-through vehicle queues.

Outdoor cameras and indoor monitors provide awareness of the queue reaching the 8th car. Between four and six outdoor cameras would be on site, with three to four of these cameras specifically viewing the drive-through lane. These cameras display on multiple monitors located inside the restaurant, including at the manager's office, above the grills, and at both the pay and pickup windows.

If peak drive-through volume exceeds the provided 23-car queue, Associates would employ temporary traffic-control measures, such as delineators and cones, to keep and extend the queue within the In-N-Out premises, using the drive aisle that parallels parking spots 23 through 29. This would add 12 cars to the queue, while still maintaining two access aisles between the shopping center and In-N-Out.

Construction

Construction for the restaurant would be done in a single phase and take approximately 7 months, beginning in April 2021 and ending October 2021. These activities, some of which would run concurrently, include demolition and excavation, building construction, paving, and painting. Demolition would occur over approximately 3 weeks. Building construction, paving, and painting would occur afterwards.

Heavy construction activities would be relatively limited as most of the utilities are already in place and the existing retaining wall and accessible wheelchair ramp from Highway 111 to the site, would remain and be incorporated into the new site plan.

Construction activities would be performed in accordance with all applicable State and federal laws and City codes and policies, with respect to building construction and activities. As stated in Section 15.04.030.117.1 of the Rancho Mirage Municipal Code (RMMC), construction is prohibited between the hours of 7:00 PM and 7:00 AM daily and on Sundays or holidays.

D. INTENDED USES OF THIS EIR

This Draft EIR examines the environmental impacts of the proposed Project. It is the intent of this Draft EIR to enable the City of Rancho Mirage, other responsible agencies, and interested parties to evaluate the environmental impacts of the Project, and identify feasible measures to mitigate such impacts, thereby enabling them to make informed decisions with respect to the requested entitlements.

The CEQA Guidelines require an EIR to include a statement briefly describing the intended uses of the EIR, including a list of agencies expected to use the EIR in their decision-making and the list of the permits and other approvals required to implement the Project.

The City will use this Draft EIR to provide information on the potential environmental effects of the following proposed actions:

- Approval of a Zoning Text Amendment which seeks to modify allowable uses in the Neighborhood Commercial and General Commercial Zones in order to consider fast- food restaurants with a Conditional Use Permit in a large-scale shopping center;
- Approval of a zone text amendment to Section 17.90.020, "Definitions of specialized terms and phrases" of Title 17, "Zoning" of the Rancho Mirage Municipal Code be amended to include the definition of a large-scale shopping center, which reads as follows: A "Large Scale Shopping Center" is a comprehensively planned shopping center comprising 15 acres or more;
- Approval of the Conditional Use Permit;
- Approval of a Development Agreement; and
- Approval of Preliminary and Final Development Plans for Project development.

4.0 ENVIRONMENTAL SETTING

This section of the Draft Environmental Impact Report (Draft EIR) provides a general overview of the existing environmental setting of the INO Burger Restaurant Project Site (Project Site), as well as an overview of related projects that are considered part of the future conditions in evaluating potential cumulative environmental impacts. The City of Rancho Mirage (City), acting as Lead Agency for the proposed In-N-Out Burger Restaurant Project (proposed Project), is preparing this Draft EIR in compliance with the provisions of the California Environmental Quality Act (CEQA). Section 15125 of the CEQA Guidelines requires the environmental impact analysis of a proposed Project to include a description of the physical environmental conditions in the vicinity of a proposed Project at the time the Notice of Preparation of an EIR is published. Section 15125 further states that this environmental setting will normally constitute the baseline physical conditions used to determine if an impact is significant. The purpose of describing and defining the environmental setting is to define the baseline physical conditions to determine the significance of the environmental impacts resulting from the proposed Project.

A. REGIONAL ENVIRONMENTAL SETTING

Regional Location

The Project Site is located within Riverside County, in the central portion of the Coachella Valley, a low valley sandwiched between the Little San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, and the San Jacinto Mountains to the west. The valley is part of the Colorado Desert Geomorphic Province, an area that includes both sides of the lower Colorado River, as well as the Coachella and Imperial Valleys of California. As shown in **Figure 3.0-1: Regional Location Map** in **Section 3.0: Project Description** of this Draft EIR, the City is bound by the communities of Thousand Palms to the north, Palm Desert to the east, Indian Wells to the southeast, and Palm Springs and Cathedral City to the west.

Regional Planning Considerations

Air Quality Management Plan

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

SCAQMD and the Southern California Association of Governments (SCAG) are responsible for formulating and implementing the Air Quality Management Plan (AQMP) for the SSAB.¹ The AQMP is a comprehensive

1 South Coast Air Quality Management District, *Final 2016 Air Quality Management Plan* (March 2017), <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>, accessed May 2020.

plan that includes control strategies for stationery and area sources, as well as for on-road and off-road mobile sources. The Project would be subject to the SCAQMD air quality rules and regulations.

Coachella Valley PM10 State Implementation Plan

The SSAB is designated as a serious nonattainment area for particulate matter (PM) 10. The attainment date for serious nonattainment areas to achieve the PM10 National Ambient Air Quality Standards (NAAQS) was 2001. After years of demonstrating attainment of the PM10 standards prior to 1999, PM10 levels during the next three years (1999-2001) did not demonstrate attainment of the annual average PM10 NAAQS. Under the federal Clean Air Act, an area can request an extension of up to five years to attain the PM10 NAAQS if certain requirements are met, including creation of a State Implementation Plan (SIP)² that demonstrates expeditious attainment of the standards. Thus, SCAQMD established additional strategies for the control of PM10 in the Coachella Valley PM10 State Implementation Plan (CVSIP),³ which was most recently updated in 2003. The 2003 CVSIP updates the emission inventories, emission budgets, and attainment modeling for the SSAB.

Air Quality Management Plan

The most recent adopted comprehensive plan is the 2016 AQMP, which was adopted on March 3, 2017.⁴ The 2016 AQMP includes transportation control measures developed by SCAG from the *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016 RTP/SCS),⁵ as well as the integrated strategies and measures needed to meet the NAAQS. The 2016 AQMP demonstrates attainment of the 1-hour and 8-hour ozone NAAQS as well as the latest 24-hour and annual PM2.5 standards. While the 2012 AQMP focused on attainment of the 2006 24-hour PM2.5 standard, it has since been determined, primarily due to unexpected drought conditions, that it was impracticable to meet the standard by the original attainment year. Since that time, the USEPA has approved a reclassification to “serious” nonattainment for the 24-hour PM2.5 standard, which requires a new attainment demonstration with a new attainment deadline. The AQMP also includes an update on the 2012 air quality status of the SSAB. Additionally, the AQMP provides local guidance for the SIP, which provides the framework for air quality basins to achieve attainment of the State and federal ambient air quality standards. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas.

2 South Coast Air Quality Management District, *State Implementation Plan*, <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>, accessed May 2020.

3 South Coast Air Quality Management District, *Coachella Valley PM10 Plan*, <https://www.aqmd.gov/home/air-quality/clean-air-plans/coachella-valley-pm10-plan>, accessed May 2020.

4 South Coast Air Quality Management District (SCAQMD), *Final 2016 Air Quality Management Plan* (March 2017), <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf>.

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

Southern California Association of Governments

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

Regional Transportation Plan/Sustainable Communities Strategy

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

The 2016–2040 RTP/SCS is an update to the 2012–2035 RTP/SCS that reflects changes in economic, policy, and demographic conditions.⁶ Similarly, SCAG released the 2020-2045 RTP/SCS, also known as *Connect SoCal*, on November 14, 2019, for public input and comment, and closed the comment period on January 24, 2020. The 2020–2045 RTP/SCS focuses on a more prosperous mobile approach through implementing planning strategies that focus on transportation networks.⁷

Coachella Valley Association of Governments

The Coachella Valley Association of Governments (CVAG) is a sub-regional organization within SCAG. CVAG operates as the lead agency and as part of larger jurisdictional or regional teams within the Coachella

6 Southern California Association of Governments (SCAG), *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy [2016 RTP/SCS]* (adopted April 2016), 17.

7 Southern California Association of Governments (SCAG), *Connect SoCal: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategies Draft*, “Chapter 1,” <https://www.connectsocial.org/Pages/Connect-SoCal-Draft-Plan.aspx>, Accessed on March 25, 2020.

Valley, made up of ten cities, Riverside County, and two Native American Indian tribes. CVAG represents member local governments and agencies throughout the Coachella Valley seeking cooperative sub-regional and regional planning, coordination and technical assistance on issues of mutual concern. CVAG comprises several departments, including an Energy and Environmental Resources Department that monitors and implements both regional and local plans related to energy and air quality issues, waste management, water quality, habitat conservation planning, and trails issues.

B. LOCAL ENVIRONMENTAL SETTING

Location and Land Use and Designation

The Project Site is located within Riverside County, California in the central portion of the Coachella Valley in the City within the Rancho Las Palmas Shopping Center, as shown in **Figure 3.0-2: Project Site Location** in **Section 3.0** of this Draft EIR. The Rancho Las Palmas Shopping Center is located in the southeastern portion of Rancho Mirage and is accessed regionally by Interstate 10 (I-10) which runs east from Santa Monica through Los Angeles and San Bernardino before crossing the state of Arizona. The Project Site is within the southwestern portion of the Rancho Las Palmas Shopping Center and is bound by Bob Hope Drive to the North, Highway 111 to the west, and Magnesia Falls Drive to the south.

The existing General Plan land use designation and zoning designation for the Project Site is Neighborhood Commercial (C-N), as shown in **Figure 3.0-3: Land Use and Zoning Map** in **Section 3.0** of this Draft EIR.

The Project Site is vacant and consists of approximately 1.52 acres of relatively flat topography as shown in **Figure 4.0-1a: Project Site Photographs**. **Figure 4.0-1b: Project Site Photographs** shows the existing characteristics of the Project Site from the two major intersections connected to Highway 111 and Magnesia Falls Drive.

Surrounding Uses and Designations

The Project Site is surrounded by properties with the General Plan Land Use designations and zoning designations of C-N to the north and east within the Rancho Las Palmas Shopping Center, General Commercial (C-G) to the west across Highway 111, and Low Density Residential (R-L-3) and C-G to the south across Magnesia Falls Drive, as shown in **Figure 3.0-3** in **Section 3.0** of this Draft EIR.

Commercial uses surround the Project Site to the north, south, east, and west as shown in **Figure 4.0-2: Surrounding Uses**. As mentioned, commercial uses to the west across Highway 111 are designated C-G and consist of restaurant, bank, and medical uses. Further from the Project Site are single-family residential units to the southeast and west. Multifamily residential units and a golf course are located to the east of the site.



View of the Project Site from entrance off of Highway 111



View of Project Site from parking lot

SOURCE: Google Earth - 2020

FIGURE 4.0-1a



Project Site Photographs



View of the Project Site from Magnesia Falls Drive



View of the Project Site from Highway 111

SOURCE: Google Earth - 2020

FIGURE 4.0-1b



Project Site Photographs



SOURCE: Google Earth - 2020

FIGURE 4.0-2



Surrounding Uses

C. ENVIRONMENTAL RESOURCES AND INFRASTRUCTURE

Aesthetics

The Project Site is located in a portion of the Coachella Valley that is visually defined by the San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, and the San Jacinto Mountains to the west. The Project Site is located within an existing shopping center and is surrounded by commercial and office uses. Further from the Project Site are existing residential and golf course uses. The Project's potential effects related to aesthetics are discussed in **Section 5.1: Aesthetics** of this Draft EIR.

Air Quality

The Project Site lies within the SSAB, which spans the Coachella Valley portion of the County of Riverside and the entire County of Imperial. The SSAB is classified as having a desert climate characterized by low precipitation, hot summers, mild winters, low humidity, and strong temperature inversions. The annual average temperature varies little throughout the SSAB, ranging from the low 40s to the high 100s, measured in degrees Fahrenheit (°F).

The Western Regional Climate Center (WRCC) maintains historical climate information for the western U.S., including the City of Rancho Mirage. The closest meteorological monitoring station to the Project Site is in the City of Palm Springs and is monitored by WRCC Station ID No. 046635. According to this station, the average maximum temperature in the local vicinity is 108.2°F in July. The average minimum temperature is reported at 42.3°F in December and January.

In relation to other areas of Southern California, the City has good air quality. In the past few decades, however, noticeable deterioration of air quality has occurred due to transport of pollutants from coastal air basins to the west, primarily ozone, and locally generated PM10 as a result of increased development and population growth, traffic, construction activity, and various site disturbances. The Project's potential effects related to air quality impacts are discussed in **Section 5.2: Air Quality** of this Draft EIR.

Geology and Soils

The Project Site is located within the Coachella Valley in the northern part of the Colorado Desert Geomorphic Province. The Project Site is situated on generally flat ground that has been previously graded. Site elevations range from approximately 231 feet above mean sea level (amsl) from the west of the Project Site, to 225 amsl at the lowest elevation to the northeast of the Project Site. The Colorado Desert Geomorphic Province consists of numerous north-south trending mountain ranges, such as the San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, and the San Jacinto Mountains to the west. Additionally, this province is bound on the east by the Colorado River, on the south

by the Baja California border, on the north by the Transverse Ranges Province, on the northeast by the Mojave Desert Province, and on the west by the Peninsular Ranges Province.

The Coachella Valley is heavily prone to wind-blown sand erosion hazards as a result of the fierce winds that funnel through the steep mountain ranges. Areas at the base of the mountains are more sheltered from these hazards since the winds are not as strong. The regional tectonic subsidence along the Coachella Valley floor along with the uplift of adjacent mountains is responsible for the rapid deposition of poorly consolidated soils susceptible to consolidation and/or collapse.

The Project Site is located in a moderately active seismic region, with the San Andreas Fault Zone being the major structural feature for the region. Ground shaking due to earthquakes should be anticipated during the life of the proposed improvements at the Project Site. On-site geologic features such as sand and soil types are not unique to the Project Site, instead being common in the area and extensive in the Coachella Valley. The Project's potential effects related to geology and soils as a result of the Project are further discussed in **Section 5.3: Geology and Soils** of this Draft EIR.

Greenhouse Gas Emissions

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. Nor have SCAQMD, Office of Planning and Research (OPR), CARB, CAPCOA, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the Project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on its consistency with Statewide, regional, and local plans adopted for the purpose of reducing and/or mitigation GHG emissions.

Riverside County has a CAP that addresses GHG emissions reduction in concert with AB 32. The CAP provides a methodology for determining whether implementation of a project will result in significant GHG emissions and air quality impacts. As previously discussed, the SCAQMD unofficially recommended a 3,000 MTCO₂e initial screening threshold for individual projects. For those projects exceeding the 3,000 MTCO₂e screening criterion, or those that are too large to evaluate against a simple metric, the CAP offers the screening table assessment to demonstrate compliance with AB 32.

The analysis of the Project's GHG emissions and potential effects are discussed in **Section 5.4: Greenhouse Gas Emissions** of this Draft EIR.

Hydrology and Water Quality

The Project Site is within the boundaries of the Coachella Valley planning area of the Colorado River Basin (Region 7), which is under the jurisdiction of the Colorado River Basin Regional Water Quality Control Board (CRWQCB). Region 7 covers approximately 13,000,000 acres (20,000 square miles) in the southeastern portion of California, and includes all of Imperial County and portions of San Bernardino, Riverside, and San Diego Counties.⁸ The Coachella Valley planning area consists of the Whitewater River Watershed and East Salton Sea Watershed, with the Project Site being within the Whitewater River Watershed.

As mentioned, the Project Site is relatively flat, at approximately 231 to 225 feet above mean sea level (amsl) elevation throughout the site and has been previously graded. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 06065C2206G, effective August 28, 2008, the Project Site is not located within a designated 100-year flood hazard area. The Project's potential effects related to hydrology and water quality are analyzed in **Section 5.5: Hydrology and Water Quality** of this Draft EIR.

Land Use and Planning

As mentioned previously, the Project Site is located entirely within the City of Rancho Mirage. The City uses a single-map system of its land uses. This means that the City's General Plan land use designations are the same as its zoning designations. Also, the density and intensity standards expressed in the General Plan are the same as those expressed in the Zoning Ordinance. As shown in **Figure 3.0-3** in **Section 3.0** of this Draft EIR, the City's General Plan land use and zoning designations for the Project Site and areas to the north and east are C-N. Uses to the south and west of the Project Site are designated as C-G. The Project's potential effects related to land use and planning are analyzed in **Section 5.6: Land Use and Planning** of this Draft EIR.

Noise

Noise in an urban setting is primarily generated by vehicular traffic but can also be generated by stationary sources of noise, such as mechanical equipment. Temperature, wind speed and direction, ground surfaces, vegetation, walls, and buildings affect noise transmission and perceived noise levels. Noise levels are measured in terms of the A-weighted decibel (dBA). A-weighting is a frequency correction that correlates overall sound pressure levels to the frequency response of the human ear, with the normal range of human hearing extending from approximately 0 dBA to 140 dBA. The noise rating scale used in California for land

⁸ California WaterBoards, About Region 7, https://www.waterboards.ca.gov/coloradoriver/about_us/about_region7.html.

use compatibility assessment is the Community Noise Equivalent Level (CNEL). The CNEL scale represents a time-weighted, 24-hour average noise level based on the A-weighted decibel. Noise levels in the Project Site are influenced primarily by vehicular traffic on surrounding roadways, including Highway 111, Bob Hope Drive and Magnesia Falls Drive. Existing noise sensitive land uses, such as residential buildings, schools, or hospitals, located near the Project Site would include single-family residences approximately 120 feet southeast of the Project across Magnesia Falls Drive. The Project's potential effects related to noise as a result of the Project are further discussed in **Section 5.7: Noise** of this Draft EIR.

Public Services

Fire Protection and Emergency Services

The Riverside County Fire Department provides fire protection and emergency medical services to the City. The Riverside County Fire Department is administered under contract by Cal Fire, and participates in a Regional Integrated and Cooperative Fire Protection System. This system provides local jurisdictions and surrounding areas with additional regional resources to respond to fire service calls when required. Fire protection services include response to vegetation and structure fires, hazmat, and public assists. There are currently two fire stations within two miles of the Project Site that would serve the proposed Project with fire protection and emergency services. These stations are RCFD Station No. 33 which is located at 44400 Town Center Way, Palm Desert approximately 1.25 miles north east of the Project Site and RCFD Station No. 50 which is located at 70801 Highway 111, Rancho Mirage which is approximately 2 miles north of the Project Site. The Project's potential effects related to fire protection and emergency services as a result of the Project are further discussed in **Section 5.8.1: Fire Protection and Emergency Services** of this Draft EIR.

Law Enforcement

The City contracts with the Riverside County Sheriff's Department for police protection services. The Project Site is currently located in an area that is served by local law enforcement that enforces local, State, and federal laws pertaining to public safety, traffic, and public order.

Since the City does not currently have any public police stations within the City boundaries, the closest station to the Project Site is located at 73-705 Gerald Ford Drive in Palm Desert, approximately 3.8 miles northeast of Project Site. A substation is located within the City's Public Library located at 71-100 CA-111 in Rancho Mirage, approximately 1.1 miles northwest of the Project Site. The Project's potential effects related to law enforcement as a result of the Project are further discussed in **Section 5.8.2: Law Enforcement** of this Draft EIR.

Transportation

Regional facilities include Interstate 10 (I-10), located approximately 4.5 miles northeast of the Project Site. Highway 111 located on the western boundary of the Project Site, is a major arterial roadway linking Rancho Mirage with other cities throughout the Coachella Valley and Imperial Valley. Additionally, the Union Pacific Railroad (UPRR) located approximately 4.5 miles to the northeast of the Project Site accommodates two mainline tracks used for commercial and passenger rail traffic. A full discussion of the Project's existing traffic conditions and potential effects related to transportation is presented in **Section 5.9: Transportation** of this Draft EIR.

Utilities and Service Systems

This section of the Draft EIR addresses the potential impacts of the proposed Project on water service, sewer service, dry utilities, and solid waste. The information provided in this section is based on information from the Coachella Valley Water District (CVWD), the Riverside County Department of Waste Resources, Southern California Edison (SCE), and the Southern California Gas Company (SoCalGas).

Water Service and Supply

Regional development will result in an increased demand on the potable water supply. The entire Coachella Valley utilizes an underground aquifer for its water supply needs. Therefore, cooperation between regional communities and CVWD is required to prevent depletion of this water supply, as identified in the 2010 CVWMP Update. Additionally, the 2015 Urban Water Management Plan (UWMP) supports long-term water resources planning and ensures adequate water supplies are available to meet existing and future urban water demands. The Project's potential effects related to water service and supply as a result of the Project are further discussed in **Section 5.10.1: Water Service and Supply** of this Draft EIR.

Wastewater Collection and Treatment

Further development within the City would result in increased wastewater generation. New developments within the City are subject to regulations that require an imposed license tax on new construction to support the increased demand for public services and infrastructure improvements related to local drainage facilities, as well as provisions for sufficient on-site stormwater retention. The Project would link up to existing sewer lines in the vicinity of the Project Site. The Project's potential effects related to

wastewater collection and treatment as a result of the Project are further discussed in **Section 5.10.2: Wastewater Collection and Treatment** of this Draft EIR.

Dry Utilities (Electricity, Natural Gas, and Telecommunications)

Utilities and service systems are made available by a range of private companies, private enterprises acting as public utilities, and public agencies in the City. Major utilities and service systems providers in Coachella Valley include the following: the Coachella Valley Water District (CVWD), Southern California Edison (SCE), Imperial Irrigation District (IID), the Southern California Gas Company (SoCalGas), and Spectrum. The Project's potential effects related to dry utilities as a result of the Project are further discussed in **Section 5.10.3: Dry Utilities** of this Draft EIR.

Solid Waste

Solid waste services within the City are provided by Burrtec Waste and Recycling Services (Burrtec). Solid waste is transported to one of three landfills including the El Sobrante Landfill, the Lamb Canyon Sanitary Landfill, and the Badlands Sanitary Landfill and/or the Edom Hills Transfer Station in unincorporated Riverside County. The Edom Hills facility is closed for receiving solid waste but utilized for transferring and processing of materials. The Project's potential effects related to solid waste as a result of the Project are further discussed in **Section 5.10.4: Solid Waste** of this Draft EIR.

D. RELATED PROJECTS

Section 15130 of the CEQA Guidelines requires that cumulative impacts are to be discussed where they are considered significant. It further states that the discussion of cumulative impacts reflects the severity of the impacts and their likelihood of occurrence, but that it does not need to be in as great level of detail as provided for the Project alone. Cumulative impacts are defined by Section 15355 to be "two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts." Cumulative impacts represent the change caused by the incremental impact of a project when added to other proposed or committed projects in the vicinity.

The CEQA Guidelines (Section 15130 (b)(1)) further state that the information utilized in an analysis of cumulative impacts should come from one of two sources, either:

- (A) A list of past, present and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency; or
- (B) A summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions.

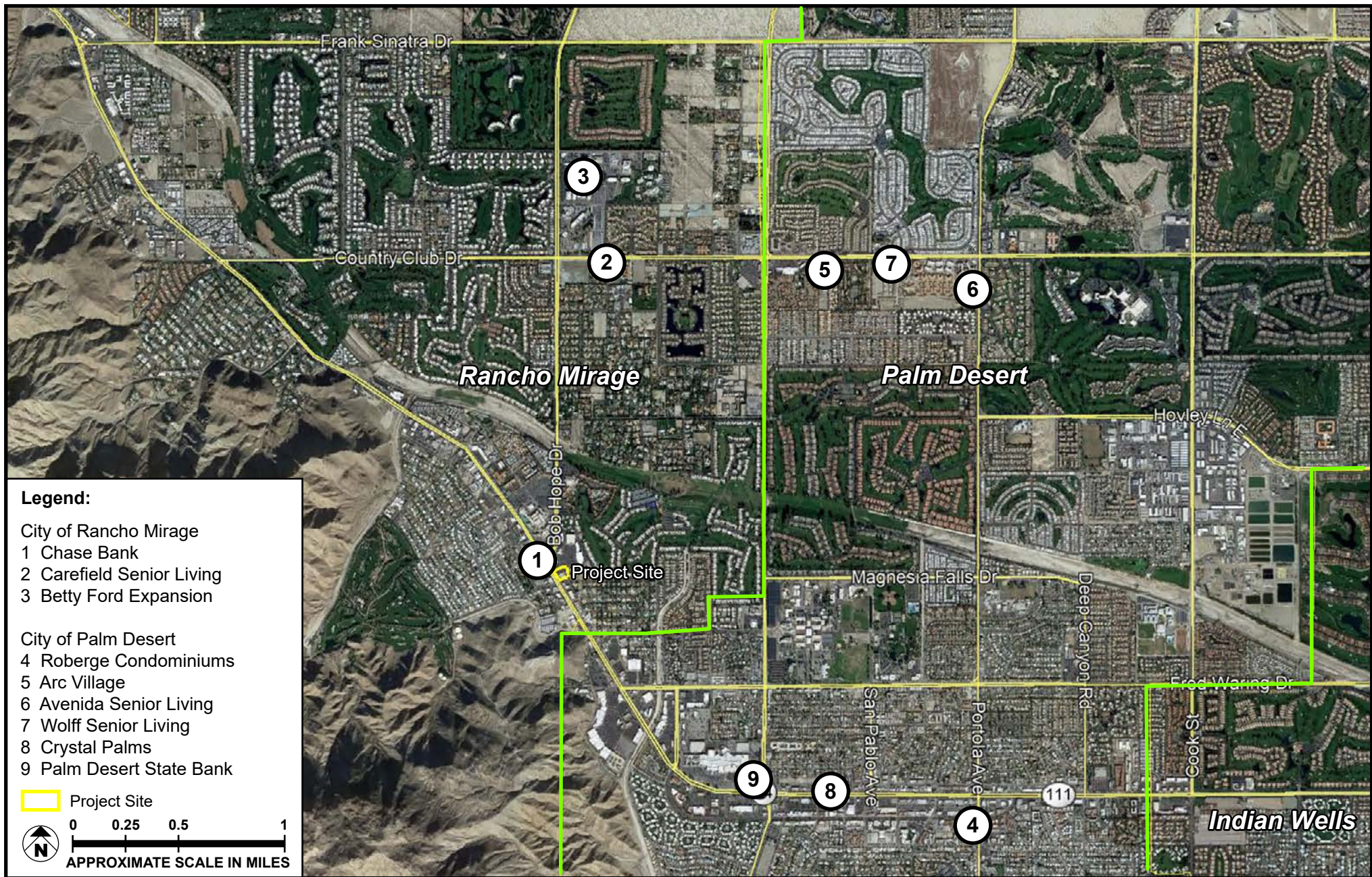
The cumulative impact analyses contained in the various topical sections of **Section 5.0: Environmental Impact Analysis** of this Draft EIR, considers related projects in the City. In addition, the projections in the City's General Plan are used in the assessment of potential cumulative impacts, where appropriate, as well as related projects in proximate jurisdictions such as the City of Palm Desert. **Table 4.0-1: Location and Description of Cumulative Projects** lists related projects in the City as well as in the adjacent City of Palm Desert. **Figure 4.0-3: Related Projects** shows the location of each related projects.

Table 4.0-1
Location and Description of Cumulative Projects

No.	Project	Address	Description
City of Rancho Mirage			
1	Chase Bank	South of Highway 111 at Bob Hope Drive	3,470 SF Chase Bank with Drive-Through
2	Carefield Senior Living	SEC of Country Club Drive and John Sinn Rd	84 Bed Senior Assisted Living
3	Betty Ford Expansion	39000 Bob Hope Drive	Removal of 4 Existing Residential Buildings <ul style="list-style-type: none">• 51,694 SF• 20 Beds per Building (80 Beds Total)
			2 New Residential Buildings Totaling 61,870 SF <ul style="list-style-type: none">• 92 Beds Total
			22,748 SF Day-Treatment Facility <ul style="list-style-type: none">• 44 Patients
			6,400 SF Administrative Space
City of Palm Desert			
4	Roberge Condominiums	73-995 El Paseo	55 DU Multifamily (4-Story)
5	Arc Village	73-255 Country Club Drive	36 DU Multifamily 8,200 SF Clubhouse (Ancillary to the Multifamily Units)
6	Avenida Senior Living	40-445 Portola Avenue	161 DU Senior Adult Housing
7	Wolf Senior Living	74-300 Country Club Drive	164 DU Senior Living Facility
8	Crystal Palms	73-338 Highway 111	2,500 SF Desert Social Business Club Expansion
9	Palm Desert Chase Bank	72-950 Highway	4,400 SF Chase Bank with Drive-Through

Source: LLG Engineers, Traffic Impact Analysis Report, April 28, 2020, Related Projects.

Note: DU = Dwelling Unit, SF = Square Feet



SOURCE: Google Earth - 2020

FIGURE 4.0-3



Related Projects

5.0 ENVIRONMENTAL IMPACT ANALYSIS

This section of the Draft Environmental Impact Report (Draft EIR) provides a detailed discussion of the environmental setting for each topic addressed in this Draft EIR, an analysis of the potential effects of the proposed In-N-Out Burger Restaurant Project (proposed Project), potential cumulative impacts, and other measures identified to mitigate these impacts, if required, as required by the *California Environmental Quality Act (CEQA) Guidelines*.¹

As discussed in **Section 3.0: Project Description**, two of the requested discretionary approvals for implementation of the proposed Project from the City are:

- Approval of a Zoning Text Amendment which seeks to modify allowable uses in the Neighborhood Commercial and General Commercial Zones in order to consider fast-food restaurants with a Conditional Use Permit (CUP) in a large-scale shopping center; and
- Approval of a zone text amendment to Section 17.90.020, "Definitions of specialized terms and phrases" of Title 17, "Zoning" of the Rancho Mirage Municipal Code be amended to include the definition of a large-scale shopping center, which reads as follows: A "Large Scale Shopping Center" is a comprehensively planned shopping center comprising 15 acres or more.

In accordance with Section 15146(b) of the CEQA Guidelines, the Draft EIR also focuses on the secondary effects that can be expected from the zone text amendments, but these effects are not as detailed as the analysis of potential effects of the proposed Project. Thus, adoption of the zone text amendments could permit another undeveloped site (APN 685-220-008) within the City to be developed with a fast-food restaurant use with a CUP. This site is zoned General Commercial (C-G). Where appropriate, this Draft EIR provides a programmatic level discussion of potential effects at the undeveloped site (APN 685-220-008) following the analysis of potential effects of the proposed Project.

Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

1 California Code of Regulations, Title 14, Section 15000 et seq.

This section of the Draft Environmental Impact Report (Draft EIR) describes the existing visual character of the Rancho Las Palmas Shopping Center (Project Site) and surrounding area and the potential impact of the proposed Project. The information presented in this section is based on field reconnaissance, review of the proposed Project, and review of relevant planning documents. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Visual Setting

Regional

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

The rugged and dramatic topography of the San Jacinto and Santa Rosa Mountains to the west and south, respectively, are the predominant natural and visual resource in the Western Coachella Valley. These mountains provide a natural scenic backdrop to the City of Rancho Mirage (City) as well as the rest of the Western Coachella Valley. The Little San Bernardino Mountains to the north and east are also prominent landforms in the general region with elevations reaching over 5,000 feet.

The Project Site is located in the existing Rancho Las Palmas Shopping Center on the eastern side of Highway 111 in Rancho Mirage. The Santa Rosa Mountains are located west of Highway 111, approximately one-quarter to one mile west of the Project Site.

The natural setting of the Rancho Mirage area defines its overall visual character and provides scenic vistas for the community. The Santa Rosa Mountains provide a natural, scenic backdrop to the Rancho Mirage community. The Santa Rosa Mountains are part of the Santa Rosa and San Jacinto Mountains National Monument and are recognized by Congress for their "nationally significant biological, cultural, recreational, geological, educational and scientific values."

According to the Bureau of Land Management (BLM), the National Monument encompasses more than 272,000 acres cooperatively managed by the BLM and the U.S. Forest Service. Other landowners within the monument boundary include the California Department of Fish and Game, Agua Caliente Band of

Cahuilla Indians, California Department of Parks and Recreation, county-city regional lands, private lands, and the Coachella Valley Mountains Conservancy. The portion of the Santa Rosa Mountains in the City is protected under the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (CVMSHCP/NCCP).

In addition to the mountain backdrop, the surrounding desert context also provides a scenic vista in the Rancho Mirage area. The desert context provides daytime scenery and nighttime views of the evening sky that are valuable to the residents of the community as well as to observers from the Mount Palomar Observatory in San Diego County.

Local

The City's community design exemplifies the image of an "Oasis in the Desert" through resilient landscaping and enhanced design along arterials, at key intersections, and around significant entry points. It has always been known as a low-density, high-quality resort community. Its identity is formed by the visual character of the surrounding desert context and natural scenery, along with its major resort hotels and golf communities.

Moreover, the developable areas of the City are largely built-out and characterized by a predominant pattern of low density residential development surrounded by private open spaces including golf courses and other recreational amenities. These types of developments are commonly referred to as "gated communities" or "country clubs" because of their privatized nature and restricted access. Gated communities constitute over 90 percent of the City's residential base. However, the largest expanse of land use in the City is natural, open space. Both the built setting of the City and the natural landscape contribute to its overall visual character making Rancho Mirage attractive to visitors and residents alike.

Project Site

The proposed Project is located on approximately 1.52 acres of vacant land within the Project Site on the northeast corner of Highway 111 and Magnesia Falls Drive at 42560 Bob Hope Drive, as shown in **Figure 3.0-2: Project Site Location Map**. Glare exists during the daytime from the existing surrounding buildings.

The Project Site is situated on generally flat ground that has been previously graded. Site elevations range from approximately 231 feet above mean sea level (amsl) from the west of the Project Site, to 225 amsl at the lowest elevation to the northeast of the Project Site. The Project Site is vacant and consists of approximately 1.52 acres of relatively flat topography as shown in **Figure 4.0-1a: Project Site Photographs**. **Figure 4.0-1b: Project Site Photographs** shows the existing characteristics of the Project Site from the two major intersections connected to Highway 111 and Magnesia Falls Drive.

The Project Site is partially developed with a vacant pad, a parking lot, and associated landscaping. Landscaping consists of Mulga, Shoestring Acacia, and Mexican Fan Palms of varying height.

Views of the mountain ranges to the north, south, and west of the Coachella Valley can be seen by viewers along all four roadways surrounding the Project Site, as shown in **Figure 5.1-1: Viewpoints in Vicinity of Project Site**. **Figure 5.1-1** shows the existing viewpoints surrounding the Project Site of the Little San Bernardino Mountains to the north and the San Jacinto and Santa Rosa Mountains to the west.

While no visually sensitive public lands or facilities, or designated State scenic highways are near the Project Site, Highway 111 and Bob Hope Drive, which border west and north sides of the Project Site, respectively, are identified as scenic view corridors to both the north and west in the City's General Plan Community Design Chapter.¹ The Community Design Points of Interest map, seen in **Figure 5.1-2: City of Rancho Mirage Points of Interest**, shows view corridors, City gateways, enhanced intersections, and enhanced arterials. The map also identifies special view corridors that must be preserved and enhanced. As shown, the intersection of Highway 111 and Bob Hope Drive is identified as an enhanced intersection,² but no points of interest or view corridors are located near the Project Site.

Light and Glare

The Project Site is located in a developed shopping center that includes numerous sources of nighttime lighting, including streetlights on Bob Hope Drive, Highway 111, and Magnesia Falls Drive, exterior security lighting, interior building illumination, and motor vehicle traffic. Lighting from these land uses contributes to ambient nighttime light levels in the area. Light sources on the Project Site include pole mounted lighting and lighting associated with motor vehicles entering and exiting the parking lot. Uses sensitive to nighttime light and glare in the vicinity include the homes located across Magnesia Falls Drive to the southeast.

Surrounding Uses

The existing Rancho Las Palmas Shopping Center is bound by Bob Hope Drive to the north, Highway 111 to the west, Magnesia Falls Drive to the south, and the Rancho Las Palmas Golf Course and multifamily residential units to the east. Commercial uses surround the Project Site on each side, including The River Shopping Center north of Bob Hope Drive. Within the Rancho Las Palmas Shopping Center, there are three single story freestanding buildings along Bob Hope Drive which include a CVS drugstore is located on the north side of the center, a dental office, and a Wells Fargo.

1 City of Rancho Mirage, *General Plan*, "Chapter 10: Community Design," *Exhibit 32 Community Design Guidelines, Points of Interest*, 119 (November 2017).

2 City of Rancho Mirage, *General Plan*, "Chapter 10: Community Design," *Exhibit 32 Community Design Guidelines, Points of Interest*, 119 (November 2017).



Viewpoint from Magnesia Falls and Highway 111 Looking North at the Little San Bernardino Mountains



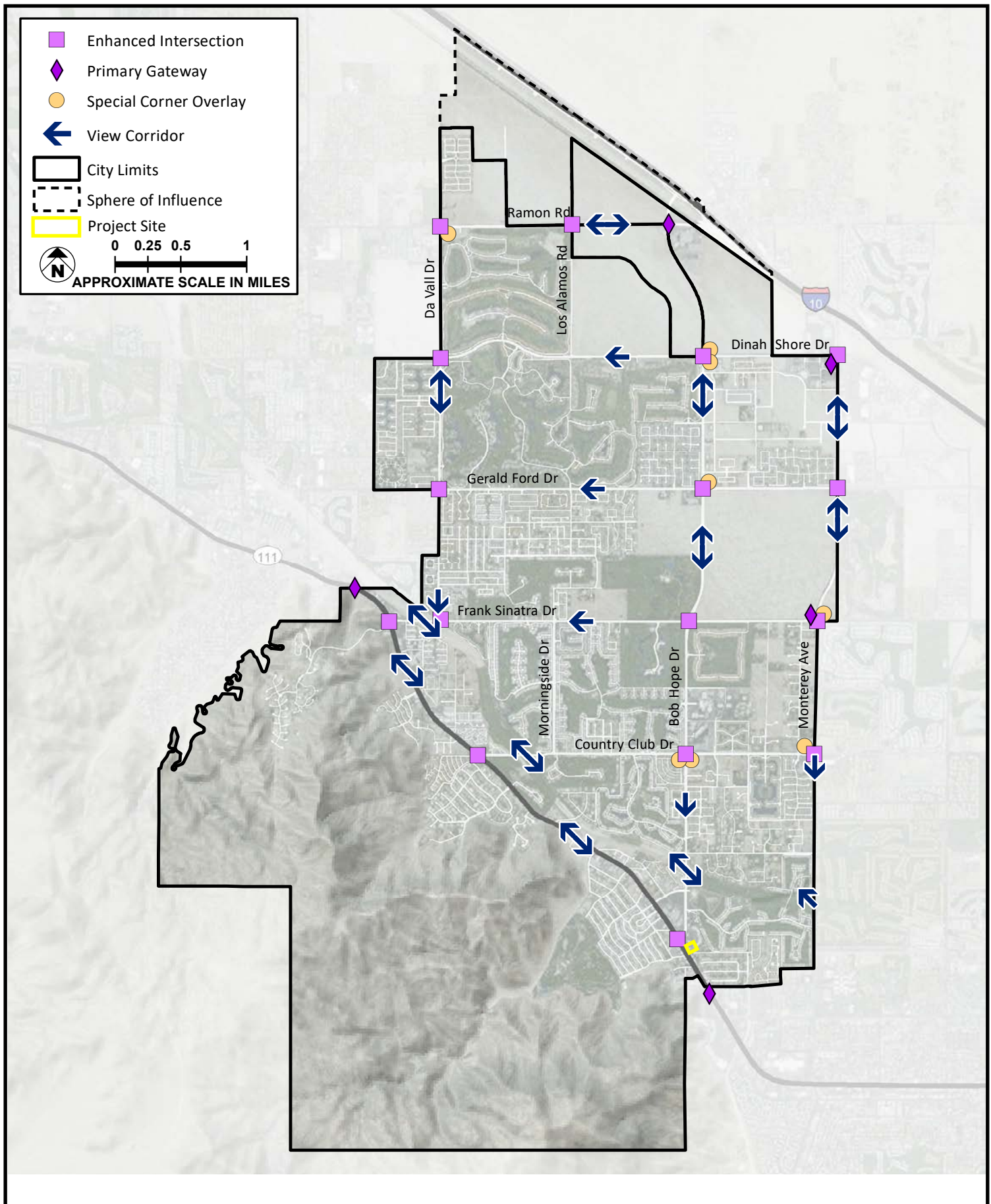
Viewpoint from the Project Site Parking Lot Looking West at the San Jacinto and Santa Rosa Mountains

SOURCE: Google Earth - 2020

FIGURE 5.1-1



Viewpoints in Vicinity of Project Site



SOURCE: City of Rancho Mirage, General Plan, "Chapter 10: Community Design," Exhibit 32 Community Design Guidelines, Points of Interest, 119

FIGURE 5.1-2

Also in the shopping center are some larger buildings to the east of the Project Site, including a Hobby Lobby, Stein Mart, and other various restaurant and commercial uses. Across the street to the south and west are additional various commercial businesses include several dental offices, and a bank. Buildings along the west side of Highway 111 have a higher elevation than the Project Site due to being located closer towards the base of the San Rosa Mountains. Surrounding buildings are generally one story with higher 'stepped' designs on portions of the buildings.

Regulatory Setting

State

California Building Code

The California Building Code has been codified in the California Code of Regulations (CCR) as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission and updated every three years. The most current version went into effect in January 2019. The purpose of the California Building Code is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, outdoor lighting standards, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. Chapter 15.04 of the Rancho Mirage Municipal Code has adopted by reference the California Building Code 2019 Edition.³

Caltrans Scenic Highway Program

The California Environmental Quality Act (CEQA) establishes that it is the policy of the State to take all action necessary to provide the people of the State "with...enjoyment of aesthetic, natural, scenic and historic environmental qualities."⁴

The California Department of Transportation (Caltrans) Scenic Highway Program was created to preserve, protect, and enhance the natural scenic beauty of designated scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways, accomplished through special conservation treatment. Caltrans defines a scenic highway as any freeway, highway, road, or other public right-of-way that transverses an area of exceptional scenic quality. Caltrans designates a scenic highway by evaluating how much of the natural landscape a traveler sees and the extent to which visual intrusions degrade the scenic corridor. The State laws governing the Scenic Highway Program are found in the Streets

3 City of Rancho Mirage, Rancho Mirage Municipal Code, Chapter 15.04, Accessed April 2020, <http://www.qcode.us/codes/ranchomirage/>.

4 California Public Resources Code, sec. 21001(b).

and Highways Code, Section 260-284.⁵ No officially designated scenic highways are located within the City; however, California State Route 111, which runs for approximately four miles through the City, is an Eligible State Scenic Highway.⁶

Regional and Local

Riverside County Ordinance 655

“Dark Sky-Friendly” requires that lighting be designed to protect the beauty of the desert sky and respect the requirements of the Mount Palomar restricted nighttime light zone, as identified in Riverside County (County) Ordinance No. 655. Uplighting is discouraged except for well-shielded landscape accent lighting. Maximum lamp wattage requirements shall be established for different lighting types to minimize obtrusive and unnecessary lighting and conserve energy resources to the greatest extent possible. This ordinance applies to all locations within Zone A defined as circular area 15-mile radius from the Mount Palomar Observatory and Zone B defined as a circular area that has a 45-mile radius from the Mount Palomar Observatory. The Project Site is located approximately 40 miles from the Mount Palomar Observatory.

City of Rancho Mirage General Plan

The City updated and adopted the General Plan on November 16, 2017. Chapter 2: Land Use of the General Plan establishes standards for residential development and nonresidential building intensity for land located throughout the City. This includes a policy to ensure that architecture and site design are high quality, creative, complementary to Rancho Mirage’s character, and compatible with surrounding development and public spaces. The Land Use Chapter also identifies a policy to ensure that lots and buildings appropriately interact with and address, public streets.

The Project Site is currently designated by the General Plan as Neighborhood Commercial (C-N) (refer to **Section 5.6: Land Use and Planning** for a full discussion of the Project’s consistency with the General Plan). Additionally, Chapter 10: Community Design of the General Plan defines the City’s most important design goals and guides new development that enhances Rancho Mirage’s identity and distinguishes the City from its neighbors. The Community Design Chapter sets out the goals, policies, and actions designed to improve the image, character, and quality of life in the City, and both provides policy direction and serves as a practical reference for property owners, designers, decision-makers, and developers as they develop plans

⁵ California Streets and Highways Code, sec. 260–284.

⁶ California Department of Transportation (Caltrans), California Scenic Highway Mapping System, Riverside County, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/, accessed May 25, 2018.

and review design proposals. Design principles discussed therein touch on preserving and enhancing the City's sense of place, as seen in **Table 5.1-1: City of Rancho Mirage General Plan Community Design**.

**Table 5.1-1:
City of Rancho Mirage General Plan Community Design**

Relevant General Plan Policies
Community Design Element
Goal Community Design (CD) 1: Preservation and promotion of the special identity of Rancho Mirage as an "Oasis in the Desert," combining quality development with scenic, natural, and open space amenities.
Policy CD 1.3: The City shall ensure the development of high-quality, visually distinctive commercial uses.
Landscape, Goal CD 4: A landscape program that promotes aesthetics, climate change resistance, and place-making.
Signage and Lighting, Goal CD 6: Signage of the highest level of design and construction quality.
Goal CD 7: Protection of the star-studded desert night sky from excessive glare.
Policy CD 6.1: The City shall encourage high-quality, low-scale signage that effectively communicates in an attractive manner.
Policy 7.1: Lighting features that preserve the beauty of the desert night while still performing directional, safety, and informational functions shall be designed and incorporated into development projects.
Commercial Development – Goal CD 9: Retail centers in Rancho Mirage that are visually attractive, people-friendly, and economically successful.
Policy CD 9.5: Projects shall design highly visible entrances through accent landscaping, monument signs, back lighting, specialized paving, and other design amenities.
Policy CD 9.7: Monument, retail, and directional signs shall use accent lighting.
Parking – Goal CD 10: Distinctly designed parking areas in Rancho Mirage's commercial centers that incorporate rich paving materials, drought and heat-tolerant landscaping, clear and safe pedestrian and vehicular access, and protection from the desert climate through the use of well-placed trees and/or carports.
Policy CD 10.5: Lighting shall be directed downward to protect from nighttime glare and illuminate pedestrian pathways with bollard lighting.

Rancho Mirage Municipal Code

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

Title 15 (Building and Construction)

Building and construction activities for the Project would be subject to Title 15 of the Rancho Mirage Municipal Code (RMMC), which governs the conditions and maintenance of all property, buildings, and structures within the City. Title 15 is based on the 2019 California Building Code (CBC), which sets minimum design and standards for construction of buildings and structures that must also meet minimum seismic strengthening standards.

Title 15 (Building and Construction), Chapter 15.64 (Grading):

This Chapter of the RMMC establishes standards for design and construction of buildings and development of property by grading. These regulations are intended to minimize impacts as a result of grading in order to protect and preserve the public health, safety, general welfare, aesthetic value, and natural resources of the City.

Title 17 (Zoning), Chapter 17.18 (General Performance Standards)

- **Section 17.18.050 (Exterior Glare, Heat, and Light):** Standards for glare, heat, and light shielding as well as energy-efficient.
- **Section 17.18.090 (View protection):** Development compliance with city design standards to protect scenic viewsheds.

Title 17 (Zoning), Chapter 17.24 (Landscaping Standards)

- **Section 17.24.030 (Submittal of Landscape Design Plan):** Development of a landscape and irrigation design plan that includes drought tolerant plant materials.
- **Section 17.24.040 (Landscape Development Standards):** Standards for landscaping areas within public view.

Title 17 (Zoning), Chapter 17.26 (Parking and Loading Standards)

- **Section 17.26.070 (Development Standards):** Standards for parking lot access, stall dimensions and location, drainage, landscaping, and lighting.

Title 17 (Zoning), Chapter 17.28 (Signs)

- **Section 17.28.050 (Findings and Decision):** Approval and findings process for a sign permit or sign program.

Title 17 (Zoning), Chapter 17.40 (Design Review)

- **Section 17.40.020 (Design Review Procedures):** Design review process for conditional use permit, development plan permit, minor variance, or variance to ensure the application is consistent with all applicable development standards and regulations.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant aesthetic impact if, except as provided in Public Resources Code Section 21099, the project would:

- Threshold 5.1-1:** Have a substantial adverse effect on a scenic vista?
- Threshold 5.1-2:** Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?
- Threshold 5.1-3:** In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Threshold 5.1-4:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Methodology

The analysis identifies and objectively examines factors that contribute to the perception of the aesthetic and visual character of the Project Site and the surrounding area. Potential aesthetic impacts are evaluated by considering proposed grading, landform alteration, building setbacks, scale, massing, typical construction materials, and landscaping features associated with the design of the Project. The aesthetic compatibility of the Project with the surrounding area and potential impacts to visual resources and viewers in the Project Site are examined.

The following building and development standards proposed by the Project are identified below pertaining to aesthetics/visual quality and views.

Grading

The Project Site is situated on generally flat ground that has been previously graded and developed. Site elevations range from approximately 231 feet above mean sea level (amsl) from the west of the Project Site, to 225 amsl at the lowest elevation to the northeast of the Project Site. The Project includes a Grading and Drainage Plan that identifies the contours after grading. Site grading will consist of 3,900 cubic yards

(cy) of total cut volume and 3,700 cy of total compacted fill volume, resulting in a net total 200 cy of soil to be exported from the Project Site.

The proposed elevations of the Project Site would be similar to those of the existing conditions. The existing topographical features of the Project Site remain consistent with the surrounding character of the Rancho Las Palmas Shopping Center.

Building Design

Design materials and colors used for the building include composite wood, aluminum storefront, and stone veneer. Colors would be gray, white, and red, as show in **Figure 5.1-3: Building Design Materials**.

Building Height

As shown in **Figure 5.1-4: Site Cross Sections**, the building would be 27 high at its tallest location; however, a majority of the building would be 19 feet 10 inches high.

Building Setbacks

The Project Site would comply with City Municipal Code 17.20.100 setback restrictions. The section requires additional setback requirements for any building portion higher than 20 feet. Within the Project Site, there would be a 25 foot front and street side setback, and a 20 foot interior side, rear, and building distance setback.

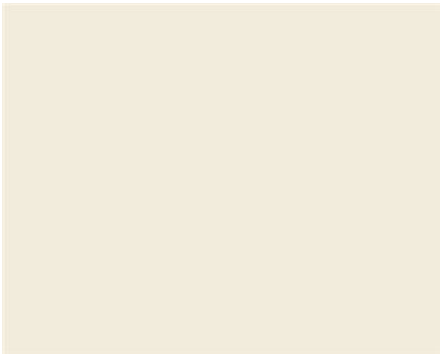
Mass, Scale, and Form

The existing commercial buildings within the Rancho Las Palmas Shopping Center are similar in scale to the surrounding buildings in the vicinity; the CVS Pharmacy to the north, Dicky's BBQ Pit to the east, Stein Mart and Hobby Lobby to the northeast, and Provident Bank to the west.

Within the Rancho Las Palmas Shopping Center, visual consistency is promoted through the use of appropriately scaled design elements and details that generate interest and help reduce the appearance of building mass and scale. The design of the proposed restaurant building employs clean, simple geometric forms and coordinated massing to produce an overall sense of unity, scale, and interest. The building is designed to have a human scale and relate to pedestrians by incorporating appropriately scaled design elements and details that generate interest and diversity at the street, sidewalk level, and relate the building to the ground plan.



COLOR - EP-1
DUNN EDWARDS - DET620
"BARNWOOD GRAY"



COLOR - EP-2, EP-3
DUNN EDWARDS - DEW339
"BONE CHINA"



COLOR - EP-4
DUNN EDWARDS - ASHL 70-O-22 I-I
"STOP RED"



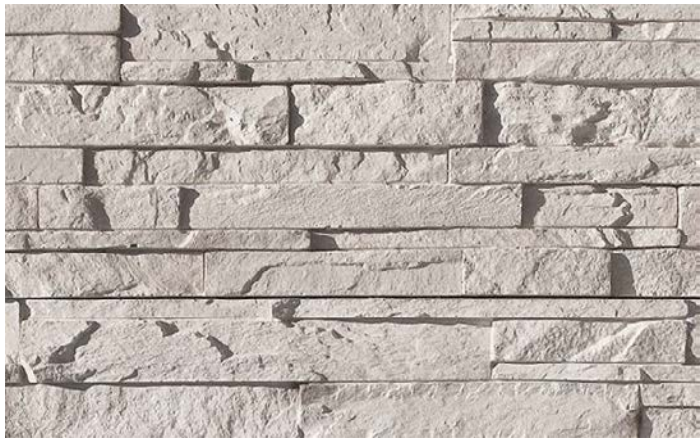
MATERIAL - #5
AWNING WITH PVC COATED WICK
RESISTANT ERADICABLE POLYESTER
AND IN-N-OUT CUSTOM COLORS



MATERIAL - #1
TREX
COMPOSITE DECK BOARDS
TREX TRANSCEND - "TIKI TORCH"



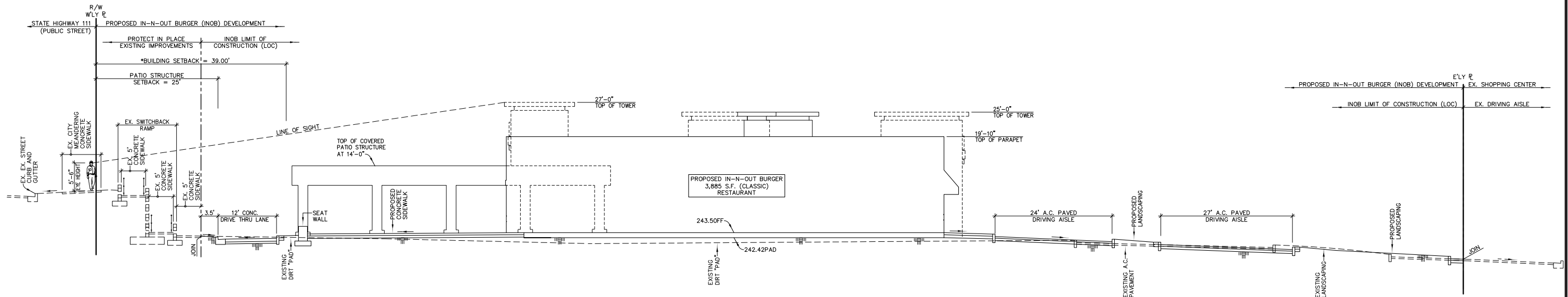
MATERIAL - #3, #4
ALUMINUM STOREFRONT
KAWNEER
CLEAR ANODIZED ALUMINUM



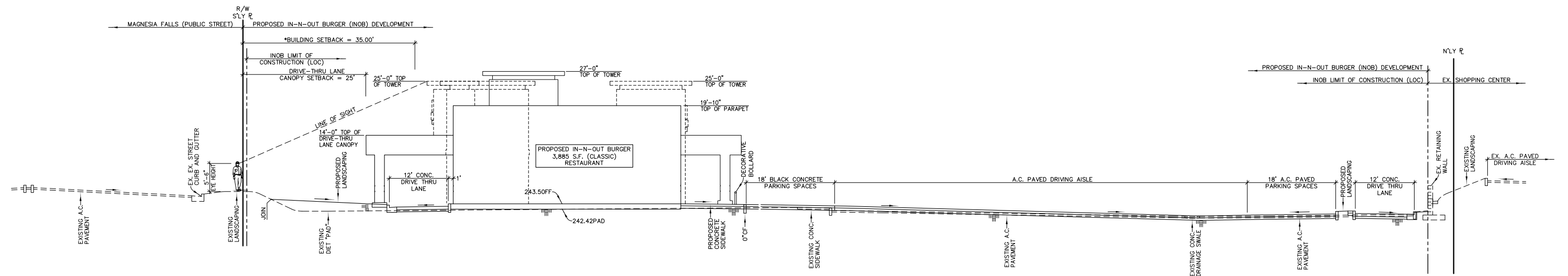
MATERIAL - #6
STONE VENEER
CORONADO
PRO-LEDGE "WHITE"

SOURCE: In-N-Out - 2020

FIGURE 5.1-3



View of the Project Site from the south looking north



View of the Project Site from the east looking west

SOURCE: MSL Engineering, Inc. October 21, 2019

FIGURE 5.1-4

Lighting Design

As shown in **Figure 3.0-8: Lighting and Signage Plan**, lighting and signs would be used throughout the Project Site to provide direction to restaurant patrons, as well as security at nighttime. Lighting design throughout the Project Site will illuminate only paths, entryways, and focal elements in order to highlight design and landscaping features, reinforce the community theme, and help ensure pedestrian and vehicular safety. Lighting would also be used for security and safety of on-site areas such as parking, loading, shipping, and receiving and would respect the requirements and guidelines of the Mount Palomar restricted nighttime light zone, as identified in County Ordinance No. 655. All lighting shall be architectural, hooded, and directed downward to minimize light and direct glare impacts on neighboring properties and pedestrian or vehicular sight lines and reduce impacts on dark skies.

Hardscape Design

The Project Site incorporates hardscape elements such as outdoor seating, patio cover, trash receptacles, and bicycle racks. The General Plan encourages some combination of these elements to be used as comfort features and distinctive elements for a commercial use. The materials and finishes proposed will be durable, easy to maintain, and deter graffiti, with seating surfaces to consist of materials that have low heat absorption.

Landscape Design

The site would be landscaped using heat- and drought-tolerant plant materials and water-saving irrigation methods. The proposed Project would remove approximately 26 trees on site and would plant approximately 57 trees, including Desert Museum, Palo Verde, Mulga, Blue Hesper Palm, Shoestring Acacia, Mexican Fan Palm, and Washingtonia Filbusta. A mix of desert type shrubs would be planted in between these trees, as shown in **Figure 3.0-10: Conceptual Landscape Layout**.

Signage

Figure 3.0-9: Project Signage shows the different types of signs, sizes, and colors that would be used throughout the site. “In-N-Out Burger” logo signs would be added to the existing Rancho Las Palmas Shopping Center monument sign fronting Highway 111. The building exterior along the north, south, east, and west sides of the Project would include illuminated channel wall signs. All proposed on-site identification signage is subject to applicable regulations pursuant to City Municipal Code Chapter 17.28, Signs.

Project Impacts

Threshold 5.1-1: Would the project have a substantial adverse effect on a scenic vista?

The Project would not result in substantial adverse effects on available scenic vistas. Potential viewers of a scenic vista are anyone located within the vicinity of the Project Site are those on public lands, rights-of-way, facilities, or designated scenic highways or adjacent properties, specifically the existing commercial uses to the north, east, west, and southwest and residential uses to the southeast.

The Project Site is located on relatively flat land in a developed portion of the City, approximately 5.6 miles south of Interstate 10 (I-10). Views in the vicinity of the Project Site are largely unobstructed by the existing structures surrounding the Project Site, structures on adjacent parcels.

While no visually sensitive public lands or facilities, or designated State scenic highways are near the Project Site, Highway 111, and Bob Hope Drive, which border west and north sides of the Project Site, respectively, are identified as scenic view corridors to both the north and west in the City's General Plan Community Design Chapter.⁷ As mentioned in Existing Conditions above, the intersection of Highway 111 and Bob Hope Drive is identified as an enhanced intersection,⁸ but no points of interest or view corridors are located near the Project. The Little San Bernardino Mountains to the north, Santa Rosa Mountains to the south, and San Jacinto Mountains to the west, are considered the visual backdrops of the Project Site. Views of these mountain ranges to the north, south, and west of the Coachella Valley can be seen by viewers along all four roadways surrounding the Project Site.

Buildings within the vicinity of the Project Site range between one and two-story commercial and residential uses. The Project's maximum height of approximately 27 feet and stepped roofing, as shown in **Figure 3.0-6: North and East Colored Elevations** and **Figure 3.0-7: West and South Colored Elevations**, would be consistent with the height and massing of surrounding buildings. The Project would not obstruct current views on any existing residential neighborhoods to the southeast of Magnesia Falls Drive as views of the new restaurant building would be screened by the existing commercial properties north of Magnesia Falls Drive.

As shown in **Figure 5.1-5: Project Rendering from Magnesia Falls and Highway 111 Intersection**, the views on surrounding roadways along Highway 111, Bob Hope Drive, and Magnesia Falls Drive or from surrounding vantage points would not be substantially obstructed or adversely impacted by the Project, because the Project would be constructed in an already developed area.

7 City of Rancho Mirage, *General Plan*, "Chapter 10: Community Design," *Exhibit 32 Community Design Guidelines, Points of Interest*, 119 (November 2017).

8 City of Rancho Mirage, *General Plan*, "Chapter 10: Community Design," *Exhibit 32 Community Design Guidelines, Points of Interest*, 119 (November 2017).



SOURCE: In-N-Out - 2020

FIGURE 5.1-5



Project Rendering from Magnesia Falls and Highway 111 Intersection

The proposed Project would develop a one story building which would be consistent with the existing pattern of development on this section of Highway 111 and will not have any adverse effects on available views of the San Jacinto Mountains on the west side of Highway 111. Additionally, the proposed Project is designed to conform with the development standards and design guidelines of the General Plan to ensure consistency and compatibility with the anticipated uses on-site. For these reasons, impacts on scenic vistas would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on scenic vistas are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

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

Scenic resources including trees, rock outcroppings, and historic buildings within the view sheds of State scenic highways provide aesthetic and visual appeal for residents and visitors. Similarly, scenic routes provide valuable visual relief to travelers. Generally, new development proposed for areas around scenic resources could impact views from State scenic highways.

Two freeways serve the Project Site: Interstate-10 (I-10) and Highway-111. These segments of the I-10 and Highway-111 have not been designated as scenic highways in the California State Scenic Highway

Program.⁹ Therefore, the proposed Project will have a less than significant impact on scenic resources within a State scenic highway.

In addition, the Project site is a vacant previously graded and developed site that does not contain any existing features that represent scenic resources. As such, the proposed Project would not substantially damage any scenic resources.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts on scenic resources are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.1-3: In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

As described previously, the proposed Project includes development of an infill, urbanized site with a commercial building that would be of a similar size, height, and bulk as the surrounding commercial buildings. The proposed building includes two entrances, one of which would be oriented facing north and the other facing west. The proposed building exterior would consist of a stucco finish in shades of light brown and beige with stone veneer at the bottom of the building and metal cap roof finishes colored to match the stucco. The building also includes an approximately 13.7-foot tall canopy over the drive-through lane. The north and west elevations also include aluminum storefront doors and windows with awnings, and each elevation will have an In-N-Out logo illuminated sign above the storefront doors. A covered trash building would be located northwest of the restaurant building. Views of these areas from surrounding commercial and retail uses to the north, east, and south would generally be obstructed by existing vegetation or by new landscaping proposed for the site.

Although the Project would alter the visual appearance of the Project Site from vacant to developed land, the building height and character would be consistent with the surrounding commercial land uses. The

9 California Department of Transportation (Caltrans), California Scenic Highway Mapping System, Riverside County, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/, accessed April 2020.

Project would adhere to the development standards and design guidelines outlined in the General Plan as identified in Chapter 10: Community Design Guidelines. Development of the proposed Project would ensure that the Project Site would be developed as a high-quality commercial development and would not negatively impact the aesthetic appearance of the Project Site or surrounding area.

Therefore, the Project is consistent with the City's existing zoning and General Plan because it incorporates City design guidelines as envisioned for this site in the City's General Plan and Municipal Code. Specifically, RMMC Section 17.40.020 (Design Review Procedures): Design review process for conditional use permit, development plan permit, minor variance, or variance to ensure the application is consistent with all applicable development standards and regulations. Overall, a unified design character would be created that would enhance and harmonize with the surrounding area. Impacts on the zoning and other regulations governing scenic would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to the existing visual character are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.1-4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The existing light sources in the Project Site are from streetlights at major surrounding intersections, parking lot lighting, and light from the land uses east of the Project Site, south across Magnesia Falls Drive, west across Highway 111, and north across Bob Hope Drive. Glare exists during the daytime from the existing surrounding buildings. Another source of glare and nighttime light in the vicinity of the Project Site includes vehicular traffic along surrounding roadways.

Future development would introduce new light sources typical of commercial uses in the Project Site. Nighttime illumination would also be used to highlight building design and landscape features and to create a feeling of security and safety for pedestrians and vehicles. Other sources of light would include security lighting, nighttime traffic, and sign illumination. However, the new light sources introduced by the Project would be similar to the existing light and glare associated with the surrounding developed properties within the Rancho Las Palmas Shopping Center.

The proposed drive-through would have ingress and egress points to the north and access from the west of the Project Site. The drive through would be heavily landscaped to shield lighting from vehicles, as seen in **Figure 5.1-6: Project Rendering Southwest Corner of the Project Site**. Vehicles traveling in the drive-through would not cause add a substantial source of light or glare as the structure and walls surrounding the drive-through would shield any lighting or glare that would be in the direction of the residential uses located to the southeast.

RMMC Section 17.18.050, Exterior Glare, Heat, and Light, regulates glare, heat, and light shielding as well as energy-efficiency. It states that lighting should be shield or modified to prevent emission of glare, heat, or light beyond the property line. The proposed Project will conform with the standards in the RMMC Section 17.18.050 to ensure the neighboring residential units are not adversely affected by the presence of light on-site.

In addition to lighting regulations set forth in the City Municipal Code, the proposed Project would also comply with County Ordinance No. 655 which requires that all lighting shall be architectural, hooded, and directed downward to minimize light and direct glare impacts on neighboring properties and pedestrian or vehicular sight lines and reduce impacts on dark skies. The proposed Project must also comply with regulations set forth in the California Building Code (CBC) to reduce light impacts on neighboring businesses and residential uses. The CBC regulates lighting standards for both residential and nonresidential development in the State of California. Regulations include the use of high-efficiency lighting, shielded or hooded in a way that reduces light or glare pollution from spilling onto adjacent properties.

Therefore, the Project would not include any substantial sources of light and glare, the impacts to the surrounding areas would not have a significant impact as the Project would comply with Municipal Code regulations for lighting, including parking areas and signage. Accordingly, impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts from light and glare are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.



SOURCE: In-N-Out - 2020

FIGURE 5.1-6

Cumulative Impacts

Upon development of the Project Site and vacant lands throughout the City, cumulative development could result in substantial changes to the visual character of the City and add to the creation of nighttime light and glare. However, this would not constitute a significant adverse impact as future development projects would be required to adhere to the strict design and standards outlined in the City's General Plan and Municipal Code.

As previously discussed, the aesthetic impacts of the Project associated with effects upon the existing visual character of the Project Site and its surrounding area have been evaluated above and were found to be less than significant. Potential Project-related impacts related to lighting and glare would be localized to the restaurant and confined to the area within the existing lighting fixtures. As noted in **Section 4.0: Environmental Setting**, there would be a total of 9 related projects in the City as well as in the adjacent City of Palm Desert. None of these projects are nearby or on this same section of Highway 111. In consideration of the preceding factors, the Project's contribution to cumulative aesthetic impacts would be less than considerable.

C. MITIGATION MEASURES

With compliance with the City's General Plan and RMMC, impacts to aesthetics are less than significant. No mitigation measures are required

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to aesthetics would remain less than significant.

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact air quality on a local and regional context. More specifically, this section evaluates impacts associated with the proposed Project that may potentially affect regional and local air quality. Various federal, State, regional, and local programs and regulations related to potential air quality impacts are also discussed in this section. Emission calculations and air quality modeling completed for the proposed Project are contained in **Appendix B: Air Quality Emissions Model Output** of this Draft EIR. Please see **Section 8.0: Terms, Definitions, and Acronyms** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Air Pollutants of Concern

Criteria Air Pollutants

The criteria air pollutants that are most relevant to current air quality planning and regulation in the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD), include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), respirable particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), sulfur dioxide (SO₂), and lead (Pb). In addition, volatile organic compounds (VOC) and toxic air contaminants (TACs) are a concern in the SSAB, but are not classified under Ambient Air Quality Standards (AAQS). The characteristics of each of these pollutants are briefly described below.

The State and AAQS and their attainment status in the SSAB for each of the criteria pollutants are summarized in **Table 5.2-1: Ambient Air Quality Standards and Attainment Status**. The term “nonattainment area” is used to refer to an air basin in which one or more ambient air quality standards are exceeded. Under federal and State standards, the SSAB is currently designated as nonattainment for O₃ and PM₁₀.

Table 5.2-1
Ambient Air Quality Standards and Attainment Status

Pollutant	Averaging Period	California		Federal	
		Standards	Attainment Status	Standards	Attainment Status
Ozone (O ₃)	1-hour	0.09 ppm (180 µg/m ³)	Nonattainment	—	Nonattainment
	8-hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)	
Nitrogen Dioxide (NO ₂)	Annual Arithmetic mean	0.03 ppm (57 µg/m ³)	Attainment	0.053 ppm (100 µg/m ³)	Unclassified/ Attainment
	1-hour	0.18 ppm (339 µg/m ³)		0.100 ppm (188 µg/m ³)	
Carbon Monoxide (CO)	8 hours	9.0 ppm (10 mg/m ³)	Attainment	9 ppm (10 mg/m ³)	Unclassified/ Attainment
	1 hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)	
Sulfur Dioxide (SO ₂)	1 hour	0.25 ppm	Attainment	0.075 ppm	Attainment
	24 hour	0.04 ppm		—	
Lead (Pb)	30-day average	1.5 µg/m ³	Attainment	—	Unclassified/ Attainment
	Rolling 3-month average	—		0.15 µg/m ³	
Respirable Particulate Matter (PM ₁₀)	24 hour	50 µg/m ³	Nonattainment	150 µg/m ³	Nonattainment
	Annual arithmetic mean	20 µg/m ³		—	
Fine Particulate Matter (PM _{2.5})	24 hours	—	Attainment	35 µg/m ³	Unclassified/ Attainment
	Annual arithmetic mean	12 µg/m ³		12 µg/m ³	

Source: California Air Resources Board website at: <https://www.arb.ca.gov/research/aaqs/aaqs2.pdf> (accessed May 2020) and CARB, "Area Designations Maps/State and National," <http://www.arb.ca.gov/design/adm/adm.htm> (last reviewed December 28, 2018).

Note: ppm = parts per million.

Ozone (O₃)

O₃ is a highly reactive and unstable gas that is formed when reactive organic gases (ROGs), sometimes referred to as VOC, and nitrogen oxides (NO_x), byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. O₃ concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Individuals exercising outdoors, children, and people with preexisting lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible sub-groups for ozone effects. Short-term exposures (lasting for a few hours) to O₃ at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Elevated ozone levels are associated with increased school absences. In recent years, a correlation between elevated ambient ozone levels and increases in daily hospital admission and mortality rates have also been reported. An increased risk for asthma has been found in children who participate in multiple sports and live in high ozone communities.

Ozone exposure under exercising conditions is known to increase the severity of the observed responses mentioned above. Animal studies suggest that exposures to a combination of pollutants that include ozone may be more toxic than exposure to ozone alone. Although lung volume and resistance changes observed after a single exposure diminish with repeated exposures, biochemical and cellular changes appear to persist, which can lead to subsequent lung structural changes.

Carbon Monoxide (CO)

CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike O₃, motor vehicles operating at slow speeds are the primary source of CO in the SSAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Individuals with a deficient blood supply to the heart are the most susceptible to the adverse effects of CO exposure. The effects observed include earlier onset of chest pain with exercise, and electrocardiograph changes indicative of worsening oxygen supply to the heart. Inhaled CO has no direct toxic effect on the lungs but exerts its effect on tissues by interfering with oxygen transport by competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Hence, conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. Individuals most at risk include patients with diseases involving heart and blood vessels, fetuses, and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes.

Reduction in birth weight and impaired neurobehavioral development has been observed in animals chronically exposed to CO resulting in COHb levels similar to those observed in smokers. Recent studies have found increased risks for adverse birth outcomes with exposure to elevated CO levels. These include pre-term births and heart abnormalities. Additional research is needed to confirm these results.

Nitrogen Dioxide (NO₂)

NO₂ is a reddish-brown, highly reactive gas that is formed in the ambient air through the oxidation of nitric oxide (NO). NO₂ is also a byproduct of fuel combustion. The principle form of NO₂ population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposures to NO₂ at levels found in homes with gas stoves, which are higher than ambient levels found in Southern California. Increase in resistance to air flow and airway contraction is observed after short-term exposure to NO₂ in healthy individuals. Larger decreases in lung functions are observed in individuals with asthma or chronic obstructive pulmonary disease (e.g., chronic bronchitis, emphysema) than in healthy individuals, indicating a greater susceptibility of these sub-groups.

In animals, exposure to levels of NO₂ considerably higher than ambient concentrations result in increased susceptibility to infections, possibly due to the observed changes in cells involved in maintaining immune functions. The severity of lung tissue damage associated with high levels of ozone exposure increases when animals are exposed to a combination of O₃ and NO₂.

A detailed discussion of the health effects of NO₂ is provided in the SCAQMD *Final 2016 Air Quality Management Plan*.¹

Particulate Matter (PM₁₀ and PM_{2.5})

A consistent correlation between elevated ambient respirable and fine particulate matter (PM₁₀ and PM_{2.5}) levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks, and the number of hospital admissions has been observed in different parts of the US and various areas around the world. In recent years, some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life span, and an increased mortality from lung cancer.

Daily fluctuations in fine-particulate-matter concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to school and kindergarten absences, to a decrease in respiratory lung volumes in normal children and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children appear to be more susceptible to the effects of PM₁₀ and PM_{2.5}.

1 SCAQMD, *Final 2016 Air Quality Management Plan, Appendix I: Health Effects*, accessed May 2020, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>.

Sulfur Dioxide (SO₂)

SO₂ is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal, as well as from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x).

A few minutes of exposure to low levels of SO₂ can result in airway constriction in some asthmatics, all of whom are sensitive to its effects. Asthmatics' acute exposure to SO₂ increases their resistance to air flow and reduces their breathing capacity, which leads to severe breathing difficulties. In contrast, healthy individuals do not exhibit similar acute responses even after exposure to higher concentrations of SO₂.

Animal studies suggest that despite the fact that SO₂ is a respiratory irritant, it does not cause substantial lung injury at ambient concentrations. However, very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off cells lining the respiratory tract.

Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO₂ levels. In these studies, efforts to separate the effects of SO₂ from those of fine particles have not been successful. It is not clear whether the two pollutants act synergistically, or one pollutant alone is the predominant factor.

Most of the health effects associated with fine particles and SO₂ at ambient levels are also associated with SO₄. Thus, both mortality and morbidity effects have been observed with an increase in ambient SO₄ concentrations. However, efforts to separate the effects of SO₄ from the effects of other pollutants have generally not been successful. Clinical studies of asthmatics exposed to sulfuric acid suggest that adolescent asthmatics are possibly a subgroup susceptible to acid aerosol exposure. Animal studies suggest that acidic particles, such as sulfuric acid aerosol and ammonium bisulfate, are more toxic than nonacidic particles like ammonium sulfate. Whether the effects are attributable to acidity or to particles remains unresolved.

Lead (Pb)

Pb occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne Pb in the SSAB. The use of leaded gasoline is no longer permitted for on-road motor vehicles, so the majority of such combustion emissions are associated with off-road vehicles, such as racecars. However, because leaded gasoline was emitted in large amounts from vehicles when leaded gasoline was used for on-road motor vehicles, Pb is present in many urban soils and can be resuspended in the air. Other sources of Pb include the manufacturing and recycling of batteries, paint, ink, ceramics, ammunition, and the use of secondary lead smelters. Pb is also found in lead-based paint, which is

considered health hazard for people, especially children. From the turn of the century through the 1940s, paint manufacturers used lead as a primary ingredient in many oil-based paints. Use of lead in paint decreased, but was still used until 1978 when it was banned from residential use. Remodeling, renovations, or demolition activities in older buildings could disturb lead-based paint surfaces.

Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence levels. In adults, increased lead levels are associated with increased blood pressure.

Lead poisoning can cause anemia, lethargy, seizures, and death. It appears that there are no direct effects of lead on the respiratory system. Lead can be stored in the bone from early-age environmental exposure, and elevated blood lead levels can occur due to the breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland) and osteoporosis (breakdown of bony tissue). Fetuses and breast-fed babies can be exposed to higher levels of lead because of previous environmental lead exposure of their mothers.

Volatile Organic Compounds (VOCs)

VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide (CO₂), carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions and thus, a precursor of ozone formation. VOC emissions often result from the evaporation of solvents in architectural coatings. Reactive organic gases (ROG) are any reactive compounds of carbon, excluding methane, CO, CO₂ carbonic acid, metallic carbides or carbonates, ammonium carbonate, and other exempt compounds. ROG emissions are generated from the exhaust of mobile sources.² Both VOC and ROGs are precursors to ozone and the terms can be used interchangeably.³

Toxic Air Contaminants (TACs)

TACs refer to a diverse group of “non-criteria” air pollutants that can affect human health but have not had ambient air quality standards established for them. This is not because they are fundamentally different from the pollutants discussed previously, but because their effects tend to be local rather than regional. TACs are classified as carcinogenic and noncarcinogenic, where carcinogenic TACs can cause cancer and noncarcinogenic TAC can cause acute and chronic impacts to different target organ systems (e.g., eyes, respiratory, reproductive, developmental, nervous, and cardiovascular).

2 SCAQMD, Appendix A: Calculation Details for CalEEMod (October 2017), accessed May 2020, http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6.

3 Both VOC and ROGs are both precursors to ozone so they are summed in the CalEEMod report under the header ROG. For the purposes of comparing the ROG value to a VOC significance threshold, the terms can be used interchangeably.

The California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA) determine if a substance should be formally identified, or “listed,” as a TAC in California.⁴ Diesel Particulate Matter (DPM), which is emitted in the exhaust from diesel engines, was listed by the State as a TAC in 1998. DPM has historically been used as a surrogate measure of exposure for all diesel exhaust emissions. DPM consists of fine particles (fine particles have a diameter less than 2.5 µm), including a subgroup of ultrafine particles (ultrafine particles have a diameter less than 0.1 µm). Collectively, these particles have a large surface area, which makes them an excellent medium for absorbing organics. The visible emissions in diesel exhaust include carbon particles or “soot.” Diesel exhaust also contains a variety of harmful gases and cancer-causing substances.

Exposure to DPM may be a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. DPM levels and resultant potential health effects may be higher near heavily-traveled roadways with substantial truck traffic or near industrial facilities. According to CARB, DPM exposure may lead to the following adverse health effects: (1) aggravated asthma; (2) chronic bronchitis; (3) increased respiratory and cardiovascular hospitalizations; (4) decreased lung function in children; (5) lung cancer; and (6) premature deaths for people with heart or lung disease.⁵

To provide a perspective on the contribution that DPM has on the overall Statewide average ambient air toxics potential cancer risk, CARB evaluated risks from specific compounds using data from CARB’s ambient monitoring network. CARB maintains 21-site air toxics monitoring network that measures outdoor ambient concentration levels of approximately 60 air toxics. CARB has determined that, of the top ten inhalation risk contributors, DPM contributes approximately 68 percent of the total potential cancer risk.⁶

Regional

The INO Burger Restaurant Project Site (Project Site) lies within the SSAB, which spans the Coachella Valley portion of the County of Riverside (County) and the entire County of Imperial. Air quality management of the Riverside County portion of the SSAB is overseen by SCAQMD. The Riverside County portion of the SSAB is bound by the San Jacinto Mountains to the west and spans eastward up to the Palo Verde Valley. The SSAB and the adjacent Mojave Desert Air Basin were previously included in a single large air basin known as the Southeast Desert Air Basin. However, CARB has subdivided this larger basin into the two separate air basins that are in place today.

4 The complete list of such substances is located at www.arb.ca.gov/toxics/id/taclist.htm.

5 California Air Resources Board (CARB), Diesel and Health Research, accessed May 2020, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

6 SCAQMD, “Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-IV).” (May 2015), accessed May 2020, <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

The SSAB is classified as having a desert climate characterized by low precipitation, hot summers, mild winters, low humidity, and strong temperature inversions. The annual average temperature varies little throughout the SSAB, ranging from the low 40s to the low 100s, measured in degrees Fahrenheit (°F). The Western Regional Climate Center (WRCC) maintains historical climate information for the western US, including the City of Palm Springs which is the closest meteorological monitoring station to the Project Site (Station ID No. 046635). According to this Station, the annual maximum temperature in the local vicinity is 108.2°F in July, while the annual minimum temperature reported is 42.3°F in December and January. The average annual rainfall for the Project area ranges from 5 to 6 inches.⁷

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

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

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

In relation to other areas of southern California, the SSAB has good air quality. In the past few decades, however, noticeable deterioration of air quality has occurred due to transport of pollutants from coastal air basins, primarily ozone, and locally generated coarse inhalable particulate matter (PM₁₀) as a result of increased development and population growth, traffic, construction activity, and various site disturbances.

Local Air Quality

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

The Project Site is located in the Coachella Valley (SRA 30) in the SSAB. SCAQMD maintains two permanent air quality monitoring locations in the Riverside County portion of the SSAB; one station is located in the City of Palm Springs, closer to the San Geronio Pass, predominantly downwind of the densely populated

7 Western Regional Climate Center, "Palm Springs Station: Period of Record Monthly Climate Summary" (period of record 03/01/1906-06/10/2016), <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6635>.

SSAB, and the other station is located in the City of Indio, further into the Coachella Valley and downwind of the main population areas of the Coachella Valley.

The closest monitoring station representative of area meteorological conditions to the Project Site is located at 46-990 Jackson Street, approximately 11 miles to the east of the Project Site. This station was determined to be the most representative of the Project Site due to the fact that it is the closest location, it has similar land uses surrounding it, and there are no significant terrain features between the monitoring station and the Project Site. As shown in **Table 5.2-2: Air Quality Monitoring Summary**, this station monitors pollutant concentrations of O₃, PM₁₀, and PM_{2.5}.

Table 5.2-2
Air Quality Monitoring Summary

Air Pollutant	Average Time (Units)	2016	2017	2018
Ozone (O ₃)	State Max 1 hour (ppm)	0.099	0.107	0.106
	Days > CAAQS threshold (0.09 ppm)	3	8	4
	National Max 8 hour (ppm)	0.089	0.093	0.091
	Days > NAAQS threshold (0.070 ppm)	27	44	49
	State Max 8 hour (ppm)	0.090	0.094	0.091
	Days > CAAQS threshold (0.07 ppm)	29	47	52
Carbon Monoxide (CO)*	Max 1 hour (ppm)	3.1	1.0	1.1
	Days > CAAQS threshold (20 ppm)	N/A	N/A	N/A
	Days > NAAQS threshold (35 ppm)	N/A	N/A	N/A
	Max 8 hours (ppm)	0.7	1.5	0.5
	Days > CAAQS threshold (9.0 ppm)	N/A	N/A	N/A
	Days > NAAQS threshold (9.0 ppm)	N/A	N/A	N/A
Nitrogen dioxide (NO ₂)*	National Max 1 hour (ppm)	N/A	N/A	N/A
	Days > NAAQS threshold (0.100 ppm)	N/A	N/A	N/A
	State Max 1 hour (ppb)	42.6	42.5	42.6
	Days > CAAQS threshold (0.18 ppm)	N/A	N/A	N/A
Sulfur dioxide (SO ₂)*	Max 1 hour (ppb)	N/A	N/A	N/A
	Days > CAAQS threshold (250 ppb)	N/A	N/A	N/A
	Days > NAAQS threshold (0.075 ppm)	N/A	N/A	N/A
Particulate matter (PM ₁₀)	State Annual Average (µg/m ³)	48.8	N/A	38.9
	24 hours (µg/m ³)	261.2	143.1	149.6
	Days > CAAQS threshold (50 µg/m ³)	21	10	14
	Days > NAAQS threshold (150 µg/m ³)	2	1	2
Fine particulate matter (PM _{2.5})	National Max (µg/m ³)	25.8	18.8	28.7
	National Annual Average (µg/m ³)	7.6	N/A	8.3
	Days > NAAQS threshold (35 µg/m ³)	0	0	0

Source: California Air Resources Board, "Top 4 Summary," <https://www.arb.ca.gov/adam/topfour/topfour1.php>.

Notes: * Data obtained from SCAQMD, Historical Data By Year, <https://www.aqmd.gov/home/air-quality/air-quality-data-studies/historical-data-by-year>.

> = exceeds; CAAQS = California Ambient Air Quality Standard; max = maximum; mean = annual arithmetic mean; µg/m³ = micrograms per cubic meter; N/A = no data; NAAQS = National Ambient Air Quality Standard; ppm = parts per million.

Existing Project Site Emissions

The Project Site is located within the Ranchos Las Palmas Shopping Center. The center went through a large amount of reconstruction and re-facing. The redevelopment of the site included the demolition of the 5,470-square-foot sit-down restaurant that previously occupied the proposed Project Site. A pad was prepared for development; however, the Project Site is currently vacant and undeveloped. Therefore, no emissions are currently generated from the site.

Surrounding Land Uses

The Project Site is located on the northeast corner of Highway 111 and Magnesia Falls Drive within the Rancho Las Palmas Shopping Center. Land uses surrounding these intersections are as follows:

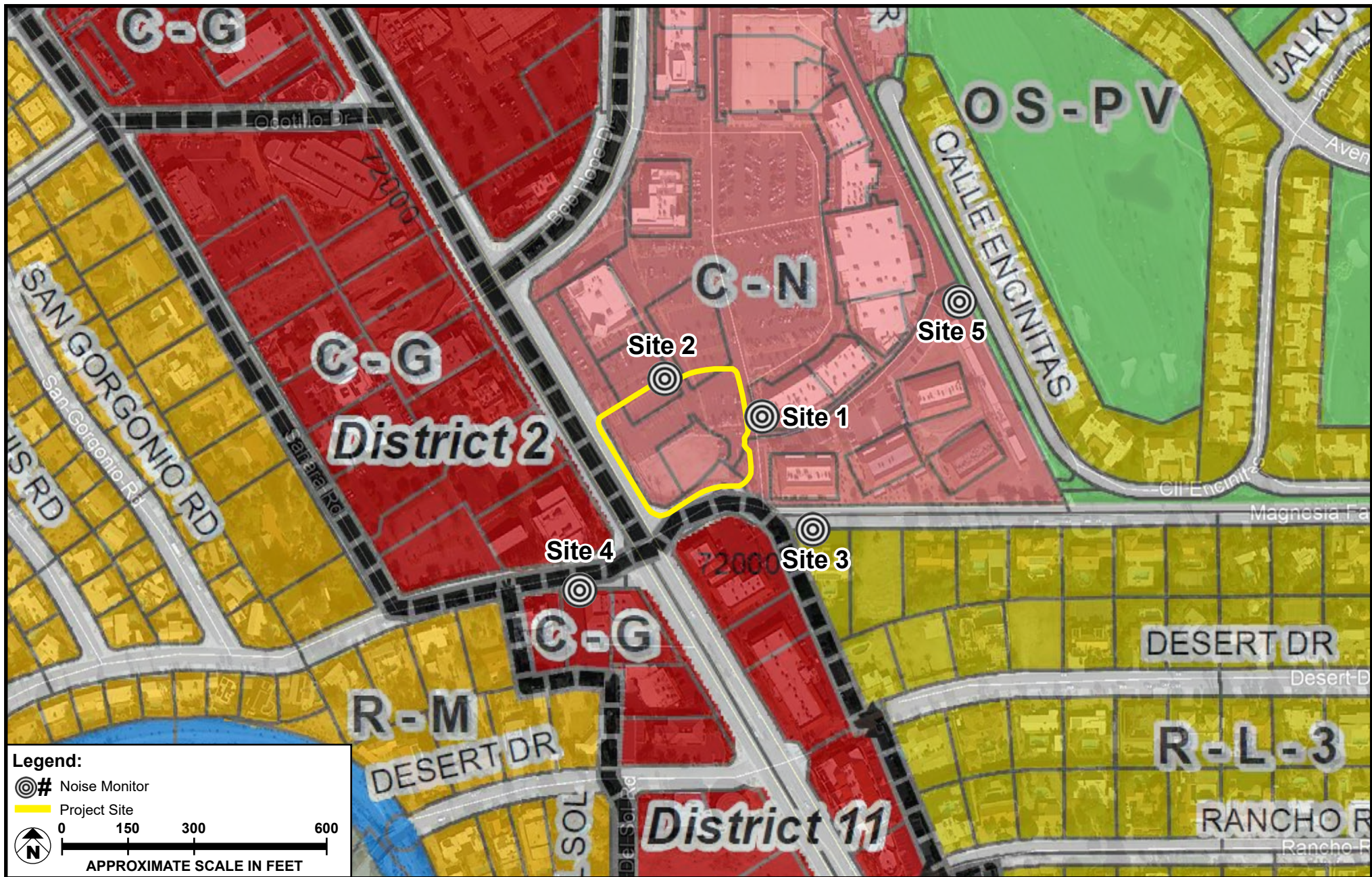
- Magnesia Falls Drive: Single-family residential neighborhoods and commercial uses
- Highway 111: Commercial uses

Refer to **Figure 5.2-1: Sensitive Receptor Map** for locations of surrounding uses.

Sensitive Receptors

Individuals who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. Some receptors are considered more sensitive to air pollutants than others because of preexisting health problems, proximity to the emissions source, or duration of exposure to air pollutants. Land uses such as primary and secondary schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because the very young, the old, and the infirm are more susceptible to respiratory infections and other air quality-related health problems than the general public. Residential areas are also considered sensitive to poor air quality because people in residential areas are often at home for extended periods. Recreational land uses are moderately sensitive to air pollution because the vigorous exercise associated with recreation facilities put a high demand on respiratory system function. CARB has identified the following people as most likely to be affected by air pollution: children less than 14 years of age, the elderly over 65 years of age, athletes, and those with cardiovascular and chronic respiratory diseases.

For purposes of environmental analysis, SCAQMD considers a sensitive receptor to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities. Commercial and industrial facilities are not included in the definition because employees do not typically remain on site for 24 hours. However, when assessing the impact of pollutants with 1-hour or 8-hour standards (such as nitrogen dioxide and carbon monoxide), commercial and/or industrial facilities would be considered sensitive receptors for those purposes.



SOURCE: Google Earth - 2020

FIGURE 5.2-1

Regulatory Setting

Air quality within the SSAB is addressed through the efforts of various federal, State, regional, and local government agencies. These agencies work jointly as well as individually to improve air quality through legislation, regulations, planning, policy making, enforcement, education, and a variety of programs. The agencies primarily responsible for improving the air quality within the SSAB are discussed in the following paragraphs along with their individual responsibilities.

Federal

Clean Air Act

The United States Environmental Protection Agency (USEPA) is responsible for the implementation of portions of the CAA of 1970, which regulates certain stationary and mobile sources of air emissions and other requirements. Charged with handling global, international, national, and interstate air pollution issues and policies, the USEPA sets national vehicle and stationary source emission standards, oversees the approval of all State Implementation Plans,⁸ provides research and guidance for air pollution programs, and sets NAAQS.⁹ NAAQS for the six common air pollutants (ozone, PM₁₀ and PM_{2.5}, NO₂, CO, Pb, and SO₂) are identified in the CAA.

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

The NAAQS were also amended in July 1997 to include an 8-hour standard for ozone. The 8-hour ozone standard established by USEPA was challenged, and eventually upheld in March 2002. The portion of the SSAB under the SCAQMD's jurisdiction (Coachella Valley Planning Area) was classified as "serious," with an attainment date of June 2013. In May 2010, the USEPA granted the State's request to designate the Coachella Valley as "severe" with an attainment date of 2019. The federal 1-hour ozone standard was revoked, effective June 15, 2005, but "anti-backsliding" measures, including implementation of an approved attainment plan, remain in effect for areas that have not yet attained these standards. In addition, in contrast to PM₁₀, PM_{2.5} concentrations were relatively low in the Coachella Valley area of the SSAB. PM₁₀ concentrations are normally higher in the desert areas due to windblown and fugitive dust

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

9 The NAAQS were established to protect public health, including that of sensitive individuals; for this reason, the standards continue to change as more medical research becomes available regarding the health effects of the criteria pollutants. The primary NAAQS defines the air quality considered necessary, with an adequate margin of safety, to protect the public health.

emissions; PM_{2.5} is relatively low in the desert area due to fewer combustion-related emissions sources and less secondary aerosol formation in the atmosphere. The PM_{2.5} federal standards were not exceeded in the Coachella Valley in 2015 and the highest 24-hour and annual average 2013–2015 design values (17 and 8.0 µg/m³), respectively, both at the Indio air monitoring station) are well below the PM_{2.5} NAAQS.¹⁰

State

The California Clean Air Act, signed into law in 1988, requires all areas of the State to achieve and maintain the California AAQS by the earliest practicable date. CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both State and federal air pollution control programs within California. In this capacity, CARB conducts research, sets State AAQS, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products, and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions and the CAAQS currently in effect for each of the criteria pollutants, as well as other pollutants recognized by the State. The CAAQS include more stringent standards than the NAAQS. Criteria pollutants that are in nonattainment under the CAAQS include O₃ and PM₁₀.

Air Quality and Land Use Handbook

CARB published the *Air Quality and Land Use Handbook*¹¹ on April 28, 2005, to serve as a general guide for considering health effects associated with siting sensitive receptors proximate to sources of TAC emissions. The recommendations provided therein are voluntary and do not constitute a requirement or mandate for either land use agencies or local air districts. The goal of the guidance document is to protect sensitive receptors, such as children, the elderly, acutely ill, and chronically ill persons, from exposure to TAC emissions.

Some examples of CARB's siting recommendations include the following: (1) avoid siting sensitive receptors within 500 feet of a freeway, urban road with 100,000 vehicles per day, or rural road with 50,000 vehicles per day; (2) avoid siting sensitive receptors within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 50 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week); and (3) avoid siting sensitive receptors within 300 feet of any dry cleaning operation using perchloroethylene and within 500 feet of operations with two or more machines.

10 SCAQMD, "Final 2016 Air Quality Management Plan" (2017), accessed May 2020, <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

11 CARB, *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005), <https://www.arb.ca.gov/ch/handbook.pdf>.

Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (Title 13 of the California Code of Regulations, Section 2485)

The Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling¹² measure includes regulations that pertain to air quality emissions. Specifically, Section 2485 states that during construction, the idling of all diesel-fueled commercial vehicles weighing more than 10,000 pounds shall be limited to 5 minutes at any location. In addition, Section 93115 in Title 17 of the California Code of Regulations (CCR)¹³ states that operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

California Air Resources Board (CARB)

CARB Rule 2449, General Requirements for In-Use Off-Road Diesel-Fueled Fleets

Requires off-road diesel vehicles to limit nonessential idling to no more than 5 consecutive minutes.¹⁴

CARB Rule 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

CARB Rule 2485 requires commercial vehicles weighing more than 10,000 pounds to limit nonessential idling to no more than 5 consecutive minutes.¹⁵

Regional and Local

South Coast Air Quality Management District

SCAQMD shares responsibility with CARB for ensuring that all State and federal ambient air quality standards are achieved and maintained over an area of approximately 10,743 square miles. This area includes the South Coast Air Basin and portions of the Salton Sea and Mojave Desert Air Basins, all of Orange County, and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties. It does not include the Antelope Valley or the nondesert portion of western San Bernardino County.

SCAQMD is responsible for controlling emissions primarily from stationary sources. SCAQMD maintains air quality monitoring stations throughout the Air Basins. SCAQMD, in coordination with the SCAG, is also responsible for developing, updating, and implementing the AQMP for the Air Basins. An AQMP is a plan prepared and implemented by an air pollution district for a county or region designated as nonattainment of the national and/or California ambient air quality standards.

12 CARB, Section 2485 in Title 13 of the CCR, https://www.arb.ca.gov/msprog/truck-idling/13ccr2485_09022016.pdf.

13 CARB, *Final Regulation Order: Amendments to the Airborne Toxic Control Measure For Stationary Compression Ignition Engines (May 19, 2011)*, <https://www.arb.ca.gov/diesel/documents/FinalReg2011.pdf>.

14 CARB, *Final Regulation Order: Regulation for In-Use Off-Road Diesel-Fueled Facts*, accessed May 2020, <https://www3.arb.ca.gov/msprog/ordiesel/documents/finalregorder-dec2011.pdf>

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

SCAQMD approved the 2016 AQMP on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including the 2016 Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories. The AQMP also includes an update on the current air quality status of the SSAB. The SSAB is designated as a nonattainment area for the federal 2008 and 1997 8-hour ozone standards as well as the federal 2006 24-hour PM₁₀ standard. The Coachella Valley monitored data also shows that it will meet the PM₁₀ NAAQS, pending SCAQMD documentation submittal and subsequent USEPA approval of days flagged for high-wind exceptional events. However, USEPA has requested that SCAQMD conduct additional monitoring in the southeastern portion of the Coachella Valley before a re-designation can be considered.

The 2016 AQMP does not include new modeling efforts for PM₁₀; since the mid-1990s, peak 24-hour average PM₁₀ concentrations have not exceeded the current federal standard (150 µg/m³) other than on days with windblown dust from natural events, which can be excluded upon USEPA concurrence. Regardless, the USEPA has requested additional ambient monitoring prior to consideration of re-designation.

SCAQMD is responsible for limiting the amount of emissions that can be generated throughout the Air Basins by various stationary, area, and mobile sources. Specific rules and regulations have been adopted by the SCAQMD Governing Board, which limit the emissions that can be generated by various uses/activities and that identify specific pollution reduction measures, which must be implemented in association with various uses and activities. These rules not only regulate the emissions of the federal and State criteria pollutants but also TACs and acutely hazardous materials. The rules are also subject to ongoing refinement by SCAQMD.

Among the SCAQMD rules applicable to the proposed Project are Rule 403 (Fugitive Dust), Rule 403.1 (Supplemental Fugitive Dust Control Requirements For Coachella Valley Sources), and Rule 1113 (Architectural Coatings). Rule 403 requires the use of stringent best available control measures to minimize PM₁₀ emissions during grading and construction activities. Rule 403.1 requires active operations within a Blowsand Zone stabilize new man-made deposits of bulk material and requires a fugitive dust control plan for construction projects. Rule 1113 will require reductions in the VOC content of coatings, with a substantial reduction in the VOC content limit for flat coatings to 50 grams per liter (g/L) in July 2008.¹⁶ Additional details regarding these rules and other potentially applicable rules are presented as follows.

Rule 403 (Fugitive Dust). This rule requires fugitive dust sources to implement Best Available Control Measures for all sources and prohibits all forms of visible particulate matter from crossing any property

¹⁶ SCAQMD, Rule 1113 Architectural Coating (amended September 6, 2013).

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

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

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

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

Coachella Valley PM₁₀ State Implementation Plan

The 2003 PM₁₀ Coachella Valley State Implementation Plan (CVSIP) was approved by USEPA and jointly developed by SCAQMD, Coachella Valley Association of Governments (CVAG), and its member cities. The 2003 PM₁₀ CVSIP updated the 1990 plan, which was drafted as a requirement of the federal Clean Air Act to demonstrate expeditious attainment of PM₁₀ standards.¹⁷ On April 18, 2003, USEPA approved the updated CVSIP.

Historically, PM₁₀ levels in the Coachella Valley are elevated due to fugitive dust emission from grading and construction activities, agricultural practices, and strong wind. The finer materials, including sand and silt, can be picked up and transported by the wind and are referred to as “blowsand.” PM₁₀ particles associated with blowsand are of two types: (1) natural PM₁₀ produced by direct particle erosion and fragmentation, and (2) secondary PM₁₀ whereby sand deposited on roadways is further pulverized by motor vehicles and

17 SCAQMD, *Final 2003 Coachella Valley PM₁₀ State Implementation Plan*, August 1, 2003, accessed May 2020, <https://www.aqmd.gov/docs/default-source/clean-air-plans/pm10-plans/final-2003-coachella-valley-pm10-state-implementation-plan.pdf?sfvrsn=2>.

then re-suspended in the air by those vehicles. The Project area is located in a PM₁₀ nonattainment area for the state and federal PM₁₀ standards.

The Coachella Valley was eligible for redesignation as attainment in 2009 – 2010 due to the annual average PM₁₀ concentrations meeting the revoked federal standard. On February 25, 2010, CARB approved the Coachella Valley PM₁₀ Redesignation Request and Maintenance Plan from serious nonattainment to attainment for the PM₁₀ National Ambient Air Quality Standard under Federal CAA Section 107. However, Coachella Valley began exceeding thresholds for PM₁₀ shortly after the redesignation request and continues to exceed thresholds today. Thus, Coachella Valley continues to be in nonattainment for PM₁₀.

SCAQMD employs measures to reduce particulate matter in the SSAB, sets forth new measures that could further reduce particulate matter, and lists those new measures that need further evaluation prior to implementation. In addition, applicable State code and AQMD Rules, including Rule 403 (Fugitive Dust), enforce fugitive dust compliance for all activities within the SSAB.

SCAQMD Air Quality Analysis Guidance Handbook

In 1993, SCAQMD prepared its *CEQA Air Quality Handbook* to assist local government agencies and consultants in preparing environmental documents for projects subject to CEQA.¹⁸ However, SCAQMD is in the process of developing its *Air Quality Analysis Guidance Handbook* to replace the *CEQA Handbook*. The *CEQA Handbook* and the *Air Quality Analysis Guidance Handbook* describe the criteria that SCAQMD uses when reviewing and commenting on the adequacy of environmental documents. The *Air Quality Analysis Guidance Handbook* provides the most up-to-date recommended thresholds of significance in order to determine if a project will have a significant adverse environmental impact. Other important subjects covered in the *CEQA Handbook* and the *Air Quality Analysis Guidance Handbook* include methodologies for estimating project emissions and mitigation measures that can be implemented to avoid or reduce air quality impacts. Although the Governing Board of SCAQMD has adopted the *CEQA Handbook* and is in the process of developing the *Air Quality Analysis Guidance Handbook*, SCAQMD does not, nor does it intend to, supersede a local jurisdiction's CEQA procedures.¹⁹

While the *Air Quality Analysis Guidance Handbook* is being developed, supplemental information has been adopted by SCAQMD. These include revisions to the air quality significance thresholds and a procedure referred to as "localized significance thresholds," which has been added as a significance threshold under the Local Significance Threshold (LST) Methodology.²⁰ The applicable portions of the *CEQA Handbook*, the

18 SCAQMD, *Air Quality Analysis Guidance Handbook* (2010), <http://www.aqmd.gov/CEQA/hdbk.html>.

19 SCAQMD, "Frequently Asked CEQA Questions (2010)," <http://www.aqmd.gov/ceqa/faq/html>.

20 SCAQMD, *Final Localized Significance Threshold Methodology* (2008).

Air Quality Analysis Guidance Handbook, and other revised methodologies were used in preparing the air quality analysis in this section, as discussed and referenced later in this section.

SCAQMD Amicus Brief

In its Friant Ranch decision, the California Supreme Court conceded that an explanation of the connection between an individual project's pollutant emissions in excess of thresholds and human health effects may not be possible given the current state of environmental science modeling. However, the California Supreme Court concluded that the Friant Ranch Project EIR itself must explain, in a manner reasonably calculated to inform the public, the scope of what is and is not yet known about the effect of the Project's significant and unavoidable air quality impacts on human health. The specific language provided by the Court is provided below.

"The EIR fails to provide an adequate discussion of health and safety problems that will be caused by the rise in various pollutants resulting from the Project's development. At this point, we cannot know whether the required additional analysis will disclose that the Project's effects on air quality are less than significant or unavoidable, or whether that analysis will require reassessment of proposed mitigation measures. Absent an analysis that reasonably informs the public how anticipated air quality effects will adversely affect human health, an EIR may still be sufficient if it adequately explains why it is not scientifically feasible at the time of drafting to provide such an analysis."

SCAQMD has provided amicus briefs explaining the difficulties in providing correlation between regional pollutant emissions and human health. With regard to the analysis of air quality-related health impacts, the SCAQMD, the air quality authority for the SSAB, has stated that "EIRs must generally quantify a project's pollutant emissions, but in some cases it is not feasible to correlate these emissions to specific, quantifiable health impacts (e.g., premature mortality; hospital admissions)." In such cases, a general description of the adverse health impacts resulting from the pollutants at issue may be sufficient.

The SCAQMD has further stated that from a scientific standpoint, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region. SCAQMD further acknowledges that it may be feasible to analyze air quality related health impacts for projects on a regional scale with very high emissions of NO_x and VOCs, where impacts are regional. The example SCAQMD provided was for proposed Rule 1315, which authorized various newly-permitted sources to use offsets from the District's "internal bank" of emission reductions. The CEQA analysis accounted for essentially all of the increases in emissions due to new or modified sources in the District between 2010 and 2030, or approximately 6,620 pounds per day of NO_x and 89,947 pounds per day of VOC, to expected

health outcomes from ozone and particulate matter (e.g., 20 premature deaths per year and 89,947 school absences in the year 2030 due to ozone).²¹

Southern California Association of Governments (SCAG)

The Southern California Association of Governments (SCAG) is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties, and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG coordinates with various air quality and transportation stakeholders in Southern California to ensure compliance with the federal and State air quality requirements, including the Transportation Conformity Rule and other applicable federal, State, and air district laws and regulations. As the federally designated Metropolitan Planning Organization (MPO) for the six-county Southern California region, SCAG is required by law to ensure that transportation activities “conform” to, and are supportive of, the goals of regional and State air quality plans to attain the NAAQS. In addition, SCAG is a co-producer, with the SCAQMD, of the transportation strategy and transportation control measure sections of the AQMP for the SSAB. With regard to future growth, SCAG’s RTP provides population, housing, and employment projections for cities under its jurisdiction.

City of Rancho Mirage General Plan

Local governments have the authority and responsibility to reduce air pollution through their police power and land use decision-making authority. Specifically, local governments are responsible for the mitigation of emissions resulting from land use decisions and for the implementation of transportation control measures as outlined in the AQMP.²² The AQMP assigns local governments certain responsibilities to assist the SSAB in meeting air quality goals and policies. Air quality goals, policies, and implementation measures in the City of Rancho Mirage’s (City) General Plan, adopted in November 16, 2017, provide the regulatory framework.²³ Through capital improvement programs, local governments can fund infrastructure that contributes to improved air quality for the preservation and enhancement of regional air quality for the protection of the health and welfare of the community as a whole.

The Air Quality Chapter coordinates the planning of land use, circulation, housing, and other City policies with their potential effects on air quality. The intent of this section is to assist the City and the region to meet ambient air standards set by USEPA and CARB. Community air quality is one of the most essential issues associated with public health and safety. The Air Quality Element is directly related to the type and

21 The SCAQMD was able to establish the location of future NOx and VOC and emissions by assuming that new projects would be built in the same locations and proportions as existing stationary sources. This CEQA document was upheld by the Los Angeles County Superior Court in *Natural Res. Def. Council v. SCAQMD*, Los Angeles Superior Court No. BS110792.

22 SCAQMD, *CEQA Air Quality Handbook* (April 2003), p. 2-2.

23 City of Rancho Mirage, *Rancho Mirage General Plan*, “Chapter 6: Air Quality (November 2017)”.

intensity of land uses established in the Land Use Element, and the number, length, and timing of traffic trips identified in the Circulation Element.

City of Rancho Mirage Municipal Code

Title 15, Building and Construction. Building and construction activities for the Project would be subject to the conditions and maintenance of all property, buildings, and structures within the City. This title sets standards and regulation for construction activities, including the allowable days and hours of such activities to occur.

Title 15, Chapter 64, Grading. This chapter of the City's Municipal Code establishes standards for design and construction of buildings and development of property by grading. This title sets standards for controlling dust and blowing sand during any earth-moving operations. These regulations are intended to minimize impacts as a result of grading in order to protect and preserve the public health, safety, general welfare, aesthetic value, and natural resources of the City.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to air quality, if it would:

- Threshold 5.2-1: Conflict with or obstruct implementation of the applicable air quality plan?**
- Threshold 5.2-2: 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?**
- Threshold 5.2-3: Expose sensitive receptors to substantial pollutant concentrations?**
- Threshold 5.2-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Under CEQA, SCAQMD is a commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the Federal CAA, SCAQMD has adopted federal attainment plans for O₃ and PM₁₀. SCAQMD reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality

standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any federal attainment plan.

Daily Emissions Thresholds

SCAQMD has identified thresholds to determine the significance of both local air quality impacts and impacts to regional air quality for construction activities and project operation, as shown in **Table 5.2-3: Mass Daily Emissions Thresholds**.

Table 5.2-3 Mass Daily Emissions Thresholds		
Pollutant	Construction	Operational
	pounds/day	
Volatile Organic Compounds (VOC)	75	75
Nitrogen dioxide (NO _x)	100	100
Carbon monoxide (CO)	550	550
Sulfur dioxide (SO _x)	150	150
Respirable particulate matter (PM ₁₀)	150	150
Fine particulate matter (PM _{2.5})	55	55

Source: SCAQMD, CEQA Air Quality Handbook (November 1993), accessed May 2020, <https://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>
For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

Localized Significance Thresholds

The local significance thresholds are based on the SCAQMD's Final *Localized Significance Threshold (LST) Methodology* (LST Methodology)²⁴ guidance document for short-duration construction activities. The SCAQMD recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the Project Site because of construction activities. The SCAQMD provides voluntary guidance on the evaluation of localized air quality impacts to public agencies conducting environmental review of projects located within its jurisdiction. Localized air quality impacts are evaluated by examining the on-site generation of pollutants and their resulting downwind concentrations. For construction, pollutant concentrations are compared to significance thresholds for particulates (PM₁₀ and PM_{2.5}), CO, and NO₂. The significance threshold for PM₁₀ represents compliance with SCAQMD Rule 403 (Fugitive Dust). The threshold for PM_{2.5} is designed to limit emissions and to allow progress toward attainment of

24 South Coast Air Quality Management District, *Final Localized Significance Threshold (LST) Methodology*, (June 2003, rev. July 2008).

the AAQS. Thresholds for CO and NO₂ represent the allowable increase in concentrations above background levels that would not cause or contribute to an exceedance of their respective AAQS.

The LST Methodology provides lookup tables of emissions that are based on construction projects of up to 5 acres in size. These LST lookup tables were developed to assist lead agencies with a simple tool for evaluating the impacts from small typical projects. Ambient conditions for Coachella Valley, as recorded in SRA 30 by the SCAQMD, were used for ambient conditions in determining appropriate threshold levels. Thresholds for each criteria pollutant for construction activity and Project operation of the 1.5-acre site are listed in **Table 5.2-4: Localized Significance Thresholds**.

Table 5.2-4
Localized Significance Thresholds

Pollutant	Construction	Operational
	pounds/day	
Nitrogen dioxide (NO ₂)	162	162
Carbon monoxide (CO)	1,099	1,099
Respirable particulate matter (PM ₁₀)	6	2
Fine particulate matter (PM _{2.5})	4	2

Notes:

Based on a distance to sensitive receptors of 25 meters (82 feet). SCAQMD's Localized Significance Threshold (LST) Methodology for CEQA Evaluations guidance document provides that projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters.

LST values for 1.5-acre site.

CO Hotspot

The significance of localized project impacts depends on whether ambient CO levels in the vicinity of the proposed Project are above or below State and federal CO standards. If the Project causes an exceedance of either the State 1-hour or 8-hour CO concentrations, the Project would be considered to have a significant local impact. If ambient levels already exceed a State or federal standard, then project emissions are considered significant if they increase 1-hour CO concentrations by 1.0 parts per million (ppm) or more, or 8-hour CO concentrations by 0.45 ppm or more pursuant to SCAQMD Rule 1303(b).

Cumulative

SCAQMD's *CEQA Air Quality Handbook* identifies several methods to determine the cumulative significance of land use projects (i.e., whether the contribution of a project is cumulatively considerable). However, SCAQMD no longer recommends the use of these methodologies. Instead, SCAQMD recommends that any construction-related emissions and operational emissions from individual

development projects that exceed the project-specific mass daily emissions thresholds identified previously also can be considered cumulatively considerable.²⁵ SCAQMD neither recommends quantified analyses of the emissions generated by a set of cumulative development projects, nor provides thresholds of significance to be used to assess the impacts associated with these emissions.

Methodology

Air pollutant emissions associated with the proposed Project would result from construction and operation of the proposed development. Specific analysis methodologies for all proposed Project-related sources of air emissions are discussed below.

Emissions Inventory Modeling

The California Emissions Estimator Model, known as CalEEMod, is the CARB–approved computer program model recommended by SCAQMD for use in the quantification of air quality emissions. CalEEMod was developed under the auspices of SCAQMD, with input from other California air districts. CalEEMod utilizes widely accepted models for emissions estimates combined with appropriate data that can be used if site-specific information is not available. For example, CalEEMod incorporates USEPA-developed emission factors; CARB’s on-road and off-road equipment emission models, such as EMFAC and OFFROAD;²⁶ and studies commissioned by other California agencies, such as the California Energy Commission and CalRecycle.

CalEEMod provides a platform to calculate both construction emissions and operational emissions from a land use development project. The following emission sources covered by CalEEMod model include:

- One-time construction emissions associated with demolition, grading, utility installation, building, application of architectural coatings (e.g., paint), and paving from emission sources that include both off-road construction equipment and on-road mobile equipment associated with workers, hauling, and the delivery of construction materials to the Project Site. Construction emissions associated with dust control and disposal of waste at landfills are also included in the CalEEMod model.
- Operational emissions associated with the occupancy of development, such as on-road mobile vehicle traffic generated by the land uses; off-road emissions from landscaping equipment; energy (i.e., electricity and natural gas) and water usage in the buildings; and emissions from painting operations. The disposal of solid waste generated during the postconstruction use of the buildings is also included in the CalEEMod model.

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

26 EMFAC is an emissions factor model used to calculate emissions rates from on-road vehicles (e.g., passenger vehicles; haul trucks). OFFROAD is an emissions factor model used to calculate emission rates from off-road mobile sources (e.g., construction equipment). CalEEMod version 2016.3.2 utilizes CARB’s 2014 version of EMFAC.

CalEEMod version 2016.3.2 was used to quantify the proposed Project's air quality pollutants. Proposed Project development would generate air pollutants from a number of individual sources during both construction and postconstruction (operational) use of the buildings and related activities

Construction Emissions

Construction of the Project has the potential to generate temporary criteria pollutant emissions through the use of heavy-duty construction equipment and through vehicle trips generated from workers and haul trucks traveling to and from the Project Site. In addition, fugitive dust emissions would result from soil-handling activities. Mobile-source emissions, primarily NO_x, would result from the use of construction equipment, such as dozers and loaders. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions.

Daily regional emissions during construction are forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source and fugitive dust emissions factors. CalEEMod is based on outputs from the CARB off-road emissions model (OFFROAD) and the CARB on-road vehicle emissions model (EMFAC), which are emissions estimation models developed by CARB and used to calculate emissions from construction activities, including on- and off-road vehicles. The input values used in this analysis are based on conservative assumptions in CalEEMod, with appropriate, Project-specific adjustments based on equipment types and expected construction activities. These values were then applied to the construction phasing assumptions used in the criteria pollutant analysis to generate criteria pollutant emissions values for each construction activity.

Operational Emissions

Operation of the Project has the potential to generate criteria pollutant emissions through vehicle trips traveling to and from the Project Site. In addition, emissions would result from area sources on site, such as natural gas combustion, landscaping equipment, and use of consumer products.

Operational emissions were estimated using the CalEEMod software, which was used to forecast the daily regional emissions from area sources that would occur during long-term Project operations. In calculating mobile-source emissions, CalEEMod calculates the emissions associated with on-road mobile sources associated with residents, workers, customers, and delivery vehicles visiting the proposed land use.

For air quality emissions related to mobile uses, the 3,045 daily trips forecasted with trip reductions applied was divided by the quantity of the proposed land use to identify the weekday daily trip rate. The

Saturday and Sunday trip rates were assumed to be the weekday rate adjusted by multiplying the ratio of the CalEEMod default rates for those days.

Localized Significance Emissions

The local significance thresholds are based on the SCAQMD's Final *Localized Significance Threshold (LST) Methodology* (LST Methodology)²⁷ guidance document for short-duration construction activities. The SCAQMD recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the Project Site because of construction activities. The SCAQMD provides voluntary guidance on the evaluation of localized air quality impacts to public agencies conducting environmental review of projects located within its jurisdiction. Localized air quality impacts are evaluated by examining the on-site generation of pollutants and their resulting downwind concentrations. The LST mass rate look-up tables are applicable to the following pollutants only: NO_x, CO, PM₁₀, and PM_{2.5}. LSTs are derived based on the location of the activity (i.e., the source/receptor area); the emission rates of NO_x, CO, PM_{2.5}, and PM₁₀; and the distance to the nearest exposed individual. The location of the activity and the distance to the nearest exposed individual can be determined by maps, aerial and site photos, or site visits.

Carbon Monoxide Hotspot

To determine whether the Project would create carbon monoxide hotspots at the drive-through, carbon monoxide concentration to the adjacent residential community (refer to **Figure 5.2-1**) during the peak hour were modeled using CALINE-4.²⁸ The CALINE-4 dispersion model was developed by the California Department of Transportation (Caltrans). It utilizes peak-hour traffic volumes and worst-case meteorological assumptions to estimate localized worst-case carbon monoxide concentrations. The CALINE-4 model is equipped with a topographic feature that allows inputs to account for terrain features such as steep mountainsides or canyon walls. For each intersection modeled, the terrain was assumed to be flat. The model results are compared to State 1-hour carbon monoxide standards of 20.0 parts per million (ppm) and 8-hour standards of 9.0 ppm.

Project Impacts

Threshold 5.2-1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

The following analysis addresses the proposed Project's consistency with SCAQMD, SCAG, and the City's air quality related plans and policies.

²⁷ SCAQMD, *Final Localized Significance Threshold (LST) Methodology*, (June 2003, rev. July 2008).

²⁸ CalTrans, *California Line Dispersion Model*.

Consistency with the Air Quality Management Plan

A consistency determination with regard to the SCAQMD's AQMP plays an important role in local agency project review by linking local planning and individual projects to the AQMP. In accordance with the procedures established in the SCAQMD's *CEQA Air Quality Handbook*,²⁹ the analysis below addresses the criteria identified by the SCAQMD to determine the proposed Project's consistency with SCAQMD and SCAG air quality related policies. Please refer to **Section 5.6: Land Use and Planning** of this Draft EIR for additional analysis of proposed Project consistency with policies other than those related to air quality.

- Will the project result in any of the following:
 - Increase the frequency or severity of existing air quality violations?
 - Cause or contribute to new air quality violations?

According to the South Coast Air Quality Management District's *CEQA Handbook*, the consistency determination based on the first criterion pertains to ambient pollutant concentrations, rather than to total regional emissions, thus, requiring an analysis of the proposed Project's pollutant emissions relative to localized pollutant concentrations.³⁰ A complete review of the proposed Project's potential impact on ambient pollutant concentrations during construction and operation is provided below.

Regional Emissions

It is mandatory for all construction projects in the SSAB to comply with SCAQMD Rule 403 for fugitive dust. Rule 403 control requirements include measures to prevent the generation of visible dust plumes. Measures include, but are not limited to, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system or other control measures to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas. In addition, SCAQMD Rule 1113 would limit the VOC content of architectural coatings. Thus, compliance with these SCAQMD rules would further reduce construction related regional emissions.

The maximum daily regional construction emissions are provided in **Table 5.2-5: Unmitigated Regional Maximum Construction Emissions**. These impacts would be temporary in nature, lasting only for the construction period, and would not have a long-term impact on the region's ability to meet State and federal air quality standards. As shown in **Table 5.2-5**, when modeled without regulatory compliance measures, construction emissions would not exceed SCAQMD daily regional thresholds and impacts would be less than significant.

²⁹ SCAQMD, *CEQA Air Quality Handbook* (April 1993), p. 12-3.

³⁰ South Coast Air Quality Management District, *CEQA Air Quality Handbook*, p. 12-3, 1993.

Table 5.2-5
Unmitigated Regional Maximum Construction Emissions

Source	VOC	NOx	CO	SOx	PM ₁₀	PM _{2.5}
	pounds/day					
Maximum	15	14	10	<1	8	2
SCAQMD threshold	75	100	550	150	150	55
Threshold exceeded?	No	No	No	No	No	No

Source: CalEEMod. Refer to Air Quality Output Sheets in **Appendix B.1 (Summer)** and **B.2 (Winter)**.

CO = carbon monoxide; NOx = nitrogen oxides; PM₁₀ = particulate matter less than 10 microns; PM_{2.5} = particulate matter less than 2.5 microns; VOC = volatile organic compounds; SOx = sulfur oxides.

On-road mobile vehicles, electricity, natural gas, water, landscape equipment, solid waste, and wastewater would generate the majority of emissions on-site. The primary source of long-term criteria air pollutant emissions would be from Project-generated vehicle trips. The maximum daily regional operational emissions are provided in **Table 5.2-6: Unmitigated Regional Maximum Operational Emissions**. As shown in **Table 5.2-6**, operational emissions would fall below the SCAQMD daily regional thresholds and regional operational emissions impacts would be less than significant.

Table 5.2-6
Unmitigated Regional Maximum Operational Emissions

Source	VOC	NOx	CO	SOx	PM ₁₀	PM _{2.5}
	pounds/day					
Area	<1	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	6	56	45	<1	6	2
Total	6	57	45	<1	7	2
SCAQMD Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: CalEEMod. Refer to Air Quality Output Sheets in **Appendix B.1** and **B.2**.

Abbreviations: CO = carbon monoxide; NOx = nitrogen oxide; PM₁₀ = particulate matter less than 10 microns; PM_{2.5} = particulate matter less than 2.5 microns; VOC = volatile organic compound; SCAQMD = South Coast Air Quality Management District; SOx = sulfur oxide.

Localized Emissions

Ambient pollutant concentrations standards are forecasted for all criteria pollutants during proposed Project construction. The maximum localized construction and operational emissions are provided in **Table 5.2-7: Localized Construction and Operational Emissions**. These estimates assume the maximum area

that would be disturbed during construction on any given day during Project buildout. Additionally, localized construction emissions include compliance with SCAQMD Rule 403 which is required to reduce impacts related to fugitive dust from the construction site. The proposed Project would result in a significant construction and operation health impact if concentration impacts would exceed these thresholds and standards.³¹ As shown in **Table 5.2-7**, the daily maximum localized construction and operational emissions would not exceed the SCAQMD daily significance thresholds for all criteria pollutants and impacts would be less than significant, and thus would not constitute a significant human health effect at off-site sensitive receptors.

Table 5.2-7
Localized Construction and Operational Emissions

Source	NOx	CO	PM ₁₀	PM _{2.5}
	On-Site Emissions (pounds/day)			
Construction				
Total maximum emissions	7	8	3	1
LST threshold	162	1,099	6	4
Threshold Exceeded?	No	No	No	No
Operational				
Project area/energy emissions	<1	<1	<1	<1
LST threshold	162	1,099	2	2
Threshold Exceeded?	No	No	No	No

Source: CalEEMod. Refer to Air Quality Output Sheets in **Appendix B.1** and **B.2** Sections 3.1 through 3.7, for maximum on-site emissions during both the summer and winter seasons.

Notes:

Totals in table may not appear to add exactly due to rounding in the computer model calculations.

CO = carbon monoxide; NOx = nitrogen oxide; PM₁₀ = particulate matter less than 10 microns; PM_{2.5} = particulate matter less than 2.5 microns.

Localized Health

At the State level, CARB is primarily responsible for reducing emissions from motor vehicles and consumer products. SCAQMD has authority over most area sources and all point sources. Approximately 90 percent of NOx and 75 percent of VOC emissions from the 2012 inventory are from sources primarily under CARB and USEPA control. Conversely, 56 percent of SOx emissions and 66 percent of the directly emitted PM_{2.5} emissions are from sources under SCAQMD control.³² NOx and VOC are important precursors to ozone

31 SCAQMD, "Final Localized Significance Methodology."

32 SCAQMD, *Final 2016 AQMP, Table 3-1a*, March 2017, accessed April 2019, <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp>.

and PM_{2.5} formation, and SO_x along with directly emitted PM_{2.5}, contribute to the region's PM_{2.5} nonattainment challenges. This illustrates that actions at the local, State, and federal level are needed to ensure the region attains the federal ambient air quality standards.

The peak daily operational regional emissions for the proposed Project would not result in exceedance over the SCAQMD's significance thresholds. To provide additional context to the proposed Project emissions, SCAQMD's 2016 AQMP provides 162.4 tons per day (324,800 pounds) of VOC, and 293.1 tons per day (586,200 pounds) of NO_x emissions basin-wide for the baseline year of 2012.³³ Consumer products remain as high-emitting categories over time, with consumer products accounting 87 percent of total VOC inventory in 2012 to 91 percent in 2031. Conversely, the Project would result in less than 0.01 percent of the emissions modeled in the AQMP.

Since SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by criteria pollutant emissions, a general description of the adverse health impacts resulting from the pollutants at issue is the extent of what can be provided at this time. See above description of general adverse health impacts resulting from criteria pollutants (refer to subheading Criteria Air Pollutants of this section). Therefore, consistent with the California Supreme Court's Friant Ranch decision, the above information provides details regarding the potential health effects from the proposed Project's less than significant criteria pollutant emissions. The analysis adequately explains why it is not scientifically feasible at this time to substantively connect the proposed Project's air quality impacts to likely health consequences.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly,

33 SCAQMD, *Final 2016 AQMP, Figure 3-1*, March 2017, accessed April 2019, <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp>.

significant impacts associated with conflicting with or obstructing implementation of the air quality plan are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

- Delay the timely attainment of the air quality standards or the interim emission reductions specified in the AQMP?

As shown in **Table 5.2-7** above, temporary emissions of criteria pollutants would not exceed the localized construction and operation SCAQMD thresholds and, therefore, the proposed Project would not exceed any of the State and federal air quality standards and result in less than significant health-related impacts. Thus, the proposed Project would not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP and would therefore be consistent with this criterion.

- Will the project exceed the assumptions utilized in preparing the AQMP?

Determining whether the proposed Project exceeds the assumptions reflected in the AQMP involves the evaluation of three criteria: (1) consistency with the population, housing, and employment growth projections; (2) the inclusion of mitigation measures; and (3) the appropriate incorporation of AQMP land use planning strategies. The following discussion provides an analysis of each of these three criteria.

- Is the project consistent with the population and employment growth projections upon which AQMP forecasted emission levels are based?

With respect to the first criterion for determining consistency with AQMP growth assumptions, the projections in the AQMP for achieving air quality goals are based on assumptions in SCAG's 2016 RTP/SCS regarding population, housing, and employment growth. A project is consistent with the AQMP, in part, if it is consistent with the population, housing, and employment growth assumptions that were used in the development of the AQMP. In the case of the 2016 AQMP, SCAG's 2016 RTP/SCS form the basis of the projections of air pollutant emissions.

The 2016 RTP/SCS provides socioeconomic forecast projections of regional population growth for 14 subregions, one of which is the Coachella Valley Council of Governments. The population, housing, and employment forecasts which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the specific area; these are used by SCAG in all phases of implementation and review.

According to SCAG, Rancho Mirage had an employment population of 16,092 in 2017³⁴ and is forecasted to increase to 20,500 in 2040.³⁵ The proposed Project will not introduce any residential units and therefore, will not directly impact the City's forecasted population growth. The proposed Project would provide approximately 36 new employment opportunities, this increase (less than 1 percent) does not represent a substantial increase in the employment of the area. Such levels of employment growth are consistent with the employment forecasts for the City as adopted by SCAG. The proposed Project is also consistent with the types, intensity and patterns of land use envisioned for this shopping center in the RTP/SCS. Because SCAG's projections form the basis of the 2016 AQMP, it can be concluded that the proposed Project would be consistent with the demographic projections incorporated into the AQMP and is consistent with this criterion. Refer to **Section 5.6** of this Draft EIR, for additional information regarding consistency with the 2016 RTP/SCS.

- Does the project include air quality mitigation measures?

As shown in **Tables 5.2-6** through **5.2-7** above and **Table 5.2-8** below, construction and operational emissions would not exceed SCAQMD's regional and localized thresholds. As such, mitigation measures would not be required. The proposed Project meets this AQMP consistency criterion since feasible mitigation measures are not required.

However, the proposed Project would be required to comply with SCAQMD Rule 403, which identifies measures to reduce fugitive dust and is required to be implemented at all construction sites located within the SCAB. Therefore, compliance with SCAQMD Rule 403 that would further reduce fugitive dust emissions was included in CalEEMod as a regulatory compliance measure:

- **Control Efficiency of PM₁₀.** During construction, methods and techniques should be applied to various operations or equipment when appropriate to reduce estimated emissions related to particulate matter. This includes replacing ground cover in disturbed areas as quick as possible, yielding to emission reduction efficiency of 15 – 49 percent.³⁶

In addition, SCAQMD Staff recommends that the Lead Agency require the use of Tier 4 construction equipment of 50 horsepower or greater during construction. In the event that Tier 4 construction equipment is unavailable or unfeasible, alternative, and applicable strategies include equipment retrofits with Best Available Control Technology (BACT) devices, but not limited to, a CARB-certified Level 3 Diesel

34 Southern California Association of Governments, *Profile of the City of Rancho Mirage*, "Local Profiles Report 2019," May 2019, <https://www.scag.ca.gov/Documents/RanchoMirage.pdf>.

35 SCAG, 2016—2040 RTP/SCS: *Demographics & Growth Forecast Appendix*, "Table 11 City Forecast 2040" (April 2016).

36 SCAQMD, *CEQA Handbook*, Tables 11-4, page 11-15, and A11-9-A, page A11-77, accessed April 2020, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-sample-construction-scenario-report.pdf>.

Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions.³⁷

- **Construction Equipment Controls.** During construction, all off-road construction equipment greater than 50 horsepower shall meet USEPA Tier 3 emission standards with Level 3 DPF to minimize emissions of NOx and particulate matter associated with diesel construction equipment.

However, as indicated in **Table 5.2-5**, when modeled without regulatory compliance measures, construction emissions would not exceed SCAQMD daily regional thresholds. prior to regulatory compliance are below SCAQMD thresholds. Therefore, compliance with the use Tier 4 construction equipment and Level 3 DPFs would further reduce emissions levels that are below daily regional thresholds.

- To what extent is project development consistent with the AQMP land use policies?

The determination of AQMP consistency is primarily concerned with the long-term influence of the proposed Project on air quality in the SSAB. The proposed Project represents infill development that is generally consistent with the City's land use and zoning designation for commercial uses. The proposed Project would not have a significant long-term impact on the region's ability to meet State and federal air quality standards. The proposed Project would comply with all applicable SCAQMD rules and regulations to further reduce pollutant concentration emissions. The installation of two electric vehicle charging stations would be provided on site that would promote a reduction in vehicle emissions. Thus, the proposed Project's long-term influence on air quality would be consistent with the goals and policies of the AQMP and is, therefore, considered consistent with this criterion.

Consistency with Rancho Mirage Air Quality Element

The Air Quality Element of the City's General Plan sets forth goals, programs, and policies which guide the City in the implementation of air quality improvement programs and strategies. Consistency with those policies is described in detail below.

- **Policy AQ 1.1:** The City shall coordinate and cooperate with CVAG and SCAQMD in the ongoing monitoring and management of major pollutants affecting Rancho Mirage and the region, with particular focus on PM₁₀.

Consistent. As shown in **Tables 5.2-5** and **5.2-7** above, construction emissions would not exceed regional and localized thresholds of PM₁₀. Furthermore, the proposed Project would be required to implement Best Available Control Measures for all sources and forms of visible particulate matter consistent with SCAQMD

37 CARB, *Diesel Off-Road Equipment Measure–Workshop*, page 17, November 16 – 17, 2004, accessed May 2020, https://ww3.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

Rule 403 and 403.1. This includes the application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour (mph), sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites. As such, the proposed Project would minimize particulate emissions from construction sites and from vehicular traffic and would be consistent with the above policy.

- **Policy AQ 1.4:** The City shall encourage the use of clean alternative energy sources for transportation, heating, and cooling whenever practical.

Consistent. The proposed Project would be required to comply with current provisions, as amended, of CALGreen, Part 11 of the California Building Standards Code. These conformance elements include water conservation features such as low-flow water faucets and toilets, energy efficient lighting, bicycle parking and two (2) EV parking stalls. Thus, the proposed Project would implement clean alternative design features that would support the City's policy to use clean alternative energy sources.

- **Policy AQ 1.5:** The City shall review all development proposals for potential adverse effects on air quality and require mitigation of any significant impacts.

Consistent. As shown in **Tables 5.2-5** through **5.2-7** above and **Table 5.2-8** below, the construction and operation of the proposed Project would not exceed SCAQMD regional and localized significance thresholds prior to mitigation. Thus, the proposed Project's construction and operation emissions would be less than significant and mitigation measures would not be required. Furthermore, the proposed Project would be required to comply with applicable SCAQMD regulations such as Rule 403, 403.1, 1113, and 1186 to further reduce emissions during construction and operation.

- **Policy AQ 1.6:** The City shall strive towards achieving a level-of service C on all roadways to improve traffic flow, minimizing idling time, and reduce air emissions.

Consistent. As discussed in **Section 5.9: Transportation**, none of the nine intersections analyzed would result in a level of service (LOS) of C with implementation of the proposed Project. In addition, standard store operating procedures require that as soon as the drive-through queue reaches the eighth car (where the menu board/order speaker is located), staff would take orders outside resulting in shorter wait times and drive-through queues. The decreased wait times and shorter queues would reduce idling time and, thus, would reduce air emissions consistent with this policy. Furthermore, as shown in **Table 5.2-8** below, CO concentration levels related to drive-through queuing would not cause any new or exacerbate any existing CO hotspots.

Threshold 5.2-2: Would the project 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?

The cumulative significance methodologies contained in the *CEQA Air Quality Handbook*, SCAQMD staff has suggested that the emissions-based thresholds be used to determine if a project's contribution to regional cumulative emissions is cumulatively considerable. Individual projects that exceed SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the SSAB is in nonattainment.

As shown in **Table 5.2-1**, the SSAB is currently in nonattainment for federal and State O₃ and PM₁₀. By applying SCAQMD's cumulative air quality impact methodology, implementation of the Project would not result in exceedance of regional thresholds during construction (refer to **Table 5.2-5**) and operation (refer to **Table 5.2-6**). The proposed Project's emissions would not contribute to existing violations of the criteria pollutants in exceedance (O₃ and PM₁₀) and are not considered significant for this reason. As such, the proposed Project's cumulative construction and operation related impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts on regional and localized emissions generated during construction and operation of the other restaurant are not anticipated and therefore it is not anticipated that emissions would be cumulatively considerable. However, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.2-3: Expose sensitive receptors to substantial pollutant concentrations?

Implementation of the Proposed Project could expose sensitive receptors to elevated pollutant concentrations during construction and operation-related activities, specifically carcinogenic or toxic air contaminants as well as elevated air concentrations of CO, NO₂, PM₁₀, PM_{2.5}, and SO₂. The SCAQMD recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the Project Site because of construction activities. As shown in **Table 5.2-7** above, localized construction and operational emissions would not exceed SCAQMD daily thresholds for NO_x, CO, PM₁₀ and PM_{2.5}. Therefore, additional screening for TACs, specifically from DPM would not be required and health impacts would be less than significant.

The main air quality concern associated with drive-through facilities is the potential to create carbon monoxide (CO) hotspots where a large number of vehicles idle. No exceedances of CO have been recorded at monitoring stations in the Air Basin for some time, and the Air Basin is currently designated as a CO attainment area for both CAAQS and NAAQS. Thus, it is not reasonable to expect that CO levels at Project-impacted intersections would rise to the level of an exceedance of these standards.

The SCAQMD recommends an evaluation of potential localized CO impacts when a project causes the LOS at a study intersection to worsen from C to D, or if a project increases the V/C ratio at any intersection rated D or worse by 2 percent or more. As discussed in **Section 5.9**, none of the nine intersections analyzed would result in a level of service (LOS) of C with implementation of the proposed Project.

Furthermore, the screening criteria for CO hotspots indicate that a project would have a less than significant impact if (1) it is consistent with the Congestion Management Program (CMP); (2) the Project would not increase traffic volumes at any intersection to greater than 44,000 vehicles per hour; and (3) the Project would not increase traffic volumes at any intersection to greater than 24,000 vehicles per hour where atmospheric mixing is limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway). According to the Traffic Study (refer to **Appendix H: Traffic Study** of this Draft EIR), the proposed Project would generate 3,045 daily trips, with 151 trips (80 enter, 71 exit) produced in the weekday PM peak hour and 373 trips (190 enter, 183 exit) produced on Saturday during the midday peak hour. As such the Project would not increase traffic volumes at any intersection greater than 44,000 vehicles per hour, and 24,000 vehicles per hour where atmospheric mixing is limited. As such, the proposed Project would not produce the volume of traffic required to generate a CO hotspot in the context of the screening criteria above.

Drive-through queuing was assessed at three other Coachella Valley In-N-Out Burger restaurants. The maximum queue measured at 5 minutes for 12 hours from 11:00 AM to 11:00 PM. During the 432 five-minute periods that were measured, a 20-car queue occurred 10 times (or 2.3 percent of the time), 21-car queue occurred 3 times (or 0.69 percent of the time), 22-car queue occurred 2 times (or 0.46 percent of the time), 23-car queue occurred zero times, and a 24-car queue occurred once (or 0.23 percent of the time). The most frequently occurring queue lengths during the study were queues of 14 and 15 cars, which each occurred 40 times (or 10.8 percent of the time) within the study periods.

To further support this conclusion, CO concentration levels were forecasted along the drive-through queue based on the SCAQMD criteria described above using the CALINE4 dispersion model developed by Caltrans, peak-hour traffic volumes, and conservative meteorological assumptions. The CALINE-4 model predicts an average concentration at specified receptor locations on each side of the modeled roadway. For purposes of this analysis, a conservative scenario of 373 peak-hour trips, or the Saturday midday peak hour, was used to assess CO Hotspot emissions at the on-site outdoor patio area and nearby sensitive

receptors. It is important to note that the proposed Project would result in 186 peak-hour trips during the midday on Saturday. As shown in **Table 5.2-8: Carbon Monoxide (CO) Hotspot**, increase in carbon monoxide concentrations at the nearby sensitive receptors would be negligible due to the location and proximity of the patrons and the residences. As such, the proposed Project would not expose the adjacent sensitive receptors to substantial pollutant concentrations. Thus, the proposed Project would not cause any new or exacerbate any existing CO hotspots, and, as a result, health impacts related to localized mobile-source CO emissions would be less than significant.

**Table 5.2-8
Carbon Monoxide (CO) Hotspot**

Receptor	1-hour PPM	8-hour PPM
On-site outdoor seating area	0.4	0.28
Residential along Magnesia Falls Drive (East)	0.3	0.21
Residential along Cil Encinitas	0.1	0.07
Residential along Magnesia Falls Drive	0.2	0.14
CO Hotspot Threshold	9.0 ppm	20.0 ppm
Exceeds Threshold?	No	No

Source: Refer to **Appendix B.3** for Carbon Monoxide (CO) Hotspot Output Sheets.

The maximum 8-hour CO concentration was calculated by multiplying the project level 1-hour CO concentration by the 8-hour persistence factor (0.7).

As presented above, localized emissions for off-site sensitive receptors during construction and operation of the proposed Project would result in project levels that do not exceed ambient air quality standards and SCAQMD thresholds, which are based on compliance with NAAQS and CAAQS. As discussed above, the NAAQS and CAAQS are established at concentration levels to provide public health protection, including protecting the health of sensitive populations such as asthmatics, children, and the elderly. Conclusions regarding regional emissions are based on SCAQMD significance thresholds which are not correlated to health effects. Thus, proposed Project health impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to sensitive receptors are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.2-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

As shown in **Table 5.2-7** and **Table 5.2-8**, the construction and operation of the Project would result in emissions below the SCAQMD localized significance thresholds and adverse health impacts from criteria pollutants would be less than significant. Additionally, mandatory compliance with SCAQMD Rule 1113 would limit the number of VOCs in architectural coatings and solvents and compliance with SCAQMD Rule 403 and 403.1 would reduce particulate emissions during construction activities. Additionally, as shown in **Table 5.2-7**, the proposed Project is not expected to generate significant dust (particulate matter) emissions. SCAQMD does not consider odors generated from use of construction equipment and activities to be objectionable. For operational-phase odor impacts, a project that would result in the siting of a new source of odor or exposure of a new receptor to existing or planned odor sources should consider odor impacts. Furthermore, the Project does not have the potential to generate substantial odors as the Project does not include wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants.

Restaurants, especially fast food restaurants, can generate substantial sources of odors as a result of cooking processes and waste disposal. Char broilers, deep-fryers, and ovens tend to produce food odors that can be considered offensive to some people. The food waste produced by restaurants can putrefy if not properly managed, which can also produce objectionable odors. Odor impacts can be minimized, contained, or prevented by implementing technologies and design measures at the source, or through planning-based measures. These technologies include:

- Integrate grease filtration system or grease removal system;
- Baffle filters;
- Electrostatic precipitator;
- Water cooling/cleaning unit;
- Disposable pleated or bag filters;
- Activated carbon filters;
- Oxidizing pellet beds;
- Incineration;
- Catalytic conversion;
- Proper packaging and frequency of food waste disposal; and
- Exhaust stack and vent location with respect to receptors.

It should be noted that while restaurants can generate odors, these sources are not identified by SCAQMD as nuisance odors since they typically do not generate significant odors that affect a substantial number of people. In addition, uses that generate potential odor impacts include wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. The Project does not include any of these uses nor would it conflict with SCAQMD Rule 402.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to other emissions including odors are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

As shown in **Table 5.2-1**, the SSAB is currently nonattainment for federal and State O₃ and PM₁₀. By applying SCAQMD's cumulative air quality impact methodology, implementation of the Project would not result in exceedance of regional thresholds during construction, (refer to **Table 5.2-5**) and operation (refer to **Table 5.2-6**). Emissions would not contribute to existing violations of the criteria pollutants in exceedance and are not considered significant for this reason. As such, the proposed Project's construction and operation-related cumulative impacts, and the proposed restaurant that could be permitted with a CUP with the zone text amendments cumulative impacts, would be less than significant.

C. MITIGATION MEASURES

As shown in **Table 5.2-6** through **5.2-8**, construction and operational emissions would not exceed regional and localized thresholds. Impacts related to air quality would be less than significant, as such, no mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; the proposed Project's impacts related to air quality would be less than significant. The proposed Project operations related to criteria air pollutants would not constitute a human health effect. Similar to the proposed Project, the proposed restaurant's impacts related to air quality would be less than significant and the proposed operations related to criteria air pollutants would not constitute a human health effect.

5.3 GEOLOGY AND SOILS

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to be affected by adverse geologic or soil conditions on the INO Burger Restaurant Project Site (Project Site). More specifically, this section evaluates impacts associated with the Project that may potentially affect public health and safety or degrade the environment. Various federal, State of California (State), regional, and local programs and regulations related to anticipated geologic hazards are also discussed in this section. Information from the following study of the Project Site are incorporated into this section:

- Geotechnical Engineering Investigation, Krazan & Associates, February 11, 2019.
- Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Complete copies of this study are included in the Appendices to this Draft EIR as **Appendix C: Geotechnical Engineering Investigation** and **Appendix E.2: Storm Water Pollution Prevention Plan**.

Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Regional

The Project Site is located at the base of the San Jacinto Mountains at the northwestern end of Coachella Valley in Southern California. Near-surface materials consist of alluvial fan deposits of sand, silt, gravel, and cobbles derived from erosion of the Mesozoic granitic and metamorphic rocks of the adjacent San Jacinto Mountains.

Numerous moderate to large earthquakes have affected the area of the subject site within historic times. Based on the proximity of several dominant active faults and seismogenic structures, as well as the historic seismic record, the area of the subject site is considered subject to relatively high seismicity.

The seismic hazard most likely to impact the site is ground shaking due to a large earthquake on one of the major active regional faults. The San Andreas, Burnt Mountain, and Eureka Peak Fault Zones are approximately 7.5, 13.7, and 15.9 miles from the Project Site, respectively (see **Appendix C**). The Project Site is not included on an Earthquake Fault Zones Map or within a Fault-Rupture Hazard Zone. Because of the proximity to the Project Site and the maximum probable events for these faults, a maximum probable event along these fault zones could produce a peak horizontal acceleration of approximately 0.551g when uncertainty is used (**Appendix C**). With respect to this hazard, the site is comparable to others in this general area within similar geologic settings.

Project Site

The Project Site consists of approximately 1.52 acres on a vacant, graded commercial pad, and developed with an asphalt-paved parking lot as part of the Rancho Las Palmas Shopping Center. The site is bounded by Bob Hope Drive to the north, Highway 111 to the west, and Magnesia Falls Drive to the south.

The Project Site is situated on generally flat ground that has been previously graded. Site elevations range from approximately 231 feet above mean sea level (amsl) from the west of the Project Site, to 225 amsl at the lowest elevation to the northeast of the Project Site.

The Project Site is partially developed with landscaping such as Mulga, Shoestring Acacia, and Mexican Fan Palms of varying height. Groundcover throughout the Project Site consists of exposed soil, asphalt, and concrete pavements.

The Project Site is seismically characterized with a Site Class D soil profile (as indicated in **Appendix C**). The existing soil and geologic units present within the Project Site are described below.

Soils

As noted in **Appendix C**, the subsurface conditions encountered appear typical of those found in the geologic region of the site. Ground surface borings were investigated at two locations and consisted of approximately 4 inches of asphalt pavement overlain by 3 inches of base material for the existing asphalt pavements. Subsurface soils consisted of medium dense to very dense, silty sand up to a depth of approximately 9 feet below site grades. Below the silty sand, medium dense to very dense poorly-graded sand alluvium with varying amounts of gravel content were encountered from a depth of approximately 8 feet below site grade to the maximum depth explored, twenty feet below site grade. No significant fill material was encountered during the investigation; however, undocumented fill materials may be present at the site between the two boring locations. Field and laboratory tests indicate that the soils are moderately strong and slightly compressible.

Expansive Soils

Expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink with the loss of water. Foundations and structures constructed on these soils can be subjected to uplifting forces caused by the swelling. As mentioned above, subsurface soils consisted of medium dense to very dense, silty sand. As such, on-site native soils would have low expansion potential.

Paleontological Resources

Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. The Project Site contains alluvium which has a low potential to contain significant paleontological resources.¹

Seismic and Geological Related Hazards

Below is a list of common seismic and geological related hazards related to the Project Site.

Fault Rupture Hazard Zones

The Project Site is not included on an Earthquake Fault Zones Map prepared by the CGS. The site is not within a Fault-Rupture Hazard Zone.² The nearest zoned fault is a portion of the San Andreas fault zone located approximately 7.5 miles to the northeast of the Project Site.

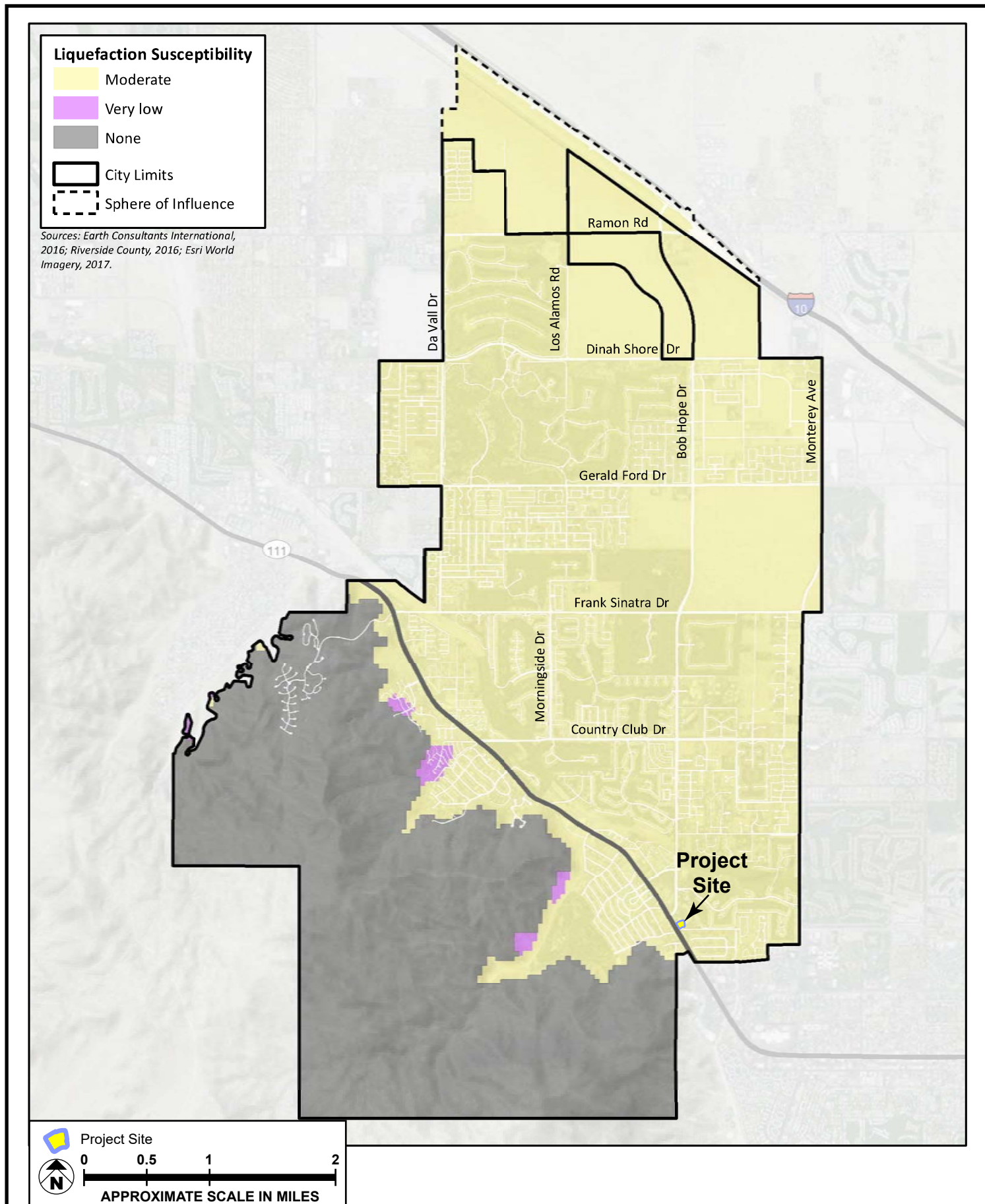
Ground Shaking

Although ground rupture is not considered to occur at the Project Site, the site will likely be subject to moderate to severe earthquake(s) and associated seismic shaking during its lifetime, as well as periodic slight to moderate earthquakes.

Soil Liquefaction

Liquefaction generally occurs within the upper 50 feet of the ground surface when loose, cohesionless, and water-saturated soils (fine- to medium-grained) are subjected to strong seismic ground motions of earthquakes. The seismic shaking increases the pressure of the water that fills the pores of the soil grains. The conditions encountered at the boring locations consist of relatively dense material and groundwater is not anticipated within 50 feet below existing site grades. The potential for seismic-induced soil liquefaction within the Project Site is low due to relatively dense native deposits and absence of shallow groundwater (**Appendix C**). The Project Site is not included on any California Geological Society-prepared maps for designated liquefaction zone, nor is it identified in the City's General Plan Safety Element to be within an area of high susceptibility to liquefaction, as seen in **Figure 5.3-1: Rancho Mirage Liquefaction Map**.

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- 1 *Riverside County General Plan, "Multipurpose Open Space Element," (2003), fig. OS-8, "Paleontological Sensitivity Resources Map."*
 - 2 *City of Rancho Mirage General Plan, "Safety Element" (2017), VIII-21, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed April 2020.*



SOURCE: City of Rancho Mirage 2017 General Plan Chapter 8: Safety

FIGURE 5.3-1

Seismic Induced Settlement

One of the most common phenomena during seismic shaking accompanying any earthquake, is the induced settlement of loose unconsolidated soils. Based on site subsurface conditions and the moderate to high seismicity of the region, any loose fill materials at the site could be vulnerable to this potential hazard. Penetration tests were performed at regular intervals to evaluate the soil consistency and to obtain information regarding the engineering properties of the subsoils associated with the Project Site. Based on the moderate penetration resistance measured, the native deposits underlying the surface materials do not appear to be subject to significant seismic settlement (**Appendix C**).

Slope Instability

Slope instability can result from wet weather, steep slopes, weak soils, improper grading, improper drainage, adverse geologic structure, or a combination of these factors. Slope instability can occur in the form of landslides, mudflow, debris flow, slope creep, slumps, rockfall, or erosion. Structures constructed on steep terrain, even on stable or flat ground, can experience slope instability hazards if they are sited in the path of mudflow, debris flow, or rockfall. Construction on slopes steeper than 10 degrees typically requires special grading, special foundation design, or site modifications to reduce the potential for slope instability.³ The Project Site is relatively flat and level with a slope of approximately 0.5 degrees.⁴ Additionally, the closest slope to the Project Site is the base of the San Jacinto Mountains, located approximately 0.2 miles to the southwest across Highway 111 with multiple commercial and residential uses in between.

Land Subsidence

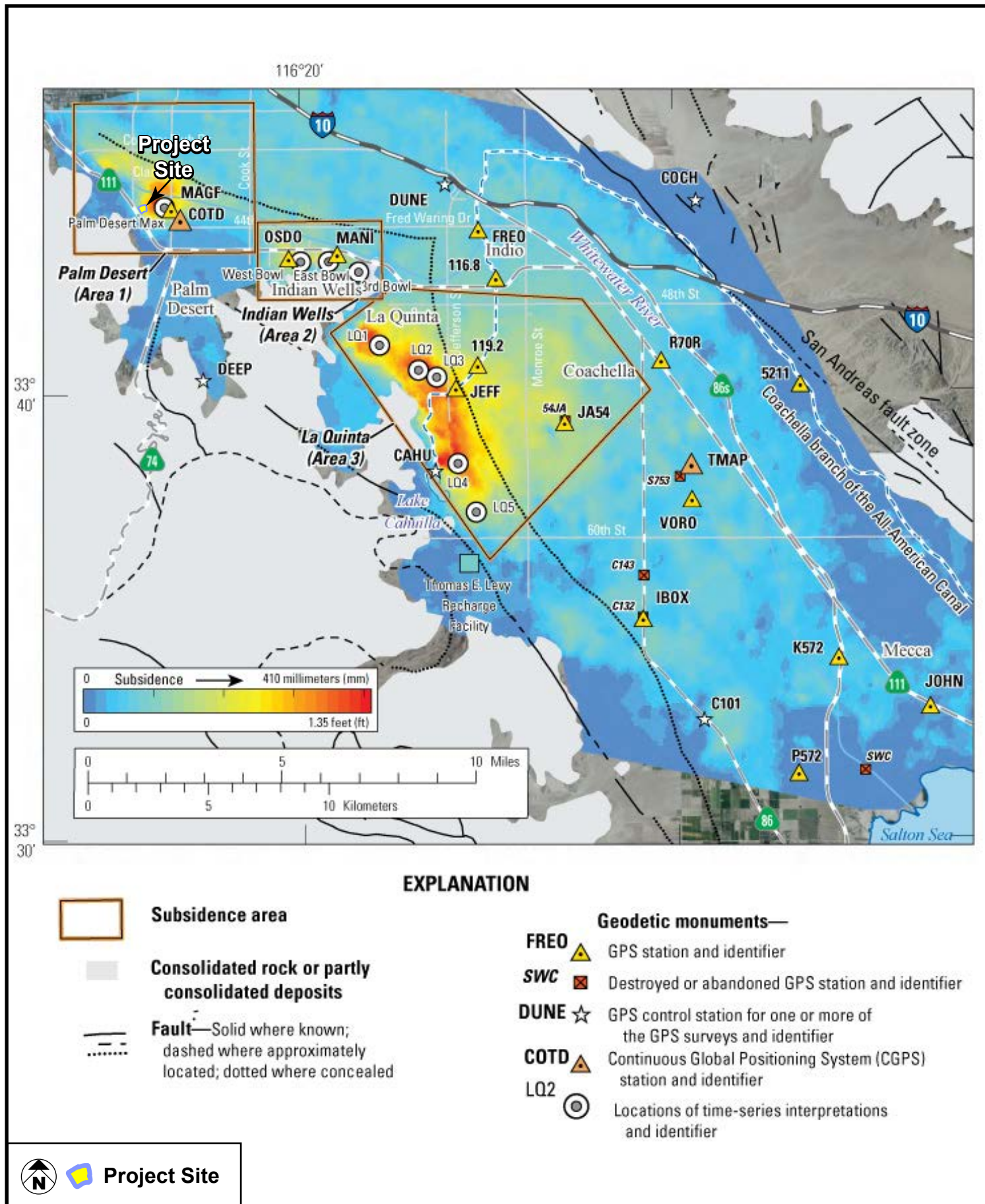
Land subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. The Project Site is located within an area known for ground subsidence,⁵ specifically, groundwater pumping for the purpose of satisfying water demand in the Coachella Valley, as seen in **Figure 5.3-2: Coachella Valley Land Subsidence**. No known large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity.⁶

3 City of Rancho Mirage, *General Plan Draft Environmental Impact Report (May 2005)*, <https://weblink.ranchoirageca.gov/weblink/0/doc/485877/Electronic.aspx>, Accessed May 2020.

4 Google Earth Pro, Accessed May 7, 2020.

5 United States Geological Survey, *Land Subsidence in the Coachella Valley*, https://www.usgs.gov/centers/ca-water-ls/science/land-subsidence-coachella-valley?qt-science_center_objects=0#qt-science_center_objects, accessed May 2020.

6 United States Geological Survey, *Land Subsidence in the Coachella Valley*, https://www.usgs.gov/centers/ca-water-ls/science/land-subsidence-coachella-valley?qt-science_center_objects=0#qt-science_center_objects, accessed May 2020.



SOURCE: United States Geological Survey, Land Subsidence in the Coachella Valley - 2020

FIGURE 5.3-2

Seiches

Seiches are large waves generated within enclosed bodies of water. The site is not located in close proximity to any lakes or reservoirs. The closest enclosed body of water is the Salton Sea, located approximately 25 miles to the southeast of the Project Site.⁷

Tsunamis

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 inland, east of the Pacific Ocean, and not within a designated tsunami inundation area.⁸

Hydroconsolidation

Hydroconsolidation is commonly referred to as soil collapse. Typically, it occurs when loose, dry, sandy soils become saturated and settle.

Geology and climate play a major role. Collapsible soils are extensive in arid climates, where wind and temperature have the greatest impact. Thus, it is prevalent throughout Southern California, and especially common in the High Desert region of California. As mentioned, the near surface soils encountered at the Project Site were found to be medium dense to very dense (**Appendix C**).

Groundwater and Surface Water

The depth to groundwater can be expected to fluctuate both seasonally and from year to year. Fluctuations in the groundwater level may occur due to variations in precipitation, irrigation practices at the Project Site and in the surrounding areas, climatic conditions, flow in adjacent or nearby canals, pumping from wells, and possibly as the result of other factors.

Test boring locations were checked for the presence of groundwater during and immediately following the drilling operations during the site investigation. Groundwater was not encountered in any of the borings drilled (**Appendix C**). Historic groundwater depths for the vicinity indicate groundwater depths are in excess of 50 feet below ground surface.

⁷ Google Earth Pro, Accessed April 8, 2020.

⁸ California Department of Conservation, California Official Tsunami Inundation Maps, accessed April 2020, <https://maps.conservation.ca.gov/cgs/informationwarehouse/tsunami/>

Regulatory Setting

Federal

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) is a program created to implement the Clean Water Act. The NPDES program was established in 1972 to regulate the quality of effluent discharged from easily detected point sources of pollution such as wastewater treatment plants and industrial discharges. The 1987 amendments to the CWA⁹ recognized the need to address nonpoint-source stormwater runoff pollution and expanded the NPDES program to operators of municipal separate storm sewer systems (MS4s), construction projects, and industrial facilities. In November 1990, USEPA published final regulations that establish requirements for specific categories of industries, including construction projects that encompass greater than or equal to 5 acres of land. The Phase II Rule became final in December 1999, expanding regulated construction sites to those greater than or equal to 1 acre. The regulations require that storm water and nonstormwater runoff associated with construction activity, which discharges either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4), must be regulated by an NPDES permit.

The EPA has delegated management of California's NPDES program to the State Water Resources Control Board (SWRCB) and the nine regional board offices which grant permits to regulate point source discharges of industrial and municipal wastewater into the waters of the United States.

The Project Site is located within the 13-million-acre Colorado River Basin, which is governed by the Colorado River Basin Regional Water Quality Control Board (CRWQCB), also known as Region 7. The SWRCB administers the NPDES permit program regulating storm water from construction activities for projects greater than 1 acre in size. This is known as the General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and NPDES No. CAS000002. The main compliance requirement of NPDES permits is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to identify potential on-site pollutants and identify and implement appropriate storm water pollution prevention measures to reduce or eliminate discharge of pollutants to surface water from storm water and nonstormwater discharges. Storm water best management practices (BMPs) to be implemented during construction and grading, as well as post-construction BMPs, are outlined in the SWPPP that has been prepared for the proposed Project.

9 Clean Water Act, 33 Code of Federal Regulations, sec. 402(p) (2008).

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Geologic Hazards Zones Act went into effect in March 1973. The purpose of the Act, as provided in California Geologic Survey (CGS) Special Publication 42 (SP 42), is to prohibit the location of most structures for human occupancy across the traces of active faults and to mitigate thereby the hazard of fault-rupture.” The Act was renamed the Alquist-Priolo Earthquake Fault Zoning Act in 1994, and at that time, the originally designated "Special Studies Zones" was renamed the "Earthquake Fault Zones."

The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to identify hazards associated with surface fault ruptures and to prevent the construction of buildings on active faults.¹⁰ The State Geologist is required to establish and map zones around the surface traces of active faults, which are then distributed to county and city agencies to be incorporated into their land use planning and construction policies. Proposed development needs to be proven through geologic investigation to not be located across active faults before a city or county can permit the implementation of projects. If an active fault is found, development for human occupancy is prohibited within a 50-foot setback from the identified fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act is a State legislation that requires delineated maps to be created by the California State Geologist to reflect where potential ground shaking, liquefaction, or earthquake-induced landslides may occur.¹¹ Cities and counties are required to obtain approval for development on nonsurface fault rupture hazard zones and mitigate seismic hazards. The purpose of the Seismic Hazards Mapping Act is to protect the public from the effects of nonsurface fault rupture earthquake hazards, inducing strong ground shaking, liquefaction, seismically induced landslides, or other ground failure caused by earthquakes. A review of the California Geological Survey (CGS) indicates a Seismic Hazard Zones Map has not been prepared for the Project Site (**Appendix C**).

California Building Standards Code, California Code of Regulations

The California Building Code (CBC) is administered by the California Building Standards Commission (CBSC). The CBC governs all development within the State of California, as amended and adopted by each local jurisdiction. These regulations include provisions for site work, demolition, and construction, which include excavation and grading, as well as provisions for foundations, retaining walls, and expansive and compressible soils. The CBC provides guidelines for building design to protect occupants from seismic hazards. The most recently adopted building code is the 2019 CBC and applies to projects filing for building permits on or after January 1, 2020.

¹⁰ California Public Resources Code, sec. 2621.5.

¹¹ California Public Resources Code, sec. 2690–2699.6

Regional and Local

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) serves as the air pollution control agency for the counties of Orange, Los Angeles, Riverside, and San Bernardino. The SCAQMD is responsible for controlling emissions from primarily stationary sources. Rules 403 and 403.1 are designed to require that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emissions source.

SCAQMD Rule 403. This rule governs emissions of fugitive dust during construction and operation activities. Compliance with this rule is achieved through BMPs. This may include application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites.

SCAQMD Rule 403.1. Rule 403.1 is a companion regulation to Rule 403 that is only applicable to fugitive dust sources in the Coachella Valley. Rule 403.1 establishes special requirements for Coachella Valley fugitive dust sources under high-wind conditions and requires AQMD approval of dust control plans for sources not subject to local government ordinances (e.g., school districts). As with Rule 403, compliance with this rule is achieved through BMPs. This supplemental rule requires the submittal and approval of a Fugitive Dust Control Plan before the start of any construction or earth-moving activities.

Rancho Mirage General Plan Safety Element

The Safety Element addresses natural and manmade environmental hazards that might occur in Rancho Mirage and surrounding areas. It provides information, goals, policies, and programs to protect the general health, safety, and welfare of the community from seismic, geological, flood, hydrology, and hazardous and toxic materials events. The assessment of and planning for these hazards and the constraints that manage them is the primary purpose of the Safety Element.

Rancho Mirage Municipal Code

Title 15, Building and Construction. Building and construction activities for the Project would be subject to Title 15 of the Rancho Mirage Municipal Code (RMMC), which governs the conditions and maintenance of all property, buildings, and structures within the City. Title 15 is based on the 2019 California Building Code (CBC), which sets minimum design and standards for construction of buildings and structures that must also meet minimum seismic strengthening standards.

Title 15, Chapter 64, Grading. This Chapter of the RMMC establishes standards for design and construction of buildings and development of property by grading. These regulations are intended to minimize impacts as a result of grading in order to protect and preserve the public health, safety, general welfare, aesthetic value, and natural resources of the City.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to geology and soils, if it would:

- Threshold 5.3-1:** Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- a. 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.
 - b. Strong seismic ground shaking.
 - c. Seismic-related ground failure, including liquefaction.
 - d. Landslides.
- Threshold 5.3-2:** Result in substantial soil erosion or the loss of topsoil.
- Threshold 5.3-3:** Be located on a geologic unit or soil that is unstable, or that would become unstable as result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Threshold 5.3-4:** Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- Threshold 5.3-5:** 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?
- Threshold 5.3-6:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Methodology

The *Geotechnical Engineering Investigation* (Geotechnical Report, **Appendix C**) was conducted to evaluate subsurface soil and groundwater conditions at the Project Site. Engineering analysis of the field and laboratory data was performed for the purpose of developing and providing geotechnical recommendations for use in the design and construction of the earthwork, foundation, and pavement

aspects of the project. The analysis of potential impacts to geologic and soil hazards that would be associated with the Project included the following elements:

- A site reconnaissance to evaluate the surface conditions at the Project Site;
- Review of selected geologic maps, reports, and literature;
- A field investigation consisting of drilling borings for evaluation of the subsurface conditions at the Project Site;
- Infiltration tests in order to determine an estimated infiltration rate;
- Laboratory tests on soil samples to evaluate the physical and index properties of the subsurface soils;
- A seismic hazards analysis with respect to the geotechnical aspects of structural design, site grading and paving; and
- A summary of the findings, results, conclusions, and recommendations for the Project.

Project Impacts

Threshold 5.3-1: **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- a. **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.**

The State of California, under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act, classifies faults as active, potentially active, and not active. The Project Site is located in a region that consists of numerous active fault zones, such as the San Andreas, Burnt Mountain, and Eureka Peak Fault Zones, located approximately 7.5, 13.7, and 15.9 miles from the Project Site, respectively. The Project Site is not included on an Earthquake Fault Zones Map or within a Fault-Rupture Hazard Zone. The nearest Alquist-Priolo Earthquake Fault is a portion of the San Andreas Fault located approximately 7.5 miles to the northeast of the Project Site.¹² Since the Project Site is not within a Fault-Rupture Hazard Zone and does not directly transect the San Andreas Fault, it would not expose people or structures to any substantial effects involving the rupture of a known Alquist-Priolo Earthquake Fault. Therefore, no impact would occur.

12 City of Rancho Mirage *General Plan*, "Safety Element" (2017), VIII-21, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed April 2020.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis Leader**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zone code could allow a fast food restaurant to be developed at another location near the corner of Monterey Avenue and Frank Sinatra Drive within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. If a fast-food restaurant were to be developed somewhere within this vacant parcel, it would be located greater than 5 miles from a known Alquist-Priolo Earthquake Fault zone. Therefore, similar to the proposed Project this site would not result in rupture of the site from a known Alquist-Priolo Earthquake Fault zone and no significant impacts would occur.

b. Strong seismic ground shaking?

The Project would have a significant impact related to seismic ground shaking if the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking caused in whole or in part by the Project's exacerbation of the existing environmental conditions.

As mentioned in **Threshold 5.3-1 (a)**, the closest active fault to the Project Site is the San Andreas Fault located approximately 7.5 miles to the northeast. Other nearby active faults are the Burnt Mountain, and Eureka Peak Fault Zones are approximately 13.7 and 15.9 from the Project Site, respectively. The Project Site would be subjected to strong ground shaking in the event of an earthquake. However, this hazard is common in Southern California and the effects of ground shaking can be lessened if the proposed structures are designed and constructed in conformance with current building codes and engineering practices. Some degree of structural damage due to stronger seismic shaking should be expected at the site, but the risk can be reduced through adherence to seismic design codes.

The proposed building that would be developed upon implementation of the Project would be required to adhere to the minimum standards and seismic safety requirements outlined in the 2019 California Building Code, as adopted and amended by the City and codified in Title 15: Buildings and Construction in the Rancho Mirage Municipal Code.

As such, the Project would not exacerbate existing environmental conditions with regard to seismic ground shaking. For these reasons, impacts associated with seismic ground shaking would be less than significant.

Zone Text Amendment Analysis

Similar to the proposed Project, the fast-food restaurant that could be permitted with the zone text amendments would also be located within a seismically active region. However, similar to the proposed

Project the other potential restaurant would be required to adhere to the latest CBC requirements that minimize the potential effects of seismic ground shaking on new structures. Therefore, similar to the proposed Project strong seismic ground shaking impacts are anticipated to be less than significant at this site.

c. Seismic-related ground failure, including liquefaction?

Liquefaction is the loss of soil strength or stiffness due to a buildup of pore-water pressure during severe ground shaking. Liquefaction is associated primarily with loose (low density), saturated, fine-to-medium grained, cohesionless soils. As the shaking action of an earthquake progresses, the soil grains are rearranged and the soils temporarily behave similarly to a fluid. Effects of liquefaction can include sand boils, settlement, and bearing capacity failures below structural foundations. For liquefaction effects to occur, groundwater levels must be within 50 feet of the ground surface and soils in the saturated zone must be nonconsolidated loose soils that are susceptible to liquefaction.

As mentioned in **Existing Conditions** above, the subsurface soils generally consisted of medium dense to very dense, silty sand up to a depth of approximately 9 feet below site grades. The Project Site is not included on any California Geological Society-prepared maps for designated liquefaction zone, nor is it identified in the City's General Plan Safety Element to be within an area of high susceptibility to liquefaction, as seen in **Figure 5.3-1**.¹³ Groundwater depths of the Project Site is not anticipated within 50 feet below existing site grades (**Appendix C**); Based on the depth of groundwater in the soils and the type of soils underneath the surface, liquefaction is not likely to occur.

The potential for seismic-induced soil liquefaction within the Project Site is low due to relatively dense native deposits and absence of shallow groundwater. Based on the findings and the recommendations presented in the Geotechnical Report for the Project Site, the potential for seismic-induced soil liquefaction within the Project Site is low (**Appendix C**). Moreover, the Project would be required to comply with the existing building regulations associated with the City's Building Code, which minimizes the potential for the Project site and any proposed structures to be adversely affected by seismic related ground failures, including as a result of liquefaction. Therefore, impacts would be less than significant.

Zone Text Amendment Analysis

Similar to the proposed Project, the location of the site for another restaurant would also not be located within a liquefaction hazard zone and would likely have a low potential for seismic-induced soil liquefaction

13 City of Rancho Mirage General Plan, "Safety Element" (2017), VIII-22, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed May 2020

(refer to **Figure 5.3-1**). Additionally, the other potential restaurant would be required to adhere to the latest CBC requirements for seismic related ground failures, including as a result of liquefaction. Impacts as a result of seismic related ground failure at the other potential restaurant site are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

d. Landslides?

Landslide potential is generally the greatest for areas with steep and/or high slopes, low sheer strength, and increased water pressure. Topography at the Project Site is relatively flat. The Project Site is also not located within a City of Rancho Mirage hillside and mountainous area.¹⁴ Additionally, the Project Site is in an area with a low susceptibility of being impacted by rock falls and seismically induced land sliding.¹⁵ As such, the Project would not directly or indirectly involve substantial adverse effects, including the risk of loss, injury, or death related to landslides and impacts would be less than significant.

Zone Text Amendment Analysis

If a fast-food restaurant were to be developed near the corner of Monterey Avenue and Frank Sinatra Drive, the area is relatively flat with a low susceptibility of being impacted by rock falls and seismically induced land sliding. Therefore, impacts associated with the potential restaurant at this location are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.3-2: Would the project result in substantial soil erosion or the loss of topsoil?

Construction

Prior to issuance of a grading permit, in compliance with existing City requirements, In-N-Out Burger (the Applicant) will be required to obtain coverage under the State Water Resources Control Board NPDES Construction General Permit. The Applicant shall provide the Waste Discharge Identification Number to the City to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan (SWPPP) was prepared and would be implemented for the Project in compliance with the requirements of the Construction General Permit. **Table 5.3-1: Temporary Erosion Control BMPs and Table**

14 City of Rancho Mirage General Plan, "Safety Element" (2017), VIII-21, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed April 2020.

15 City of Rancho Mirage General Plan, "Safety Element" (2017), VIII-21, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed April 2020.

5.3-2: Temporary Sediment Control BMPs provide the SWPPP identified construction Best Management Practices (BMPs) for the proposed Project that would be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities.

Table 5.3-1
Temporary Erosion Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Limit use of plastic erosion control materials	Use of plastic should be limited as erosion control or cover. If plastic covers are used, temporary application should be considered.	All phases
Wind Erosion Control	Dust suppression by application of water will be conducted over pavement, soil, and material stockpiles to prevent sediment erosion by wind or rain as needed.	All phases
Scheduling	Insofar as possible, construction activities will be scheduled to avoid wet weather conditions.	All phases

Note: Appendix E.2: Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Table 5.3-2
Temporary Sediment Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Fiber Rolls	Straw wattle fiber rolls will be placed around the perimeter of the project boundaries.	Demolition, earthwork, grading, paving
Street Sweeping and Vacuuming	Street sweeping shall be provided at points of ingress and egress from the construction site and along any point where construction site debris may leave sediment.	All phases
Storm Drain Inlet Protection	Existing and proposed storm drain inlets shall be protected through the use of a barrier provided by gravel bags.	All phases

Note: Appendix E.2: Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

A monitoring program is required as part of the SWPPP to ensure that BMPs are implemented appropriately and are effective at controlling discharges of pollutants that are related to stormwater, including erosion of on-site soils. With the application of these BMPs, the potential for soil erosion and sedimentation during construction would be minimized, and impacts would be less than significant. SCAQMD Rule 403 and 403.1 also help to minimize the loss of topsoil during construction. Additionally, Rancho Mirage Municipal Code Title 15, Chapter 64, Sections 10-750 describes regulation standards for

sediment and erosion control during grading activities, which would further ensure less than significant impacts during construction.

Operation

Post-construction BMPs are permanent measures installed during construction, designed to reduce or eliminate pollutant discharges from the site after construction is completed. The Project Site is located in an area subject to a Phase I or Phase II Municipal Separate Storm Sewer System (MS4) permit approved Stormwater Management Plan. The implemented BMPs are described within the City of Rancho Mirage approved MS4 documents.

The Project Site is in an area delineated to have moderate wind erosion hazards. Moderate wind erosion areas are partially protected from erosive winds where the soils show evidence of wind removal or accumulation in hummocks up to 24-inches high and all areas with fine-to-medium-grained soils that are protected by erosive winds.¹⁶ Erosion control, in the form of soil stabilization, consists of source control measures that are designed to prevent soil particles from detaching and becoming transported in stormwater runoff. In order to ensure stabilized soils throughout the Project Site and further prevent erosion. The design and construction of the proposed Project would be consistent with applicable building codes and the recommendations in the Geotechnical Report as it relates to topsoil loss.

Additionally, Erosion Control BMPs protect the soil surface by covering and/or binding soil particles. The Project will incorporate erosion control measures as part of the SWPPP to ensure that BMPs are implemented appropriately. Compliance with the aforementioned regulatory measures and mitigation measures would ensure a less than significant impact would occur with respect to erosion or loss of topsoil during Project operation.

Zone Text Amendment Analysis

Similar to the proposed Project, the location of the site for another restaurant would also not be located within an area that has a potential for topsoil erosion. However, similar to the proposed Project the other potential restaurant would be required to implement BMPs to ensure little to no topsoil erosion would occur during construction or operation of the proposed Project. Impacts as a result of topsoil loss at the other potential restaurant site are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

16 City of Rancho Mirage General Plan, "Safety Element" (2017), VIII-25, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed May 2020.

Threshold 5.3-3: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

A significant impact may occur if a project is built in an unstable area without proper site preparation or design features to provide adequate foundations for the project buildings, thus posing a hazard to life and property. The relatively flat topography of the Project Site and surrounding off-site areas precludes both stability problems and the potential for lurching, which is earth movement at right angles to a cliff or steep slope during ground shaking.

As discussed in the response to **Threshold 5.3-1(c) and (d)**, the Project Site is not at risk for liquefaction or landslides. Additionally, construction activities associated with the Project must comply with the City of Rancho Mirage Building Code, which is designed to assure safe construction, including building foundation requirements appropriate to site conditions.

Lateral spreading results from earthquake-induced liquefaction, causing landslides associated with gentle slopes that flow laterally, like water.¹⁷ Topography at the Project Site is relatively level. As mentioned, the Project Site is not located within a City of Rancho Mirage hillside and mountainous area.¹⁸ Based on the results of the Geotechnical Report the Project Site is not anticipated to pose a hazard due to slope instability. Therefore, considering the relatively flat topography and low potential for liquefaction and landslides, the potential for lateral spreading at the Project Site would also be low.

As discussed in **Existing Conditions** above, the Project Site is located within an area known for ground subsidence.¹⁹ Specifically, groundwater pumping for the purpose of satisfying water demand in the Coachella Valley, as seen in **Figure 5.3-2**. No known large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity.²⁰ Therefore, the potential for ground subsidence due to withdrawal of fluids or gases at the site is considered low.

The Geotechnical Report concluded that neither soil nor geologic conditions that would preclude the construction of the proposed development were encountered during the investigation. Hydroconsolidation is also not projected to be a significant hazard for the Project Site (**Appendix C**). The design and construction of the proposed Project would be consistent with applicable building codes and the recommendations in the Geotechnical Report as it relates to unstable soils.

17 US Geological Survey (USGS), "About Liquefaction," <https://geomaps.wr.usgs.gov/sfgeo/liquefaction/aboutliq.html>, accessed October 2019.

18 *City of Rancho Mirage General Plan*, "Safety Element" (2017), VIII-21, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf, Accessed April 2020.

19 US Geological Survey (USGS), "Land Subsidence in the Coachella Valley," https://www.usgs.gov/centers/ca-water-ls/science/land-subsidence-coachella-valley?qt-science_center_objects=0#qt-science_center_objects, accessed May 2020.

20 US Geological Survey (USGS), "Land Subsidence in the Coachella Valley," https://www.usgs.gov/centers/ca-water-ls/science/land-subsidence-coachella-valley?qt-science_center_objects=0#qt-science_center_objects, accessed May 2020.

Accordingly, the design and construction of the Project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety, which would ensure impacts associated with unstable geologic unit or soils remain less than significant. As such, operation of the Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to landslides, lateral spreading, subsidence, liquefaction, or collapse. With the implementation of the aforementioned Building Code requirements and regulatory compliance measures above, there would be less than significant impacts with respect to risks associated with landslide, lateral spreading, subsidence, liquefaction, or collapse.

Zone Text Amendment Analysis

Similar to the proposed Project, the location of the site for another restaurant would be located in an area that has a similar potential for a geological unit or soil to become unstable. Similar to the proposed Project, the other potential restaurant would be required to adhere to the most recent CBC, which would further ensure impacts associated with unstable geologic unit or soils remain less than significant. Impacts as a result of unstable soils at the other potential restaurant site are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.3-4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are typically associated with fine-grained clayey soils that have the potential to shrink and swell with repeated cycles of wetting and drying. Changes in soil moisture content can result from precipitation, landscape irrigation, utility leakage, roof drainage, perched groundwater, drought, or other factors and may result in unacceptable settlement or heave of structures or concrete slabs to support on grade. Ground surface borings were investigated at two locations and consisted of approximately 4 inches of asphalt pavement overlain by 3 inches of base material for the existing asphalt pavements. Subsurface soils consisted of medium dense to very dense, silty sand up to a depth of approximately 9 feet below site grades. Below the silty sand, medium dense to very dense poorly-graded sand alluvium with varying amounts of gravel content were encountered from a depth of approximately 8 feet below site grades to the maximum depth explored, twenty feet below site grade. Without proper mitigation measures, heaving and cracking of building foundations and slabs-on-grade could result. Standard engineering and earthwork construction practices, such as proper foundation design and proper moisture conditioning of earthen fills will reduce the impacts associated with expansive soils.

Additionally, if any fill material would be required on site, fill material would be required to be compacted and moisture-conditioned consistent with applicable building codes and the recommendations in the Geotechnical Report.

As mentioned, construction of the Project would be required to comply with Title 15 of the Rancho Mirage Municipal Code (RMMC), which governs the conditions and maintenance of all property, buildings, and structures within the City. Title 15 is based on the 2019 California Building Code (CBC), which sets minimum design and standards for foundation requirements appropriate to site-specific conditions including soil expansion.

As such, with adherence to the applicable building codes and incorporation of the recommendations in the Geotechnical Report, impacts related to expansive soils, would be less than significant.

Zone Text Amendment Analysis

Similar to the proposed Project, the location of the site for another restaurant would be located within an area that has a similar potential for expansive or high moisture soils. The other potential restaurant would be required to adhere to the most recent CBC which sets minimum design and standards for foundation requirements appropriate to Site-specific conditions including soil expansion. Therefore, it is anticipated that there would be no significant impacts associated with the other potential restaurant that the zone text amendment would apply to. However, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.3-5: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The Project Site is located in a developed area of Rancho Mirage, where wastewater infrastructure is currently in place. The Proposed Project would connect to existing sewer lines that serve the Project area and would not use septic tanks or alternative waste disposal systems. Therefore, no impact from the use of septic tanks or alternative wastewater disposal systems would occur.

Zone Text Amendment Analysis

Similar to the proposed Project, if a fast-food restaurant were to be developed at this location, it would likely connect to existing sewer lines and not utilize septic tanks or alternative wastewater disposal systems. Therefore, impacts would not be anticipated but, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.3-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. For the purpose of this analysis, a unique geologic feature is a resource or formation that: is the best example locally or regionally; embodies distinct characteristics of a geologic principal that is exclusive locally or regionally; provides a key piece of geologic information important in geology or geologic history; is a type locality of a geologic feature; or contains a mineral not known to occur elsewhere locally or regionally; or is a common teaching tool.

The Project Site contains recent alluvium soils which have a low potential to contain significant paleontological resources.²¹ Geologic features within the Project Site, such as sand and soil types, are common in the area and extensive in the Coachella Valley. Additionally, the Las Palmas Shopping Center was originally approved in 1978 and was redeveloped in 2015. With the most recent upgrade, the shopping center went through a large amount of demolition, reconstruction, and re-facing. The redevelopment of the shopping center included the demolition of the 5,470-square-foot sit-down restaurant that previously occupied the Project Site. As such, given the fully graded and disturbed nature of the Project Site, the proposed Project would not result in substantial further disturbance of native soils on the Project Site and would not directly or indirectly destroy a unique geologic feature. Moreover, development of the Project Site would involve grading and compaction to a minimum depth of three (3) feet below existing grades or one (1) foot below the bottom of the proposed footings, whichever is deeper. Therefore, the grading activities would not directly or indirectly destroy a unique paleontological resource or site and impacts would be less than significant.

Zone Text Amendment Analysis

Unlike the proposed Project, the other potential restaurant location is vacant and has not been previously graded. The potential to discover paleontological resources at the other potential restaurant site, would be potentially greater than those of the proposed Project. However, similar to the proposed Project, the other potential restaurant site also contains recent alluvium soils which have a low potential to contain significant paleontological resources.²² The CUP for the other potential restaurant site is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

21 *Riverside County General Plan, "Multipurpose Open Space Element" (2015), fig. OS-8,* https://planning.rctlma.org/Portals/14/genplan/general_Plan_2017/elements/OCT17/Ch05_MOSE_120815.pdf?ver=2017-10-11-102103-833, accessed April 2020.

22 *Riverside County General Plan, "Multipurpose Open Space Element" (2015), fig. OS-8,* https://planning.rctlma.org/Portals/14/genplan/general_Plan_2017/elements/OCT17/Ch05_MOSE_120815.pdf?ver=2017-10-11-102103-833, accessed April 2020.

Cumulative Impacts

Potential impacts related to geology, soil, and paleontological resources would be assessed on a case-by-case basis. Accordingly, the geographic context for the analysis of potential cumulative geology and soils impacts consists of individual development sites. As discussed previously, the Proposed Project does not exacerbate the frequency and severity of geological hazards and therefore, would not contribute to cumulative impacts in the region. Although cumulative development in the City and broader Coachella Valley may include numerous projects with geologic and soil impacts, these impacts would affect each individual project, rather than resulting in an additive cumulative effect. Mitigation measures would be taken on a project-by-project basis and be specific to each site. None of the related projects are located on or nearby an adjacent property, and all projects would be designed in accordance with the appropriate jurisdiction's building and grading standards to reduce seismic-related risks to less than significant levels. Thus, cumulative development would result in a less than significant cumulative impact related to geology and soil hazards.

C. MITIGATION MEASURES

With adherence to and implementation of State and local building codes and incorporation of the BMPs, impacts to geology and soils are less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to geology and soils would remain less than significant.

5.4 GREENHOUSE GAS EMISSIONS

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to generate greenhouse gas (GHG) emissions that may have a significant effect on the environment or to conflict with plans and policies adopted for the purpose of reducing greenhouse gas emissions. Various federal, State, regional, and local programs and regulations related to greenhouse gas emissions are discussed in this Section.

A quantified estimate of the GHG emissions that could result from the development of the land uses that would be allowed by the Project is provided. Modeling datasheets for global climate change emissions are included as part of the greenhouse gas modeling in **Appendix D: Greenhouse Gas Emissions Model Output**. Please see **Section 8.0: Terms, Definitions, and Acronyms** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Greenhouse Gases and Climate Change

Global Context

GHGs are global pollutants that have long atmospheric lifetimes (one year to several thousand years). GHGs persist in the atmosphere for a long enough time to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule depends on multiple variables and cannot be pinpointed, more carbon dioxide (CO₂) is currently emitted into the atmosphere than is avoided or sequestered. CO₂ sinks, or reservoirs—including vegetation and the ocean—absorb CO₂ through photosynthesis and dissolution, respectively. These are two of the most common processes of CO₂ sequestration. Of the total annual human-caused CO₂ emissions, approximately 54 percent is sequestered within a year through ocean uptake, northern hemisphere forest regrowth, and other terrestrial sinks; the remaining 46 percent of human-caused CO₂ emissions are stored in the atmosphere.

Similarly, the effects of GHGs are borne globally (sea-level rise, hurricanes, droughts, etc.), as opposed to the localized air quality effects of criteria air pollutants and toxic air contaminants (TACs). The quantity of GHGs that it takes to ultimately result in climate change is not precisely known, but that quantity is enormous. No single project would be expected to measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or microclimates; however, it is the combined GHG contributions per project that create an impact.

In the context of CEQA, “GHG impacts are exclusively cumulative impacts; there are no noncumulative GHG emission impacts from a climate change perspective.”¹ Further, because climate change is occurring on a global scale, it is not meaningfully possible to quantify the scientific effect of new GHG emissions caused by a single project.²

Greenhouse Effect

GHGs play a critical role in determining the Earth’s surface temperature, as these gases absorb solar radiation. Solar radiation enters the Earth’s atmosphere from space. A portion of the radiation is absorbed by the Earth’s surface, and a smaller portion of this radiation is reflected back into space. The radiation absorbed by the Earth is reradiated as lower-frequency infrared radiation, which is then selectively absorbed by GHGs in the Earth’s atmosphere. As a result, the greater the amount of GHGs in the atmosphere, the greater the amount of infrared radiation trapped, resulting in a warming of the atmosphere. This phenomenon is commonly referred to as the “greenhouse effect.” Scientists have speculated that increased GHG emissions from human activity (anthropogenic) could lead to a less habitable climate. Anthropogenic GHG emissions leading to atmospheric levels in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of the Earth’s atmosphere and oceans, with corresponding effects on global air and water circulation patterns and climate. CO₂ emissions associated with fossil fuel combustion are the primary contributors to human-induced emissions.

Climate Change Effects for California

According to the California Air Resources Board (CARB), which has the authority over GHG emissions, some of the potential California-specific impacts of global warming may include loss of snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.

To protect the State’s public health and safety, resources, and economy, the California Natural Resources Agency, in coordination with other State agencies, has updated the *2009 California Climate Adaptation Strategy* with the *2014 Safeguarding California: Reducing Climate Risk* plan. Additionally, in March 2016, the California Natural Resources Agency released *Safeguarding California: Implementation Action Plans*, a document that shows how California is acting to convert the recommendations contained in the 2014

1 CAPCOA, CEQA & Climate Change (January 2008), p. 35. See also SCAQMD, *CEQA Guide* (February 2016), p. 6-1 [“from the standpoint of CEQA, GHG impacts to global climate change are inherently cumulative”]; SJVAPCD, *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (December 2009), p. 4 [“effects of project specific GHG emissions are cumulative”]; California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action*, December 2009.

2 SCAQMD, *CEQA Guide* (February 2016), p. 6-10 [“there is no known level of emissions that determines if a single project will substantially impact overall GHG emission levels in the atmosphere”]; SJVAPCD, *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (December 2009), p. 3 [“existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change”].

Safeguarding California plan into action. The 2016 *Action Plans* document is divided by ten sectors.³ It shows the path forward by presenting the risks posed by climate change; the adaptation efforts underway; and the actions that will be taken to safeguard residents, property, communities, and natural systems. The California Natural Resources Agency will continue to update the Statewide strategy summarizing climate change impacts and preparing reports to the Governor regarding the ongoing implementation of the Statewide strategy. The California Natural Resources Agency also has produced climate change assessments which detail the anticipated impacts of global warming in California.⁴

Several recent studies have attempted to explore the possible negative consequences that climate change, left unchecked, could have in California.⁵ These reports acknowledge that scientists' understanding of the complex global climate system, and the interplay of the various internal and external factors that affect climate change, remains too limited to yield scientifically valid conclusions on a localized scale. And, while substantial work has been done at the international and national levels to evaluate climatic impacts, far less information is available on regional and local impacts. In addition, projecting regional impacts of climate change and variability relies on large-scale scenarios of changing climate parameters, using information that is typically at too general a scale to make accurate regional or local assessments.

Sources of Greenhouse Gas Emissions

GHGs are the result of both natural and anthropogenic activities. With respect to anthropogenic activities, motor vehicle travel, air travel, consumption of fossil fuels for power generation, industrial processes, heating and cooling, landfills, agriculture, and wildfire are the primary sources of GHG emissions. Additionally, land use decisions and future development projects pursuant to implementation of a general plan can affect the generation of GHG emissions from multiple sectors, resulting in direct or indirect GHG emissions. For example, electricity consumed in the lighting and heating of buildings is an indirect source of GHG emissions because it requires electricity from power plants, which emits GHG directly into the atmosphere. Conversely, tailpipe emissions from the use of vehicles generates direct GHG emissions.

GHGs are a group of emissions that include CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorinated chemicals (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃). A general description of these GHGs are provided in **Table 5.4-1: Description of Identified Greenhouse Gases**. Carbon dioxide is the most abundant GHG. As stated above, other GHGs are less abundant, but have higher global warming potential than CO₂. Thus, emissions of other GHGs are frequently expressed in the equivalent mass of CO₂; denoted as CO₂e.

3 The ten sectors are agriculture; biodiversity and habitat; emergency management; energy; forestry; land use and community development; oceans and coastal resources and ecosystems; public health; transportation; and water.

4 State of California Department of Justice, Attorney General, *Climate Change Impacts in California*, <https://oag.ca.gov/environment/impact>, accessed June 2020.

5 California EPA, *Climate Change Research Plan for California*, February 2015; California Natural Resources Agency, California Energy Commission, Governor's Office of Planning and Research, California's Fourth Climate Assessment, August 2018.

Table 5.4-1
Description of Identified Greenhouse Gases

GHG	General Description
Carbon Dioxide (CO ₂)	An odorless, colorless GHG that has both natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (human caused) sources of CO ₂ are burning coal, oil, natural gas, and wood.
Methane (CH ₄)	A flammable gas and is the main component of natural gas. When one molecule of CH ₄ is burned in the presence of oxygen, one molecule of CO ₂ and two molecules of water are released. A natural source of CH ₄ is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain CH ₄ , which is extracted for fuel. Other sources are from landfills, fermentation of manure, and cattle.
Nitrous Oxide (N ₂ O)	A colorless GHG. High concentrations can cause dizziness, euphoria, and sometimes slight hallucinations. N ₂ O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is used in rocket engines, race cars, and as an aerosol spray propellant.
Hydrofluorocarbons (HFCs)	Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in CH ₄ or ethane (C ₂ H ₆) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at Earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. Because they destroy stratospheric ozone, the production of CFCs was stopped as required by the Montreal Protocol in 1987. HFCs are synthetic man-made chemicals that are used as substitute for CFCs as refrigerants. HFCs deplete stratospheric ozone, but to a much lesser extent than CFCs.
Perfluorinated Chemicals (PFCs)	PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane and hexafluoroethane. The two main sources of PFCs are primary aluminum production and semi-conduction manufacturing.
Sulfur Hexafluoride (SF ₆)	An inorganic, odorless, colorless, nontoxic, and nonflammable gas. SF ₆ is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semi-conductor manufacturing, and as a tracer gas for leak detection.
Nitrogen Trifluoride (NF ₃)	An inorganic, nontoxic, odorless, nonflammable gas. NF ₃ is used in the manufacture of semiconductors, as an oxidizer of high energy fuels, for the preparation of tetrafluoro hydrazine, as an etchant gas in the electronic industry, and as a fluorine source in high power chemical lasers.

^a GHGs identified in this table are ones identified in the Kyoto protocol and other synthetic gases recently added to the IPCC's Fifth Assessment Report.

Greenhouse Gas Emissions Inventory and Trends

Existing Statewide GHG Emissions

In 2017, California produced 424.1 million metric tons of carbon dioxide equivalents (MMTCO₂e), including imported electricity and excluding combustion of international fuels and carbon sinks or storage. The major source of GHGs in California is transportation, contributing to 40 percent of the State's total GHG emissions. Industrial generation is the second largest source, contributing to 21 percent of the State's GHG emissions. The Statewide inventory of GHGs by sector is shown in **Table 5.4-2: California GHG Inventory 2008–2017**.

Table 5.4-2
California GHG Inventory 2008–2017

Main Sector	Emissions (MMTCO ₂ e)									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Transportation ^a	177.35	170.20	165.13	161.76	161.31	160.91	162.53	166.18	168.76	169.86
Industrial ^b	90.54	87.90	91.50	90.17	91.08	93.69	94.02	91.48	89.49	89.40
Electric power	120.14	101.37	90.34	87.97	95.52	89.40	88.46	83.82	68.59	62.39
Commercial and residential	44.37	44.48	45.92	46.37	43.76	44.42	38.25	38.82	40.62	41.14
Agriculture	35.09	32.85	33.68	34.34	35.46	33.99	35.06	33.75	33.51	32.42
High GWP ^{c,d}	11.65	12.29	13.52	14.53	15.54	16.75	17.73	18.60	19.26	19.99
Recycled and waste	8.11	8.27	8.37	8.47	8.49	8.52	8.59	8.73	8.81	8.89
TOTAL	487.25	457.35	448.46	443.61	451.16	447.69	444.65	441.37	429.04	424.10

Source: CARB (2019), https://ww3.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_sum_2000-17.pdf

^a Includes equipment used in construction, mining, oil drilling, industrial and airport ground operations.

^b Reflects emissions from combustion of natural gas, diesel, and lease fuel plus fugitive emissions.

^c These categories are listed in the Industrial sector of CARB's GHG Emission Inventory sectors.

^d This category is listed in the Electric Power sector of CARB's GHG Emission Inventory sectors.

Regional Emissions

The community inventory provided in **Table 5.4-3: Rancho Mirage Detailed Community Emissions** presents the total quantity of GHG emissions produced by the City of Rancho Mirage (City), as largely defined by its geographic borders during 2010. The community inventory covers six major sectors: residential, commercial, municipal, transportation, waste, and fugitive emissions. In 2010, 277,698 tonnes of CO₂e were emitted within the City.

Table 5.4-3
Rancho Mirage Detailed Community Emissions

Category	Source	2010 Emissions (Tonnes CO ₂ e)
Residential Buildings	Electricity (SCE)	78,947
	Electricity (IID)	4,490
	Natural Gas	44,643
	Propane	157
	Subtotal	128,237
Commercial Buildings	Golf Courses and Country Clubs – Electricity (SCE)	1,433
	Golf Courses and Country Clubs – Natural Gas	810
	Hotels, Motels, and Hospitality – Electricity (SCE)	6,699
	Hotels, Motels, and Hospitality – Natural Gas	3,788
	Medical Facilities – Electricity (SCE)	2,858
	Medical Facilities – Natural gas	1,616
	Other Commercial – Electricity (SCE)	9,483
	Other Commercial – Natural Gas	5,362
	Small Commercial – Electricity (IID)	1,735
	Large Commercial – Electricity (IID)	5,334
	Domestic Water Supply – Electricity (CVWD)	918
	Water Pumping/Sewage – Electricity (SCE)	6,659
	Street Lights – Electricity (SCE)	480
	Traffic Control (SCE)	6
	Subtotal	47,181
Municipal Buildings	Municipal Buildings and Other Facilities – Electricity (SCE)	539
	Municipal Buildings and Other Facilities – Natural Gas	90
	City Services – Electricity (SCE)	258
	Public Authority – Electricity (IID)	60
	Subtotal	947
Transportation	On-Road Vehicles	90,578
	Off-Road Vehicles	96
	Subtotal	90,674
Solid Waste	Paper Products	1,977
	Food Waste	1,004
	Plant Debris	262
	Wood or Textiles	840
	Subtotal	4,083
Fugitive Emissions	Wastewater Treatment Facilities (CVWD)	21
	Ozone-Depleting Substance Substitutes	6,516
	Golf Course Fertilizer Application	38
	Municipal Parks Fertilizer Application	1
	Subtotal	6,576
TOTAL		277,698

Source: City of Rancho Mirage Greenhouse Gas Inventory – 2012 Community and Municipal Operations Inventories, September 2012.
Abbreviations: SCE = Southern California Edison; IID = Imperial Irrigation District; CVWD = Coachella Valley Water District.

Project Site

The INO Burger Restaurant Project Site (Project Site) is located within the Ranchos Las Palmas Shopping Center. The center went through a large amount of reconstruction and re-facing. The redevelopment of the site included the demolition of the 5,470-square-foot, sit-down restaurant that previously occupied the proposed Project Site. A pad was prepared for development; however, the Project Site is currently vacant and undeveloped, therefore negligible amounts of GHG emissions are currently emitted from the Project Site.

Regulatory Setting

Federal

Federal Clean Air Act

The US Supreme Court ruled in *Massachusetts v. Environmental Protection Agency*⁶ that CO₂ and other GHGs are pollutants under the federal Clean Air Act (CAA), which the US Environmental Protection Agency (USEPA) must regulate if it determines they pose an endangerment to public health or welfare.⁷ The Court did not mandate that the USEPA enact regulations to reduce GHG emissions. Instead, the Court found that USEPA could avoid taking action if it found that GHGs do not contribute to climate change or if it offered a “reasonable explanation” for not determining that GHGs contribute to climate change.

On April 17, 2009, USEPA issued a proposed finding that GHGs contribute to air pollution that may endanger public health or welfare. On April 24, 2009, the proposed rule was published in the Federal Register under Docket ID No. EPA-HQ-OAR-2009-0171.⁸ USEPA stated that high atmospheric levels of GHGs “are the unambiguous result of human emissions and are very likely the cause of the observed increase in average temperatures and other climatic changes.” USEPA further found that “atmospheric concentrations of greenhouse gases endanger public health and welfare within the meaning of Section 202 of the Clean Air Act.” The final rule was effective on January 14, 2010.⁹ While these findings alone did not impose any requirements on industry or other entities, this action was a prerequisite to regulatory actions by USEPA, including, but not limited to, GHG emissions standards for light-duty vehicles.

6 Massachusetts v. Environmental Protection Agency, 127 S.Ct. 1438 (2007).

7 Perry W. Payne and Sara Rosenbaum, “Massachusetts et al. v Environmental Protection Agency: Implications for Public Health Policy and Practice,” Public Health Reports 122 No. 6 (2007): 817–819, <https://doi.org/10.1177/003335490712200614>.

8 Federal Register, “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (December 15, 2009), accessed May 2020, <https://www.federalregister.gov/documents/2009/12/15/E9-29537/endangerment-and-cause-or-contribute-findings-for-greenhouse-gases-under-section-202a-of-the-clean>.

9 United States Environmental Protection Agency (USEPA), “Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Section 202(a) of the Clean Air Act,” accessed May 2020, <https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean/>.

In response, USEPA promulgated a regulation to require reporting of all GHG emissions from all sectors of the economy. The final rule applies to fossil fuel suppliers and industrial gas suppliers, direct greenhouse gas emitters and manufacturers of heavy-duty and off-road vehicles and engines. The rule does not require control of greenhouse gases; rather, it requires only that sources above certain threshold levels monitor and report emissions.¹⁰

Corporate Average Fuel Economy (CAFE) Standards

In response to the *Massachusetts v. Environmental Protection Agency* ruling, the George W. Bush administration issued Executive Order 13432 in 2007, directing USEPA, the US Department of Transportation (USDOT), and the US Department of Energy (USDOE), to establish regulations that reduce GHG emissions from motor vehicles, nonroad vehicles, and nonroad engines by 2008.¹¹ In 2009, the National Highway Traffic Safety Administration (NHTSA) issued a final rule regulating fuel efficiency for and GHG emissions from cars and light-duty trucks for model year 2011; in 2010, USEPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.¹²

In 2010, President Obama issued a memorandum directing USEPA, USDOT, USDOE, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, USEPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles.¹³ The proposed standards projected to achieve 163 grams/mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon (mpg) if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021. On April 2, 2018 USEPA signed the Mid-term Evaluation Final Determination, which finds that the model year 2022–2025 greenhouse gas standards are not appropriate and should be revised.¹⁴ The Final Determination serves to initiate a notice to further consider appropriate standards for model year 2022–2025 light duty vehicles. On August 24, 2018, USEPA and NHTSA published a proposal to freeze the model year 2020 standards

10 Federal Register, “Mandatory Reporting of Greenhouse Gases” (October 30, 2009), <https://www.gpo.gov/fdsys/pkg/FR-2009-10-30/pdf/E9-23315.pdf>.

11 US Government Publishing Office, Administration of George W. Bush, “Executive Order 13432—Cooperation Among Agencies in Protecting the Environment With Respect to Greenhouse Gas Emissions From Motor Vehicles, Nonroad Vehicles, and Nonroad Engines,” 631 (May 14, 2007), <https://www.gpo.gov/fdsys/pkg/WCPD-2007-05-21/pdf/WCPD-2007-05-21-Pg631.pdf>.

12 USEPA, “Regulations for Greenhouse Gas Emissions from Commercial Trucks & Buses” (December 27, 2017), <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>.

13 USEPA, “Presidential Announcements and Letters of Support related to Greenhouse Gas Emissions” (August 28, 2017), <https://www.epa.gov/regulations-emissions-vehicles-and-engines/presidential-announcements-and-letters-support-related>.

14 Federal Register, *Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022 – 2025 Light-Duty Vehicles*, April 13, 2018, accessed May 2020, <https://www.federalregister.gov/documents/2018/04/13/2018-07364/mid-term-evaluation-of-greenhouse-gas-emissions-standards-for-model-year-2022-2025-light-duty>.

through model year 2026 and to revoke California's waiver under the Clean Air Act to establish more stringent standards.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2016, USEPA and NHTSA finalized Phase 2 standards for medium and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution. If implemented, the Phase 2 standards would be expected to lower CO₂ emissions by approximately 1.1 billion metric tons (MT), save vehicle owners fuels costs of about \$170 billion.¹⁵ But as discussed previously, USEPA and NHTSA have proposed to roll back GHG and fuel economy for cars and light-duty trucks, which suggest a similar rollback of Phase 2 standards for medium and heavy-duty vehicles may be pursued.

Energy Independence and Security Act

The Energy Independence and Security Act of 2007 (EISA) facilitates the reduction of national GHG emissions by requiring the following:¹⁶

- Increasing the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard (RFS) that requires fuel producers to use at least 36 billion gallons of renewable fuel in 2022, with at least 16 billion gallons from cellulosic biofuels and a cap of 15 billion gallons for corn-starch ethanol;
- Prescribing or revising standards affecting regional efficiency for heating and cooling products, procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances;
- Requiring approximately 25 percent greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014; requiring approximately 200 percent greater efficiency for light bulbs, or similar energy savings, by 2020; and
- While superseded by USEPA and NHTSA actions described above, (i) establishing miles per gallon targets for cars and light trucks; and (ii) directing the NHTSA to establish a fuel economy program for medium- and heavy-duty trucks, and create a separate fuel economy standard for trucks.

Additional provisions of EISA address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."¹⁷

15 USEPA, *EPA and NHTSA Adopt Standards to Reduce GHG and Improve Fuel Efficiency of Medium- and Heavy-Duty Vehicles for Model Year 2018 and Beyond*, August 2016.

16 USEPA, "Summary of the Energy Independence and Security Act," <https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act>.

17 A green job, as defined by the United States Department of Labor, is a job in business that produce goods or provide services that benefit the environment or conserve natural resources.

State

Executive Orders

Executive Order S-3-05

Executive Order S-3-05, signed by Governor Arnold Schwarzenegger and issued in June 2005, proclaimed that California is vulnerable to the impacts of climate change.¹⁸ It declared that increased temperatures could reduce the Sierra snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the Executive Order established the following total GHG emission targets:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

However, in adopting the California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32 (Pavley), discussed below, the Legislature did not adopt the 2050 horizon-year goal from Executive Order No. S-3-05 and, in the 2006 legislative session, rejected legislation to enact the Executive Order's 2050 goal.

Executive Order S-01-07

Executive Order S-1-07, the Low Carbon Fuel Standard (issued on January 18, 2007), requires a reduction of at least 10 percent in the carbon intensity of California's transportation fuels by 2020.¹⁹ Regulatory proceedings and implementation of the Low Carbon Fuel Standard have been directed to CARB. The Low Carbon Fuel Standard has been identified by CARB as a discrete early action item in the adopted Climate Change Scoping Plan (discussed below). CARB expects the Low Carbon Fuel Standard to achieve the minimum 10 percent reduction goal; however, many of the early action items outlined in the Climate Change Scoping Plan work in tandem with one another. Other specific emission reduction measures included are the Million Solar Roofs Program²⁰ and AB 1493 (Pavley I), Vehicle Emissions: Greenhouse Gases, which establishes motor vehicle GHG emissions standards.²¹ To avoid the potential for double-

18 National Resources Conservation Service, "Emerging Issues Committee Members," https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_008701.pdf.

19 Office of the Governor, Executive Order S-01-07 (January 18, 2007), <https://www.arb.ca.gov/fuels/lcfs/eos0107.pdf>.

20 US Department of Energy, "Laying the Foundation for Solar America: The Million Solar Roofs Initiative" (October 2016), <https://www.nrel.gov/docs/fy07osti/40483.pdf>.

21 The standards enacted in Pavley I are the first GHG standards in the nation for passenger vehicles and took effect for model years starting in 2009 and going through 2016. Pavley I could potentially result in 27.7 million metric tons CO₂e reduction in 2020. Pavley II will cover model years 2017 to 2025 and potentially result in an additional reduction of 4.1 million metric tons CO₂e.

counting emission reductions associated with AB 1493, the Climate Change Scoping Plan has modified the aggregate reduction expected from the Low Carbon Fuel Standard to 9.1 percent. In accordance with the Climate Change Scoping Plan, this analysis incorporates the modified reduction potential for the Low Carbon Fuel Standard. CARB released a draft version of the Low Carbon Fuel Standard in October 2008. The final regulation was approved by the Office of Administrative Law and filed with the Secretary of State on January 12, 2010; the Low Carbon Fuel Standard became effective on the same day.

Executive Order B-30-15 and B-55-18

Executive Order B-30-15, signed by Governor Edmund Gerald “Jerry” Brown and issued in April 29, 2015, established a new Statewide policy goal to reduce GHG emissions to 40 percent below their 1990 levels by 2030. Reducing GHG emissions by 40 percent below 1990 levels in 2030, and by 80 percent below 1990 levels by 2050 (consistent with Executive Order S-3-05), aligns with scientifically established levels needed to limit global warming to less than 2 degrees Celsius.²² EO B-30-15 also directed all State agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 target, as well as the preexisting, long-term 2050 target identified in EO S-3-05 (see discussion above). Additionally, EO S-3-05 directed CARB to update its Scoping Plan (see discussion below) to address the 2030 target. EO B-55-18, issued by Governor Brown on September 10, 2018, directs the State to achieve carbon neutrality no later than 2045 and achieve and maintain net negative emissions thereafter.

Assembly Bill 32 and Related Legislation

AB 32, the Global Warming Solutions Act of 2006, requires a sharp reduction of GHG emissions to 1990 levels by 2020. To achieve these goals, which are consistent with the California Climate Action Team, which works to coordinate Statewide efforts to implement global warming emission reduction programs and the State's Climate Adaptation Strategy after the passing of AB 32, AB 32 mandates that CARB establish a quantified emissions cap and institute a schedule to meet the cap; implement regulations to reduce Statewide GHG emissions from stationary sources consistent with the California Climate Action Team strategies; and develop tracking, reporting, and enforcement mechanisms to ensure that reductions are achieved. To reach the reduction targets, AB 32 requires CARB to adopt—in an open, public process—rules and regulations that achieve the maximum technologically feasible and cost-effective GHG reductions.

The California Climate Action Team stated that “smart land use” is an umbrella term for strategies that integrate transportation and land-use decisions.²³ Such strategies generally encourage jobs/housing proximity, promote transit-oriented development (TOD), and encourage high-density

22 Office of the Governor, “Governor Brown Established Most Ambitious Greenhouse Gas Reduction Target in North America” (April 29, 2015), <https://www.gov.ca.gov/2015/04/29/news18938/>.

23 California Energy Commission, “The Role of Land Use in Meeting California’s Energy and Climate Change Goals” (June 2007), <http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SD.PDF>.

residential/commercial development along transit corridors. These strategies develop more efficient land-use patterns within each jurisdiction or region to match population increases, workforce, and socioeconomic needs for the full spectrum of the population. “Intelligent transportation systems” is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and the movement of people, goods, and service.²⁴

Climate Change Scoping Plan

CARB approved a Climate Change Scoping Plan (2008 Scoping Plan) on December 11, 2008, as required by AB 32. The 2008 Scoping Plan proposed a “comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health.”²⁵ The 2008 Scoping Plan had a range of GHG reduction actions, including direct regulations; alternative compliance mechanisms; monetary and nonmonetary incentives; voluntary actions; market-based mechanisms, such as a cap-and-trade system; and an AB 32 implementation regulation to fund the program.

The 2008 Scoping Plan called for a “coordinated set of strategies” to address all major categories of GHG emissions.²⁶ Transportation emissions were to be addressed through a combination of higher standards for vehicle fuel economy, implementation of the Low Carbon Fuel Standard, and greater consideration to reducing trip length and generation through land use planning and transit-oriented development. Buildings, land use, and industrial operations were encouraged and, sometimes, required to implement energy efficiency practices. Utility energy supplies will change to include more renewable energy sources through implementation of the Renewables Portfolio Standard. Established in 2002 under Senate Bill (SB) 1078, the California Renewables Portfolio Standards (RPS) were accelerated in 2006 under SB 107, which required that, by 2010, at least 20 percent of electricity retail sales come from renewable sources. In April 2016, the California Energy Commission (CEC) updated the RPS pursuant to SB 350, intended to set the new target 50 percent renewables by 2030.²⁷ This will be complemented with emphasis on local generation, including rooftop photovoltaics and solar hot water installations. Additionally, the Scoping Plan emphasized opportunities for households and businesses to save energy and money through

24 California Environmental Protection Agency, *Climate Action Team Report to Governor Schwarzenegger and the Legislature* (March 2006), 58.

25 CARB, *Climate Change Scoping Plan: A Framework for Change* (December 2008), https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

26 CARB, *Climate Change Scoping Plan*, p. ES-7.

27 California Energy Commission, *Enforcement Procedures for the Renewables Portfolio Standards for Local Publicly Owned Electric Utilities: Amended Regulations* (April 12, 2016), <http://www.energy.ca.gov/2016publications/CEC-300-2016-002/CEC-300-2016-002-CMF.pdf>.

increasing energy efficiency. It indicated that substantial savings of electricity and natural gas would be accomplished through improving energy efficiency.

CARB updated the Scoping Plan in May 2014 (2014 Scoping Plan). The 2014 Scoping Plan²⁸ adjusted the 1990 GHG emissions levels to 431 MMTCO₂e; the updated 2020 GHG emissions forecast is 509 MMTCO₂e, which credited for certain GHG emission reduction measures already in place (e.g., the RPS). The 2014 Scoping Plan also recommended a 40 percent reduction in GHG emissions from 1990 levels by 2030, and a 60 percent reduction in GHG emissions from 1990 levels by 2040. The 2014 Scoping Plan “lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050.”²⁹

The 2017 Scoping Plan,³⁰ approved on December 14, 2017, builds on previous programs and takes aim at the 2030 target established by the 2016 SB 32 (Pavley), which is further discussed below. The 2017 Scoping Plan outlines options to meet California’s aggressive goals to reduce GHGs by 40 percent below 1990 levels by 2030. In addition, the Scoping Plan incorporates the State’s updated RPS requiring utilities to procure 50 percent of their electricity from renewable energy sources by 2030. It also raises the State’s Low Carbon Fuel Standard and aims to reduce emissions of methane and hydrofluorocarbons by 40 percent from 2013 levels by 2030 and emissions of black carbon by 50 percent from 2013 levels.

Advanced Clean Cars Regulations

In 2012, CARB approved the Advanced Clean Cars (ACC) program, a new emissions-control program for vehicle model years 2017–2025. The program combines the control of smog, soot, and GHGs with requirements for greater number of zero-emission vehicles. By 2025, when the rules will be fully implemented, automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.³¹

AB 197: Statewide GHG Emissions Limit

On September 8, 2016, Governor Brown signed AB 197, which requires CARB to approve a Statewide GHG emissions limit equivalent to the Statewide GHG emission level in 1990 to be achieved by 2020.³² AB 197

28 CARB, *First Update to the Climate Change Scoping Plan: Building on the Framework* (May 2014).

29 CARB, *First Update to the Climate Change Scoping Plan*, 4.

30 CARB, *California’s 2017 Climate Change Scoping Plan* (November 2017), https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

31 CARB, The Advanced Clean Cars Program (January 18, 2018), <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>.

32 California Legislative Information, Assembly Bill No. 197 (September 8, 2016), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB197.

requires the CARB to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions. The bill became effective on January 1, 2017.

Senate Bills

Senate Bill 375

SB 375, signed into law in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations.³³ The act requires metropolitan planning organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) that prescribes land use allocation in that MPO's regional transportation plan (RTP). CARB, in consultation with MPOs, provided regional reduction targets for GHGs for the years 2020 and 2035.

Senate Bill X1-2: 2020 Renewable Portfolio Standard

On April 12, 2011, California governor Jerry Brown signed SB X1-2.³⁴ This bill supersedes the 33 percent by RPS created by Executive Order S-14-08, previously signed by Governor Schwarzenegger. The RPS required that all retail suppliers of electricity in California serve 33 percent of their load with renewable energy by 2020. A number of significant changes are made in SB X1-2. It extends application of the RPS to all electric retailers in the State, including municipal and public utilities, and community choice aggregators.

SB X1-2 creates a three-stage compliance period for electricity providers to meet renewable energy goals: 20 percent of retail sales must be renewable energy products by 2013, 25 percent of retail sales must be renewable energy products by 2016, and 33 percent of retail sales must be renewable energy products by 2020. The 33 percent level must be maintained in the years that follow. This three-stage compliance period requires the RPS to be met increasingly with renewable energy that is supplied to the California grid and is located within or directly proximate to California. SB X1-2 mandates that renewables from this category make up:

- At least 50 percent for the 2011–2013 compliance period;
- At least 65 percent for the 2014–2016 compliance period; and
- At least 75 percent for 2016 and beyond.

33 California Legislative Information, Senate Bill No. 375 (September 30, 2008), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB375.

34 California Energy Commission, Renewable Portfolio, <http://www.energy.ca.gov/portfolio>.

SB X1-2 sets rules for the use of Renewable Energy Credits (RECs) as follows:

- Establishes a cap of no more than 25 percent unbundled RECs going toward the RPS between 2011 and 2013, 15 percent from 2014 to 2016, and 10 percent thereafter;
- Does not allow for the grandfathering of tradable REC contracts executed before 2010, unless the contract was (or is) approved by the California Public Utilities Commission (CPUC);
- Allows banking of RECs for 3 years only; and
- Allows energy service providers, community choice aggregators, and investor-owned utilities with 60,000 or fewer customers to use 100 percent RECs to meet the RPS.

SB X1-2 also eliminates the Market Price Referent, which was a benchmark to assess the above-market costs of RPS contracts based on the long-term ownership, operating, and fixed-price fuel costs for a new 500-megawatt (mW) natural-gas-fired, combined-cycle gas turbine.

Senate Bill 350: Clean Energy and Pollution Reduction Act

SB 350, the Clean Energy and Pollution Reduction Act of 2015, was signed on October 7 of that year.³⁵ SB 350 implements some of the goals of Executive Order B-30-15 described above. The objectives of SB 350 are: (1) to increase the procurement of our electricity from renewable sources from 33 percent to 50 percent; and (2) to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation.³⁶

Center for Biological Diversity v. California Department of Fish and Wildlife

The California Supreme Court's decision published on November 30, 2015, in *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763; the Newhall Ranch case) reviewed the methodology used to analyze GHG emissions in an EIR prepared for a project that proposed 20,885 dwelling units with 58,000 residents on 12,000 acres of undeveloped land in a rural area of the City of Santa Clara.³⁷ That EIR used the "business as usual" (BAU) methodology to determine whether the project would impede the State of California's compliance with statutory emissions reduction mandate established by the AB 32 Scoping Plan.

35 California Legislative Information, Senate Bill No. 350 (October 7, 2015), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350.

36 Senate Bill 350 (2015–2016 Reg, Session) Stats 2015, ch. 547.

37 California Department of Fish and Wildlife, *Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan*, <https://www.wildlife.ca.gov/regions/5/newhall>.

The Court did not invalidate the BAU approach entirely, but did hold that:

*The Scoping Plan nowhere related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects and nothing Department of Fish and Wildlife or Newhall have cited in the administrative record indicates the required percentage reduction from business as usual is the same for an individual project as for the entire state population and economy.*³⁸

The California Supreme Court suggested regulatory consistency as a pathway to compliance, stating that a Lead Agency might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan, and adopted by CARB or other State agencies, a Lead Agency could appropriately rely on their use as showing compliance with performance-based standards adopted to fulfill a Statewide plan for the reduction or mitigation of GHG emissions. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including plans or regulations for the reduction of greenhouse gas emissions. Importantly, the Supreme Court also suggested "a lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions (*brightline threshold approach*)."³⁹

California Energy Commission

Building Energy Efficiency Standards

Title 24, Part 6 of the California Code of Regulations (CCR) regulates the design of building shells and building components. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The CEC adopted the 2016 Building Energy Efficiency Standards (2016 Building Standards), effective January 1, 2017. The CEC adopted the 2019 Building Energy Efficiency Standards, and became effective January 1, 2020. Two key areas specific to nonresidential development in the 2019 standards focus on nonresidential ventilation requirements and nonresidential lighting requirements.⁴⁰ Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards.

38 Center for Biological Diversity et al. v. California Department of Fish and Wildlife (2015) (62 Cal.4th 204, 195 Cal.Rptr.3d 247, 361 P.3d 342).

39 The South Coast Air Quality Management District (SCAQMD), *Interim CEQA Greenhouse Gas (GHG) Significance Thresholds*, draft guidance document (October 2008), Attachment E, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf).

40 California Energy Commission (CEC), *2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, <https://www.energy.ca.gov/title24/2019standards/>, accessed May 2020.

The CPUC, CEC, and CARB also have a shared, established goal of achieving Zero Net Energy (ZNE) for new construction in California. The key policy timelines include (1) all new residential construction in California will be ZNE by 2020, and (2) all new commercial construction in California will be ZNE by 2030.

The ZNE goal generally means that new buildings must use a combination of improved efficiency and renewable energy generation to meet 100 percent of their annual energy need, as specifically defined by the CEC:

A ZNE Code Building is one where the value of the energy produced by on-site renewable energy resources is equal to the value of the energy consumed annually by the building, at the level of a single “project” seeking development entitlements and building code permits, measured using the [CEC]’s Time Dependent Valuation (TDV) metric. A ZNE Code Building meets an Energy Use Intensity value designated in the Building Energy Efficiency Standards by building type and climate zone that reflect best practices for highly efficient buildings.⁴¹

In addition to the CEC’s efforts, in 2008, the California Building Standards Commission adopted the nation’s first green building standards. The California Green Building Standards Code (Part 11 of Title 24), commonly referred to as CALGreen, establish voluntary and mandatory standards pertaining to the planning and design of sustainable site development, energy efficiency, water conservation, material conservation, and interior air quality. CALGreen is periodically amended; the most recent 2019 standards became effective on January 1, 2020.

Appliance Standards

The CEC periodically amends and enforces Appliance Efficiency Regulations contained in Title 20 of the CCR. The regulations establish water and energy efficiency standards for both federally and non-federally regulated appliances. The most current Appliance Efficiency Regulations, dated January 2019, cover 23 categories of appliances (e.g., refrigerators; plumbing fixtures; dishwashers; clothes washer and dryers; televisions) and apply to appliances offered for sale in California.⁴²

⁴¹ CEC, 2015 Integrated Energy Policy Report (2015), p. 41.

⁴² CEC, Appliance Efficiency Standards Scheduled to Take Effect in 2019, Accessed May 2020, <http://calenergycommission.blogspot.com/2018/12/appliance-efficiency-standards.html>.

Regional and Local

Southern California Association of Governments

Sustainable Communities Strategy

The City is a member agency of the Southern California Association of Governments (SCAG). To fulfill its commitments as an MPO under the Sustainable Communities and Climate Protection Act, SCAG adopted the *2016–2040 Regional Transportation Plan/Sustain Communities Strategy* (2016–2040 RTP/SCS). The 2016–2040 RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. It is designed to reduce GHG emissions from passenger vehicles by 8 percent per capita by 2020, 18 percent by 2035, and 21 percent by 2040. The 18 percent reduction by 2035 over 2005 levels represents a 2 percent greater reduction compared to the projection contained in the 2012–2035 RTP/SCS. The 2016–2040 RTP/SCS reaffirms the land use policies that were incorporated into the 2012–2035 RTP/SCS. The SCS focuses the majority of new regional housing and job growth in high-quality transit areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs/housing balance and more opportunities for TOD. Many of Los Angeles’s transportation corridors are SCS high-quality transit areas.

The SCS identifies several GHG emission reduction actions and strategies for the State, SCAG, and local jurisdictions. The SCS recommends that local jurisdictions (1) update zoning codes to accelerate adoption of SCS land use strategies; (2) prioritize transportation investments to support compact infill development that includes a mix of land uses and housing options; (3) develop infrastructure plans and educational programs that promote active transportation options; (4) emphasize active transportation projects as part of complying with the Complete Streets Act of 2008 (AB 1358); and (5) increase the efficiency of existing transportation systems.

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) adopted a “Policy on Global Warming and Stratospheric Ozone Depletion” on April 6, 1990.⁴³ The policy commits the SCAQMD to consider global impacts in rulemaking and in drafting revisions to the Air Quality Management Plan (AQMP). In March 1992, the SCAQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include the following directives:

- Phase out the use and corresponding emissions of chlorofluorocarbons, methyl chloroform (1,1,1-trichloroethane or TCA), carbon tetrachloride, and halons by December 1995;

43 SCAQMD, “SCAQMD’s Historical Activity on Climate Change,” <http://www.aqmd.gov/nav/about/initiatives/climate-change>.

- Phase out the large quantity use and corresponding emissions of hydrochlorofluorocarbons by the year 2000;
- Develop recycling regulations for hydrochlorofluorocarbons (e.g., SCAQMD Rules 1411 and 1415);
- Develop an emissions inventory and control strategy for methyl bromide; and
- Support the adoption of a California GHG emission reduction goal.

SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds. Within its October 2008 document, SCAQMD proposed the use of a percent emission reduction target to determine significance for commercial/residential projects that emit greater than 3,000 MT of GHG per year. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects where SCAQMD is the Lead Agency.⁴⁴ The draft framework recognized the relevance of locally adopted GHG reduction plans and allowed for the utilization of such plans in the significance evaluation process. The draft framework also contemplated the use of offsets to reduce emissions. As of June 2020, SCAQMD's Governing Board has not adopted the draft staff proposal.

Coachella Valley Association of Governments

The Coachella Valley Association of Governments (CVAG) recently received a grant from the Southern California Edison Company to prepare a Regional Greenhouse Gas Inventory for the Coachella Valley in conjunction with SCAQMD.⁴⁵ This inventory provides the most recent estimate of greenhouse gas generation for each City within the CVAG planning area, the Agua Caliente Band of Cahuilla Indians, and the Cabazon Band of Mission Indians. CVAG intends to continue supporting planning for GHG reduction by pursuing additional grants to develop a model Climate Action Plan reduction plan to assist cities in the Coachella Valley served by Southern California Edison in developing individual plans.

Valley-wide Voluntary Green Building Program

The Voluntary Green Building Program was designed to help builders, developers and homeowners to go above and beyond California's Energy Code in terms of energy efficiency. As part of this Program, cities have committed to making it easier for those voluntarily participating in the Program to process their plans through the planning and building departments. The Voluntary Program and the California Building Code

44 SCAQMD, "Greenhouse Gases: CEQA Significance Thresholds," <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds>.

45 SCAQMD/CVAG, Draft Regional Greenhouse Gas Inventory for the Coachella Valley, June 2011.

are based upon standards and measurements, the Voluntary Program includes an extensive checklist of specific actions, and how they are counted toward a more energy efficient building.⁴⁶

County of Riverside

The Riverside County (County) Climate Action Plan (CAP) Update (CAP Update) integrates the County's past and current efforts with its future efforts for planning sustainability. Adopted in November 2019, the CAP Update summarizes various State and local policies that will contribute to reduce GHG emissions in the County by the year 2020 and beyond. Furthermore, the CAP Update assesses the previous GHG reduction targets identified in the 2015 CAP and proposed new targets that are consistent with the State policies in order to meet the requirements of SB 32.

The CAP Update establishes a programmatic approach to reducing GHG emissions associated with the continued growth of the County and set a framework for a comprehensive plan that addresses the GHG impacts of future development and County operations. Through the CAP Update, the County has established goals and policies that incorporate environmental responsibility into its daily management of residential, commercial and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitats.

As part of the CAP, the County of Riverside published a guidance document entitled "Greenhouse Gas Emissions, Screening Tables, County of Riverside, California." As part of this guidance, the County established a threshold of GHG emission levels required for analysis: the Screening Tables or alternate emissions analysis method. The County determined that projects with emission less than 3,000 metric tons of MTCO₂e per year, when combined with modest energy efficiency measures provided below are considered less than significant and do not need to use the Screening Tables or alternative GHG mitigation analysis:⁴⁷

- Energy efficiency matching or exceeding the Title 24 requirements in effect as of January 2017; and
- Water conservation measures that match the California Green Building Standards Code in effect as of January 2017.

46 CVAG, A Guide to the Valley-Wide Voluntary Green Building Program, accessed May 2020, https://www.cvag.org/library/pdf_files/enviro/Voluntary%20Green%20Building%20Program%20Guide.pdf.

47 County of Riverside, *Climate Action Plan Update*, November 2019, accessed May 2020, https://planning.rctlma.org/Portals/14/CAP/2019/2019_CAP_Update_Full.pdf

City of Rancho Mirage

Rancho Mirage Energy Action Plan

The City's Energy Action Plan (ePlan) provides a roadmap of actions within the City's Municipal operations, to help reduce energy consumption, to reduce operation costs and increase energy awareness. However, the ePlan focuses on municipal energy use and opportunities for the City to lead by example to influence community-wide behavior. The ePlan's goals focuses on three areas: retrofit and expansion of municipal facilities, upgrading the municipal fleet and consideration of municipal programs and actions that will help reduce municipal and community-wide energy use and GHG emissions.⁴⁸

Rancho Mirage Sustainability Plan

In March 2013, the City adopted the 2013 Sustainability Action Plan: Leadership in Energy Efficiency (Sustainability Plan) in order to set GHG reduction goals and measures. The Sustainability Plan (GHG Reduction Plan) is a framework for the documenting and implementation of policies and programs that will reduce the City's GHG emissions, working towards the Statewide target of 1990 levels by 2020, set by AB 32. For the City to achieve this goal, it would have to reduce emissions by 54,272 MTCO₂e, a 19.8 percent reduction. The measures presented within the Sustainability Plan will reduce City's GHG emissions by 60,411, which is an additional 6,139 MTCO₂e over the targeted amount.

The Sustainability Plan targets key areas for advancing sustainability. These areas, represented as spheres of activity related to daily activities include:⁴⁹

- **Where We Live (LIVE)**: Focuses on house energy and water conservation and efficiency, waste management and recycling, renewable energy systems, and community education.
- **Where We Work (WORK)**: Focuses on workplace energy and water conservation and efficiency, materials management and recycling, and transportation and telecommuting.
- **How We Build (BUILD)**: Focuses on green building materials, codes and standards, land use policy, renewable energy system integration, and lighting, HVAC systems etc.
- **How We Get Around (MOBILITY)**: Looks at alternative fuels, trip reduction and optimization, biking and walking, transit-oriented development and infrastructure, and efficient driving habits.
- **How We Govern (GOVERN)**: Discusses energy management, land use policies, codes, and ordinances, economic development, and regional collaboration.

48 City of Rancho Mirage, Rancho Mirage Energy Action Plan, March 2013, accessed May 2020, <https://ranchomirageca.gov/wp-content/uploads/2019/01/Energy-Action-Plan.pdf>.

49 City of Rancho Mirage, Rancho Mirage Sustainability Plan, March 2013, accessed May 2020, <https://ranchomirageca.gov/wp-content/uploads/2019/01/Sustainability-Plan.pdf>

- **Where We Visit and Play (RECREATE)**: Discusses spa resorts, hotels, and restaurants, golf courses and parks, desert-appropriate landscaping, water efficiency, and enhanced visitor transportation.
- **How We Teach and Learn (LEARN)**: Focuses on student education, community centers and youth programs, workforce development, and demonstration projects and community outreach.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

To assist in determining whether the proposed Project would have a significant effect on the environment, the City finds the proposed Project may be deemed to have a significant impact related to GHG emissions if it would:

Threshold 5.4-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Threshold 5.4-2: Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Pursuant to State CEQA Guidelines Section 15064.4, the methods suitable for analysis of GHG emissions are:

1. Use a model or methodology to quantify greenhouse gas emissions resulting from a project. The Lead Agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The Lead Agency should explain the limitation of the particular model or methodology selected for use.
2. Rely on a qualitative analysis or performance-based standards.

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. Nor have SCAQMD, OPR, CARB, CAPCOA, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the Project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on its consistency with Statewide, regional, and local plans adopted for the purpose of reducing and/or mitigation GHG emissions. This evaluation of consistency with such plans is the sole basis for determining the significance of the Project's GHG-related impacts on the environment.

South Coast Air Quality Management District Efficiency Measures

In April 2008, SCAQMD convened a Working Group to develop GHG significance threshold. On December 5, 2008, the SCAQMD Governing Board adopted its staff proposal for an interim CEQA GHG significance criteria for industrial stationary source projects where the SCAQMD is the lead agency. As to all other projects, where the SCAQMD is not the lead agency, the Board has, to date, not adopted any thresholds. The Working Group has not convened since the fall of 2010 and there is no plan to recommence the process. The proposed approach includes a tiered series of thresholds to be applied based on the amount of GHG emissions generated by a proposed project and the type of project, as described below:

- Tier 1:** Does the project qualify for any applicable statutory or categorical exemption under CEQA? If yes, no further action is required, and climate change impacts would be less than significant.
- Tier 2:** Is the project consistent with a GHG reduction plan? (The project must be consistent with CEQA Guidelines Sections 15064(h)(3), 15125(d), or 15152(s).) If yes, there is a presumption of less than significant impacts with respect to climate change.
- Tier 3:** Is the project's incremental increase in GHG emissions below or mitigated to less than the significance screening level (10,000 MTCO₂E per year for industrial projects; 3,000 MTCO₂E for residential projects/commercial projects; 3,500 MTCO₂E for mixed use projects)? If yes, there is a presumption of less than significant impacts with respect to climate change.
- Tier 4:** Does the project meet one of the following performance standards? If yes, there is a presumption of less than significant impacts with respect to climate change.

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

Option #2: For individual projects, achieve a project-level efficiency target of 4.8 MTCO₂E per service population by 2020 or a target of 3.0 MTCO₂E per service population by 2035. For plans, achieve a plan-level efficiency target of 6.6 MTCO₂E per service population by 2020 or a target of 4.1 MTCO₂E per service population by 2035.

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

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

Although not directly applicable to the Project, the SCAQMD recommendations provide useful mechanisms for evaluating GHG emissions. The SCAQMD Tier 1 does not apply to the proposed Project because the City has elected to prepare an Environmental Impact Report. Although the City has an adopted Sustainability Plan which is consistent with AB 32, the Sustainability Plan is not a CEQA certified document. Thus, the SCAQMD Tier 2 does not apply to the proposed Project. The SCAQMD Tier 3 option does apply to the Project because it is considered a commercial project and is estimated to generate emissions below the 3,000 MTCO₂e per year threshold. The SCAQMD Tier 4 does not apply to the proposed Project because there are currently no performance thresholds to measure against. The SCAQMD Tier 5 does not apply because no off-site mitigation is proposed for the Project.

Riverside County CAP

The County has a CAP that addresses GHG emissions reduction in concert with AB 32. The CAP provides a methodology for determining whether implementation of a project will result in significant GHG emissions and air quality impacts. As previously discussed, the SCAQMD unofficially recommended a 3,000 MTCO₂e initial screening threshold for individual projects. This screening criterion was incorporated into the CAP but does not apply to large-scale developments. For those projects exceeding the 3,000 MTCO₂e screening criterion, or those that are too large to evaluate against a simple metric, the CAP offers the screening table assessment to demonstrate compliance with AB 32.

The screening table method assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as “feature”). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development projects can implement the GHG reduction measures. Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the County’s CAP. As such, those projects that garner a total of 100 points or greater would not require quantification of project-specific GHG emissions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

Consistency Analysis

For purposes of assessing consistency with, applicable plans, policy, or regulations, the SCAG RTP/SCS GHG emission reduction plan for land use and transportation emissions is the applicable plan in assessing whether the project conflicts with an applicable plan adopted for the purpose of reducing GHG emissions.

The OPR encourages lead agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

The Project's GHG impacts are evaluated by assessing the Project's consistency with applicable Statewide, regional, and local GHG reduction plans and strategies. The City's Sustainability Plan summarizes policies that support the City's GHG reduction measures and won't contribute to GHG reductions and sustainable practices.

On a regional level, the SCAG 2016 RTP/SCS contains measures to achieve VMT reductions required under SB 375. Thus, if the Project complies with these plans, policies, regulations, and requirements, the Project would result in a less than significant impact because it would be consistent with the overarching State, regional, and local plans for GHG reduction.

Methodology

Methodologies for Evaluating Significance

The analysis of the Project's GHG emissions consists of a quantitative analysis of the GHG emissions generated by the Project and a qualitative analysis of the Project's consistency with adopted GHG-related legislation, plans, and policies. This approach is in accordance with CEQA Guidelines Section 15064.4(a), which affirms the discretion of a lead agency to determine, in the context of a particular project, whether to use quantitative and/or qualitative methodologies to determine the significance of a project's impacts.

Emissions Inventory Modeling

The California Emissions Estimator Model Version 2016.3.2, known as CalEEMod, is the CARB-approved computer program model recommended by SCAQMD for use in the quantification of air quality emissions, including GHG emissions. CalEEMod was developed under the auspices of SCAQMD, with input from other California air districts. CalEEMod utilizes widely accepted models for emissions estimates combined with appropriate data that can be used if site-specific information is not available. For example, CalEEMod incorporates USEPA-developed emission factors; CARB's on-road and off-road equipment emission models, such as EMFAC and OFFROAD;⁵⁰ and studies commissioned by other California agencies, such as the CEC and CalRecycle. Proposed Project development would generate GHG emissions from a number of individual sources during both construction and postconstruction (operational) use of the buildings and

50 EMFAC is an emissions factor model used to calculate emissions rates from on-road vehicles (e.g., passenger vehicles; haul trucks). OFFROAD is an emissions factor model used to calculate emission rates from off-road mobile sources (e.g., construction equipment). CalEEMod version 2016.3.2 utilizes CARB's 2014 version of EMFAC.

related activities (e.g., landscape maintenance). These individual sources collectively are hereafter referred to as the proposed Project's GHG emissions inventory.

CalEEMod version 2016.3.2 was used to quantify the Project's GHG emissions. CalEEMod provides a platform to calculate both construction emissions and operational emissions from a land use development project. The following GHG emission sources covered by CalEEMod model include:

- One-time construction emissions associated with grading, utility installation, building construction, application of architectural coatings (e.g., paint), and paving from emission sources that include both off-road construction equipment and on-road mobile equipment associated with workers, hauling, and the delivery of construction materials to the Project Site. Construction emissions associated with dust control and disposal of waste at landfills were also included.
- Operational emissions associated with the occupancy of development, such as on-road mobile vehicle traffic generated by the land uses; off-road emissions from landscaping equipment; energy (i.e., electricity and natural gas) and water usage in the buildings.

In calculating mobile-source emissions, CalEEMod calculates the emissions associated with on-road mobile sources associated with workers, customers, and delivery vehicles visiting the proposed land use. The emissions associated with on-road mobile sources includes running and starting exhaust emissions, evaporative emissions, brake and tire wear, and fugitive dust from paved and unpaved roads. Starting and evaporative emissions are associated with the number of starts or time between vehicle uses. All of the other emissions are dependent on vehicle miles traveled (VMT). More specifically, in CalEEMod, emission factors of running emissions for all pollutants and particulate matter (PM) emissions from tire and brake wear are units of grams per vehicle miles traveled (g/VMT). For all other emission types, the emission factors are in units of g/trip and these emission factors were derived as total emissions divided by the total number of trips.

GHG Emissions from Idling

With respect to emission rates, CalEEMod incorporates EMFAC2014 emission rates by vehicle class and vehicle process. Specific CO₂ emissions, EMFAC and subsequently CalEEMod take into account the following emission processes related to CO₂ on an annual basis:

- **Start Exhaust:** Extra emissions that occur when starting a vehicle.
- **Idle Exhaust:** Emissions occur during extended idling events or when the vehicle is not operating any significant distance.
- **Run Exhaust:** Emissions occur when traveling on the road, including at speed and idling as part of normal driving.

Emission rates are defined in terms of gram per vehicle mile for Run Exhaust, gram per vehicle idle hour for Idle Exhaust, and gram per vehicle start for Start Exhaust. CalEEMod includes the EMFAC emission rates for annual CO₂ for Run Exhaust and Start Exhaust for light duty automobiles and trucks, but not for Idle Exhaust. It would be speculative to determine the number of vehicle starts while idling through the drive-through or the length of time idling. As indicated in the CalEEMod output files, the Run Exhaust emission rate is substantially higher for each vehicle class than the Start Exhaust or Idle Exhaust for larger vehicles. As such, for purposes of this analysis, the Run Exhaust emission rate is utilized to provide additional clarification regarding the Project's GHG emissions while idling at the Project Site.

Riverside County CAP

The County determined the development size that would be too small to be able to provide the level of GHG emission reductions expected from the Screening Tables or the alternative emission analysis method. To do this the County determined the GHG emissions allowed by a project such that 90 percent of the emissions on average from all projects would exceed that level and "captured" by the Screening Tables or alternative emission analysis method.

As explained previously, the 3,000 MTCO₂e per year value is used in defining small projects that, when combined with the modest efficiency measures are considered less than significant and do not need to use the Screening Tables or alternative GHG mitigation analysis. As such, further project-specific GHG quantification is not required. Consistent with the CEQA guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

Project Impacts

Threshold 5.4-1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction

Construction activity impacts are relatively short in duration, they contribute a relatively small portion of the total lifetime GHG emissions of a project. The combustion of fossil fuels in construction equipment results in GHG emissions of CO₂ and smaller amounts of CH₄ and N₂O. Emissions of GHG would also result from the combustion of fossil fuels from haul trucks and vendor trucks delivering materials, and construction worker vehicles commuting to and from the Project Site. Typically, light-duty and medium-duty automobiles and trucks would be used for worker trips and heavy-duty trucks would be used for vendor trips. The vast majority of motor vehicles used for worker trips rely on gasoline as an energy source while motor vehicles used for vendor trips would primarily rely on diesel as an energy source. In addition, GHG emissions-reduction measures for construction equipment are relatively limited. Therefore, in its *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Thresholds*, the SCAQMD

recommends that construction emissions be amortized over a 30-year project lifetime so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies.

Construction assumptions used in the analysis of GHG emissions conservatively assume that the Project would be constructed with the most intensive activities occurring on a daily basis. The total emissions from construction of the Project are shown in **Table 5.4-4: Construction Annual Greenhouse Gas Emissions**.

Table 5.4-4
Construction Annual Greenhouse Gas Emissions

Year ^a	MTCO ₂ e
OVERALL TOTAL	77
30-Year Annual Amortized Rate	3

*Source: Refer to **Appendix D**, Section 2.1 Overall Construction*

Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.

GHG = greenhouse gas; MTCO₂e = metric tons of carbon dioxide equivalent

As recommended by SCAQMD, the total GHG construction emissions were amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions were divided by 30 to determine annual construction emissions estimate that can be added to the Project's operational emissions) in order to determine the Project's annual GHG emissions inventory.⁵¹ Total GHG emissions from the construction activities are 77 MTCO₂e. The total GHG emissions were amortized over 30-year project lifetime at 3 MTCO₂e per year.

Operation

Emissions from mobile and area sources and indirect emissions from energy and water use, wastewater, as well as waste management would occur every year after buildout. This section addresses operational GHG emissions.

Area Sources

The area source GHG emissions resulting from the proposed Project are primarily generated from landscaping-related fuel combustion sources, such as lawn mowers. GHG emission due to natural gas combustion in buildings are excluded from area sources since they are included in the emissions associated with building energy use.

⁵¹ SCAQMD Governing Board Agenda Item 31, December 8, 2008.

Consumer products are various solvents used in nonindustrial applications which emit Reactive Organic Gases (ROGs) during their product use. Consumer products to be used by the proposed fast food restaurant include cleaning supplies, kitchen aerosols, cosmetics, and toiletries. The proposed building is assumed to be repainted at a rate of 10 percent of area per year. This is based on the assumptions used by SCAQMD. However, CalEEMod does not consider architectural coatings and consumer products to be sources of GHG.

The GHG emissions for the proposed Project were calculated using CalEEMod. CalEEMod defaults were used for landscape maintenance emissions. Area source emissions are shown in **Table 5.4-5: Area Source Greenhouse Gas Emissions**. As shown in **Table 5.4-5**, Project emissions would result in less than 1 MTCO₂e per year from area sources.

Table 5.4-5
Area Source Greenhouse Gas Emissions

Source	Unmitigated MTCO ₂ e per year
Architectural Coating	0
Consumer Products	0
Landscaping	<1
TOTAL	<1

Source: Refer to **Appendix D** for Greenhouse Gas Emission Output.

Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Energy Sources

GHGs are emitted as a result of activities in buildings when electricity and natural gas are used as energy sources. Combustion of any type of fuel emits CO₂ and other GHGs directly into the atmosphere; when this occurs in a building, it is a direct emission source associated with that building. GHGs are also emitted during the generation of electricity from fossil fuels. When electricity is used in a building, the electricity generation typically takes place off-site at the power plant; electricity use in a building generally causes emission in an indirect manner.

Estimated emissions from the combustion of natural gas and other fuels from the implementation of the Project are calculated using the CalEEMod emissions inventory model, which multiplies an estimate of the energy usage by applicable emissions factors chosen by the utility company. GHG emissions from electricity use are directly dependent on the electricity utility provider. In this case, GHG intensity factors for Southern California Edison were selected in CalEEMod. Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building, such as plug-in appliances. CalEEMod calculates energy use from systems

covered by Title 24 (e.g., heating, ventilation, and air conditioning [HVAC] system, water heating system, and lighting system); energy use from lighting; and energy use from restaurant related equipment, appliances, plug-ins, and other sources not covered by Title 24 or lighting.

Energy source emissions are shown in **Table 5.4-6: Energy Source Greenhouse Gas Emissions**. As shown in **Table 5.4-6**, the Project would result in 61 MTCO₂e per year for electricity and 59 MTCO₂e per year for natural gas. Therefore, the total energy source emissions for the Project would be 120 MTCO₂e per year.

Table 5.4-6
Energy Source Greenhouse Gas Emissions

Land Use	Electricity	Natural Gas
	Unmitigated MTCO ₂ e per year	Unmitigated MTCO ₂ e per year
High Turnover (Sit Down Restaurant)	61	59
Parking	0	0
TOTAL	61	59

Source: Refer to **Appendix D** for Greenhouse Gas Emission Output.

Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Mobile Sources Emissions

Vehicle trips generated by growth within the Project Site vicinity would result in operational emissions through the combustion of fossil fuels. CO₂ emissions were determined based on the trip rates from the Traffic Impact Analysis Report (refer to **Appendix H** of this Draft EIR). The trip rate takes into account internal and external trips. The City is served by multiple transit operators, specifically within the vicinity of the Project Site, with networks connecting different communities within and outside of City boundaries. The primary transit operator is SunLine Transit Authority, which provides local transit throughout Coachella Valley, including the City and the City of Palm Desert. As shown in **Table 5.4-7: Mobile Source Greenhouse Gas Emissions**, the Project's mobile source emissions would result in 2,252 MTCO₂e per year.

To calculate the idling emissions using the Run Exhaust emission rate, it was conservatively assumed that all 3,045 daily vehicle trips (not taking into account pass-by reductions) would occur at the drive-through 365 days out of the year. The drive-through trip length is estimated at 0.18 miles in length.⁵² Accordingly, the Project would generate approximately 200,057 VMT per year at the drive-through.⁵³

⁵² Distance includes entry/exit to/from the Project Driveway.

⁵³ 3,045 daily trips x 0.18 miles in length x 365 days per year = 200,057 vehicle miles travelled.

The average EMFAC Run Exhaust emission factor of the vehicles to likely access the site is multiplied with the VMT at the drive-through and converted to metric tons of carbon dioxide equivalent resulting in an additional 96 MTCO₂e/year of GHG emissions while idling.

Table 5.4-7
Mobile Source Greenhouse Gas Emissions

Source	Unmitigated MTCO ₂ e per year
Mobile (trips)	2,252
Mobile (idling)	96
TOTAL	2,348

Source: Refer to **Appendix D** for Greenhouse Gas Emission Output.

Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Solid Waste Emissions

Solid waste generation and associated emissions are calculated based on the square footage of the Project Area, using default data found in CalEEMod for the proposed land uses. Disposal of organic waste in landfills can lead to the generation of CH₄, a potent GHG. By generating solid waste, the Project would contribute to the emission of fugitive CH₄ from landfills, as well as CO₂ and N₂O from the operation of trash collection vehicles. As shown in **Table 5.4-8: Solid Waste Source Greenhouse Gas Emissions**, GHG emissions resulting from solid waste would be 24 MTCO₂e per year.

Table 5.4-8
Solid Waste Source Greenhouse Gas Emissions

Land Use	Unmitigated MTCO ₂ e per year
High Turnover (Sit Down Restaurant)	24
TOTAL	24

Source: Refer to **Appendix D** for Greenhouse Gas Emission Output.

Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Water Consumption and Wastewater Emissions

California's water conveyance system is energy intensive, with electricity used to pump and treat water. The Project will result in indirect GHG emissions due to water consumption and wastewater generation. Water consumption and wastewater generation, and their associated emissions, are calculated based on the square footage of the Project Site, using CalEEMod data. As shown in **Table 5.4-9: Water Source**

Greenhouse Gas Emissions, the Project's water and wastewater GHG emissions would be 7 MTCO₂e per year.

Table 5.4-9
Water Source Greenhouse Gas Emissions

Land Use	Unmitigated MTCO ₂ e per year
High Turnover (Sit Down Restaurant)	7
TOTAL	7

Source: Refer to **Appendix D** for Greenhouse Gas Emission Output.

Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Total Emissions

As shown in **Table 5.4-10: Operational Greenhouse Gas Emissions**, the Project would result in a total of 2,501 MTCO₂e per year and would not exceed the County's CAP regional thresholds of 3,000 MTCO₂e per year nor would it exceed the SCAQMD's significance threshold when it is the Lead Agency.

Table 5.4-10
Operational Greenhouse Gas Emissions

Source	Unmitigated MTCO ₂ e per year
Construction (amortized)	3
Area	<1
Energy	119
Mobile (trips)	2,252
Mobile (idling)	96
Waste	24
Water	7
TOTAL	2,501
Exceed 3,000 MTCO₂e per year Threshold?	NO

Source: CalEEMod Emissions calculations are provided in **Appendix D: Greenhouse Gas Emissions Model Output**.

Note: Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Abbreviation: MTCO₂e = metric tons of carbon dioxide emissions.

As such, further project-specific GHG quantification would not be required. It is important to note, the Project would incorporate energy and water efficiency design features to enhance efficiency in all aspects of the building life cycle. These designs would increase the structures' energy efficiency, water efficiency,

and overall sustainability. The Project would meet Title 24 energy requirements consistent with commercial features. Through this compliance the proposed Project's GHG emissions would be reduced by increasing energy-efficiency, reducing indoor and outdoor water demand, installing energy-efficient equipment, and complying with California Title 24 Building Energy Efficiency Standards, as amended by the City.

Additionally, the Project characteristics listed below are consistent with the CAPCOA guidance document, *Quantifying Greenhouse Gas Mitigation Measures*. Measures applicable to the Project and a brief description of the Project's relevance to the measure is provided.

- **CAPCOA Measure SDT-3—Implement a Neighborhood Electric Vehicle Network:** The Project would be required to adhere to zoning requirements regarding installation of EV charging stations by providing the required two (2) EV parking spaces.
- **CAPCOA Measure WUW-3—Design Water-Efficient Landscapes:** The landscaping utilized for the Project draws from the natural desert context of the City using desert and low-water-use plant materials. The proposed Project would provide 18,819 Through this compliance the proposed Project's GHG emissions would be reduced by increasing energy-efficiency, installing energy-efficient equipment, thus complying with California Title 24 Building Energy Efficiency Standards, as amended by the City. Additionally, the Project would be required to adhere to zoning requirements regarding installation of EV charging stations by providing the required two (2) EV parking spaces. The Project would be consistent with the City's ePlan through compliance and adherence to local regulations.

The City's Energy Action Plan coincides with the City's Sustainability Plan by complementing the energy savings strategies in the ePlan and factor emissions reduction opportunities into a more comprehensive analysis.

Rancho Mirage Sustainability Plan

The Rancho Mirage Sustainability Plan summarizes key general plan policies that support the City's GHG reduction measures and would contribute to GHG reductions and sustainable practices in the City. The Project would promote sustainable and energy efficient development by conforming to the energy-related systems under the scope of the California Energy Code and prominent sustainability features consistent with CALGreen requirements. This includes systems and controls for HVAC, indoor lighting systems and controls, as well as water heating system and controls, and building design to be solar ready consistent with How We Build (BUILD) measure BUILD-2 and BUILD-3.

Through this compliance the proposed Project's GHG emissions would be reduced by increasing energy-efficiency, reducing indoor and outdoor water demand consistent with Where We Work (WORK) measure WORK-12, installing energy-efficient equipment, and complying with California Title 24 Building Energy Efficiency Standards, as amended by the City. The proposed Project would also meet the mandatory

measures of the CALGreen Code as amended by the City by incorporating strategies such as low-flow toilets, low-flow faucets, and other energy and resource conservation measures. The HVAC system would be sized and designed in compliance with the CALGreen Code to maximize energy efficiency caused by heat loss and heat gain. The Project would promote sustainable and energy efficient development by utilizing LED light fixtures for outdoor lighting infrastructure for energy efficient lighting WORK-3 measure. Additionally, the proposed Project would be designed to minimize peak energy demand consistent with WORK-2 measure. Operational characteristics include food waste composting consistent with WORK-9 measure.

Consistent with How We Get Around (MOBILITY) measures, the Project would be required to adhere to zoning requirements regarding installation of EV charging stations by providing the required two (2) EV parking spaces (MOBILITY-4). Pedestrian circulation would be provided via existing public sidewalks along Highway 111, Magnesia Falls Drive and Bob Hope Drive within the vicinity of the proposed Project frontage, which would connect to the Project's internal walkways. The Project would maintain the existing sidewalk along project frontage. The existing sidewalk system within the proposed Project vicinity provides direct connectivity to the adjacent existing residential community, commercial development and public transit along Highway 111 consistent with MOBILITY-6 measure.

As such, the Project would be consistent with the City's Sustainability Plan through compliance and adherence to local regulations.

SCAG RTP/SCS 2016 – 2040

The 2016 RTP/SCS is expected to help SCAG reach its GHG reduction goals, as identified by CARB, with reductions in per capita passenger vehicle GHG emissions of 8 percent by 2020 and 18 percent by 2035.⁵⁴ Furthermore, although there are no per capita GHG emission reduction targets for passenger vehicles set by CARB for 2040, the 2016 RTP/SCS GHG emission reduction trajectory shows that more aggressive GHG emission reductions are projected for 2040.⁵⁵

The 2016 RTP/SCS provides socioeconomic forecast projections of regional population growth. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the specific area; these are used by SCAG in all phases of implementation and review. According to SCAG, Rancho Mirage had an employment population of 12,300 in 2012 and is forecasted to increase to 20,500 in 2040. The proposed Project would provide approximately 40 employees, which would represent a less than 1 percent increase in forecasted employment and would

54 CARB, *Regional Greenhouse Gas Emission Reduction Targets Pursuant to SB 375*, Resolution 10-31.

55 SCAG, *Final 2016–2040 RTP/SCS*, April 2016, p. 153.

not represent a substantial increase in the employment and indirect population of the area. Accordingly, impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant GHG impacts are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

To achieve Statewide goals, CARB is continuing its ongoing process of updating, establishing and implementing regulations to reduce Statewide GHG emissions. Currently, no applicable quantitative significance thresholds or specific reduction targets exist to assist in determining significance at the project or cumulative level. Additionally, currently no generally accepted methodology exists to determine whether GHG emissions associated with a specific project represent new emissions or existing and/or displaced emissions. Therefore, consistent with CEQA Guidelines Section 15064h(3), the City as a lead agency, has determined that the proposed Project's contribution to cumulative GHG emissions would be less than significant if the proposed Project is consistent with the applicable regulatory plans and policies to reduce GHG emissions in 2020, 2030, and/or 2050. Accordingly, the analysis above took into account the potential for the proposed Project to contribute to the cumulative impact of global climate change. As stated above, the proposed Project would not result in a potentially significant impact because it would be consistent with the applicable regulations, plans, and policies to reduce GHG emissions in 2020, 2030, and/or 2050 and impacts would be less than significant.

Related projects would generate both construction and operational GHG emissions during the life of each project. Given that the proposed Project would not have a potentially significant impact to GHG emissions, the proposed Project's contribution to cumulative impacts is not considered a significant impact.

C. MITIGATION MEASURES

Impacts related to greenhouse gas emissions are less than significant and no mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to greenhouse gas emissions would remain less than significant.

5.5 HYDROLOGY AND WATER QUALITY

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact hydrology and water quality conditions in a local and regional context. More specifically, this section evaluates the Project's potential impacts that may potentially affect the regional and local water quality, surface water hydrology, groundwater hydrology, environmental degradation, and public health and safety. Various federal, State of California (State), regional, and local programs and regulations related to anticipated surface water hydrology, groundwater, and water quality impacts are also discussed in this section. Information from the following study and plan for the INO Burger Restaurant Project Site (Project Site) are incorporated into this section:

- *Hydrology Study and WQMP Compliance*, MSL Engineering, October 21, 2019.
- Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Complete copies of this study are included in the **Appendix E: Hydrology Reports** to this Draft EIR as **Appendix E.1: Hydrology Study and WQMP Compliance** and **Appendix E.2: Storm Water Pollution Prevention Plan**.

Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Regional Hydrological Conditions

The Coachella Valley Water District (CVWD) is the local jurisdiction and delivers irrigation and domestic (drinking) water, collects, and recycles wastewater, provides regional stormwater protection, replenishes the groundwater basin, and promotes water conservation. It operates and maintains approximately 135 miles of multiple stormwater protection facilities in the region. Additionally, CVWD is involved with regional stormwater and flood protection, including planning, maintenance, and construction of drainage improvements for regional flood control facilities, as well as watershed and watercourse protection related to these facilities.

The Coachella Valley Planning Area is located in the East Salton Sea Watershed and the Whitewater River Watershed, under the jurisdiction of the California Regional Water Quality Control Board (RWQCB), Colorado River Basin Region (Region 7) of the State Water Resources Control Board (SWRCB). Region 7 covers approximately 13,000,000 acres (20,000 square miles) in the southeastern portion of California. A watershed is a geographic area that drains into a specified point on a watercourse, usually a confluence of streams or rivers. Watersheds (also referred to as drainage areas, catchments, or river basins) are usually bordered and separated from other watersheds by mountain ridges or other naturally elevated areas. The Whitewater River Watershed boundaries to the north and northwest by the mountain ranges of the

Colorado Desert, the San Bernardino Mountains, Little San Bernardino Mountains, and Indio Hills. The Watershed boundaries to the east and south are met by the Mecca Hills, Orocopia Mountains, the Salton Sea, and Santa Rosa Mountains. The western boundary is generally defined by the San Jacinto Mountains. As previously stated, the surface drainage within this watershed drains to the Salton Sea.

According to Federal Emergency Management Agency's (FEMA) flood zone map, provided in the Rancho Mirage 2017 General Plan Update, a portion of the City is designated in FEMA designated Zone A and X. Zone A is a special flood hazard area inundated by 100-year floods. Zone X flood zones are areas of 500-year flood; areas of 100-year flood with average depth of less than one foot or with drainage areas less than one square mile; and areas protected from 100-year flood by levees. These zones are located at the base of the Santa Rosa Mountains and expands towards the center of the City. The Project Site is located in a FEMA designated Zone X flood zone, which are areas determined to be outside the 0.2 percent annual chance floodplain.

The Project Site is located in the central portion of the Coachella Valley in the City of Rancho Mirage (City) within Riverside County (County), California. The Coachella Valley is a low valley between the Little San Bernardino Mountains to the north, the Santa Rosa Mountains to the south, and the San Jacinto Mountains to the west. The valley is part of the Colorado Desert Geomorphic Province, an area that includes both sides of the lower Colorado River and the Coachella and Imperial Valleys of California. The topography of the Coachella Valley influences the climatic and hydrologic conditions in the region. The various mountain ranges captures the precipitation from strong Pacific storms that pass through and separate the semi-arid environment to the west from the dry, desert regions to the east. Most of the precipitation occurs during the winter months, primarily between November and March. However, high intensity, short duration tropical storms emanating from the south can occur during the summer months of July through September. A constructed downstream extension of the Whitewater River is the Coachella Valley Stormwater Channel, which is a drainage course for irrigation return flows, treated community wastewater, and stormwater runoff.¹ Ultimately, surface water drainage eventually empties into the Salton Sea.

Drainage

Regional drainage in the Coachella Valley consists of seasonal precipitation and the snowmelt from the San Bernardino and San Jacinto Mountains. Drainage in the Coachella Valley is primarily conveyed through the northwest–southeast trending drainage course, the Whitewater River. The Whitewater River is typically a channelized desert dry wash, that flows only in periods of intense rain. However, because of diversions and percolation into the basin, the Whitewater River becomes dry further downstream.

1 California State Water Resources Control Board, *Water Quality Control Plan, Colorado River Basin—Region 7*, amended August 2017, accessed April 2020, available at https://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/.

CVWD operates and maintains the stormwater facilities throughout the Coachella Valley. These facilities include the Whitewater River Stormwater Channel, Coachella Valley Stormwater Channel, West and East side dike systems, fifteen Cove Community channels from Rancho Mirage to La Quinta, Cove Community basins, East Valley stormwater channels in the agricultural areas, and detention channels that drain water impounded behind the dikes.²

Groundwater

Groundwater is the primary source of municipal water supply in the Coachella Valley, underlain by the Coachella Valley groundwater basin. The California Department of Water Resources (DWR) and the United States Geological Survey (USGS) established subbasins and associated subareas within the Coachella Valley. The four subbasins include the Mission Creek Subbasin, Desert Hot Springs Subbasin, Garnet Hill Subbasin, and the Whitewater River Subbasin (also referred to as the Indio Subbasin). The Whitewater River Subbasin extends from Whitewater in the northwest to the Salton Sea in the southeast. The Whitewater River Subbasin is then subdivided into four subareas which include: Palm Springs subarea, Thousand Palms subarea, Oasis subarea, and Thermal subarea. The Project is located in the Thermal subarea within the Whitewater River Subbasin.³

The Coachella Valley is geographically separated into a western and eastern portion. The Project Site is located in the western portion of the Coachella Valley. Soils in the western Coachella Valley primarily consist of sands and gravel, which allow surface water to percolate to the groundwater aquifer. The only outlets for groundwater in the Coachella Valley are through subsurface outflow under the Salton Sea or through collection in drains and transport to the Salton Sea via the Coachella Valley Stormwater Channel (CVSC).

CVWD obtains groundwater from both Whitewater River and Mission Creek Subbasins, which is shared between CVWD, Desert Water Agency (DWA), Myoma Dunes Water Company, the cities of Indio and Coachella, and numerous private groundwater producers. Both CVWD and DWA have legal authority under the 1992 CVWD-DWA Water Management Agreement to manage the groundwater basins within their respective service areas. Each agency may levy an assessment on groundwater pumping to finance the acquisition of imported and recycled water supplies and to recharge the groundwater basins, in accordance with legal requirements.

2 Coachella Valley Water District (CVWD), "Stormwater Protection & Flood Control," accessed April 2020, <http://www.cvwd.org/165/Stormwater-Protection-Flood-Control>.

3 CVWD, *2015 Urban Water Management Plan Final Report* (July 1, 2016), accessed May 2020, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/516>

Groundwater Supplies and Hydrology

Groundwater is the main source of water supply in the Coachella Valley. Since the demand for groundwater is higher than the natural rate of replenishment, water is imported to recharge the aquifer in order to reduce groundwater overdraft. DWR Bulletin 108 (1964) and Bulletin 118 (2003) are the most current bulletins published by DWR that specifically investigate the aquifer in the Coachella Valley. In Bulletin 108, DWR noted that the amount of usable supply in the over-drafted aquifer was decreasing, while Bulletin 118 stated that overdraft remains a “primary challenge” in the aquifer. Outflows from the basin consist of pumping, flows to agricultural drainage system, evapotranspiration by native vegetation and subsurface outflow to the Salton Sea.

Historical overdraft in the Coachella Valley had caused groundwater levels to decline in many portions of the East Valley from La Quinta to the Salton Sea, which raised concerns about water quality degradation and land subsidence. Groundwater levels in the West Valley from Palm Springs to La Quinta had also decreased substantially, except in areas adjacent to and down-gradient of the Whitewater River Recharge Facility, where artificial recharge has successfully raised water levels. The Coachella Valley Groundwater Basin is presently not in overdraft due to active management of the Basin through Coachella Valley Water Management Plan programs like the Groundwater Replenishment Program and nonpotable supply to golf courses on private groundwater wells.⁴

The City is generally served by the Whitewater River Subbasin. Other sources of domestic water supply include surface run-off from the local mountains and imported water from the Colorado River aqueduct and the State Water Project (SWP). The SWP water supply is limited to groundwater replenishment purposes only.

The Sustainable Groundwater Management Act (SGMA) requires the development of groundwater sustainability plans (GSPs) for all basins designated medium- and high-priority by the DWR, mandates the creation of local groundwater sustainability agencies (GSAs) to develop and implement the plans, and outlines the guidelines and schedule for complying with the SGMA. The DWR has designated the Whitewater Subbasin, for which the City overlies, as a medium-priority subbasin not in critical overdraft.⁵ CVWD is the exclusive GSA over the Whitewater Subbasin.

4 CVWD, *2015 Urban Water Management Plan Final Report* (July 1, 2016), accessed April 2020, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/516>.

5 CVWD, *2020-2021 Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020).

Groundwater Quality

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

Due to the California Safe Drinking Water Act, the State Water Resources Control Board Division of Drinking Water (DDW) and USEPA require routine and comprehensive monitoring of the drinking water supply. In accordance with the Safe Drinking Water Act, CVWD employees routinely monitor the public water systems by collecting drinking water samples to test at CVWD's State-certified laboratory and ensure that domestic water meets State and federal standards. Every year, CVWD is required to analyze a select number of these samples for more than 100 regulated and unregulated substances.⁶

Project Site

The Whitewater River flows southeast through the City and parallels the north side of Highway 111, west of Bob Hope Drive. Similar to regional conditions, surface water flows northwest to southeast through the City. In the urbanized parts of the City, streams have been modified and are now mostly confined to open channels, culverts, and storm drains.

The Project Site is within the Rancho Las Palmas Shopping Center, which was recently renovated in two phases between 2015 and 2017. The drainage design for the Project Site was designed to conform to the City approved drainage design for the Rancho Las Palmas Shopping Center.

Topographically, the Project Site generally slopes downward from southwest to northeast with a general slope of 3 to 4 percent. Surface elevations range from approximately 251 feet to approximately 237 feet above mean sea level, with the highest point located along the southwest of the Project Site. Based on surface topography, drainage across the Project Site generally travels from southwest to northeast. The runoff drains into the existing storm drain system which corresponds with the Rancho Las Palmas development drainage area. Surface runoff that lands within the Project limits sheets flows to multiple on-site drain inlets that contain underground drywells.⁷ Therefore, on-site runoff is contained without connection to off-site public storm drains.

6 CVWD, 2018-2019 Annual Review (August 2018), accessed April 2020, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/738>.

7 Dry wells are low impact development practices that are located below the surface of development sites. They consist of shallow excavations, typically filled with stone, that are designed to intercept and temporarily store post-construction stormwater runoff until it infiltrates into the underlying and surrounding soils.

According to FEMA's Flood Insurance Rate Map (FIRM) Map Number 06065C2206G, effective since August 28, 2008, the Project Site is not located in a designated 100-year flood hazard area.⁸ Per the FEMA FIRM Map, the Project Site is located in Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplain (500 year floodplain) and areas of one percent annual chance flood (100 year floodplain) with average depths of less than one foot or with drainage areas less than one square mile.

Regulatory Setting

Federal

Clean Water Act

The CWA of 1972 was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters by regulating the discharge of pollutants to waters of the US from point sources for the propagation of fish and wildlife. Section 208 of the CWA and the requirements of the Code of Federal Regulations require local water management plans. Preparation of these water management plans is delegated to individual states by the USEPA, which is charged with implementing the CWA.

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States regulated under this program include fill for development and mining projects. Waters of the United States are defined in the US Army Corps of Engineers (USACE) regulations stating that navigable waters are those that are navigable in the traditional sense and includes adjacent wetlands and tributaries to navigable waters of the US and other waters, the degradation or destruction of which could affect interstate or foreign commerce. Proposed activities are regulated through a permit process, reviewed by USACE, who evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by the USEPA. The CWA requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. The water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA.

Safe Drinking Water Act

The Federal Safe Drinking Water Act (SDWA), established in 1974, sets drinking water standards throughout the country and is administered by USEPA. The drinking water standards established in the SDWA, as set forth in the CFR, are referred to as the National Primary Drinking Water Regulations (Primary Standards, 40 CFR Part 141) and the National Secondary Drinking Water Regulations (Second Standards, 40 CFR Part 143).

8 Federal Emergency Management Agency, "FEMA Flood Map," <https://msc.fema.gov/portal/home>, accessed May 2020.

California also passed its own SDWA in 1986, which authorizes the State Department of Health Services to protect the public from contaminants in drinking water by establishing maximum contaminant levels (as set forth in the California Code of Regulations (CCR), Title 22, Division 4, Chapter 15) that are at least as stringent as those developed by USEPA.

National Pollutant Discharge Elimination System

In 1972, NPDES was established under Section 402 of the CWA to control the discharge of pollutants to waters of the US by establishing a variety of measures designed to reduce pollutant discharges through a permitting program. The permit contains limits on allowable discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not pollute water quality or is detrimental to public health. Under CWA, the NPDES program is managed nationally by USEPA, who authorizes the NPDES permit program to State, tribal, and territorial governments, enabling them to perform many of the permitting, administrative, and enforcement aspects of the NPDES program.

In the State of California, the SWRCB and nine RWQCBs regulate, protect, and administer water quality. The Project Site and the City are located within the Colorado River Region (Region 7), which administers the permit program for regulating stormwater from construction activities for projects greater than one acre in size in the project areas under the State's General Permit approach, since urban development and construction-related activities have the potential to impact the quality and quantity of runoff to proximate receiving waters. These potential construction-related impacts are mitigated by implementing a Stormwater Pollution Prevention Plan (SWPPP), in compliance with the Construction General Permit (State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order No. 2012-006-DWQ, NPDES No. CAS000002) under NPDES. The SWPPP requires construction sites to develop and implement best management practices (BMPs) in order to mitigate potential runoff contamination from construction activities. Some BMPs include implementing storm drain inlet protection, concrete washout bins, secondary containment, and proper material storage at construction sites. Stormwater BMPs to be implemented during construction and grading, as well as post-construction BMPs, are outlined in the SWPPP that was previously prepared for the proposed Project.

To address post-construction runoff impacts, projects are regulated under the Municipal Separate Storm Sewer System (MS4) within the Whitewater River Watershed, otherwise known as the MS4 Permit (Order No. R7-2013-0011 and NPDES No. CAS617002).

State

California Department of Water Resources

DWR is responsible for managing and protecting California's water resources, systems, and infrastructure, including the SWP. Some responsibilities of the DWR include preventing and responding to floods, droughts and catastrophic events, informing and educating the public on water issues, developing scientific solutions, restoring habitats, planning for future water needs, climate change impacts, constructing and maintaining facilities, generating power, ensuring public safety, and providing recreational opportunities. The DWR works with other agencies to benefit the State's people and to protect, restore, and enhance the natural and human environments.

California Antidegradation Policy

The California Antidegradation Policy, otherwise known as the Statement of Policy with Respect to Maintaining High Quality Water in California, was adopted by the SWRCB (State Board Resolution No. 6816) in 1968.⁹ Unlike the federal Antidegradation Policy, the California Antidegradation Policy applies to all waters of the State, not just to surface waters. The policy states that whenever the existing quality of a water body is better than the quality established in individual basin plans, such high quality shall be maintained, and discharges to that water body shall not unreasonably affect present or anticipated beneficial use of such water resource.

California Toxics Rule

USEPA has established water quality criteria for certain toxic substances via the California Toxics Rule. The California Toxics Rule establishes acute (i.e., short-term) and chronic (i.e., long-term) standards for bodies of water, such as inland surface waters, enclosed bays, and estuaries that are designated by the LARWQCB as having beneficial uses protective of aquatic life or human health, such as Ballona Creek (i.e., the location closest to the Project Site that meets these criteria).¹⁰

California Code of Regulations, Title 22

Groundwater quality delivered for public supply is also regulated under the California Domestic Water Quality and Monitoring Regulations found in Title 22, Division 4, Chapter 15 of the CCR.¹¹ Along with implementing the federal SDWA regulations detailed previously, these regulations identify primary and secondary drinking water standards for public drinking water supplies in the State.

9 State Water Resources Control Board, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, Resolution 68-16 (adopted October 1968).

10 USEPA, *Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California*, accessed October 2018, <https://www.epa.gov/sites/production/files/2018-10/documents/wqs-establishment-numeric-criteria-ca-ctr-factsheet.pdf> (April 2000).

11 California Code of Regulations, Title 22, Division 4, Chapter 15.

Regional Water Quality Control Board

The Regional Water Quality Control Boards serve as the frontline for State and federal water pollution control efforts. It is composed of nine control boards, each including seven members. Regional boundaries are based on watersheds and water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed. Each Regional Board makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. As stated previously, the Project Site is located in Region 7, the Colorado River Region.

Sustainable Groundwater Management Act

The SGMA, passed in September 2014, is a comprehensive three-bill package that provides a framework for the sustainable management of groundwater supplies by local authorities.¹² The SGMA requires the formation of local groundwater sustainability agencies (GSAs) to assess local water basin conditions and adopt locally based management plans. Local GSAs must be formed by June 30, 2017. The SGMA provides 20 years for GSAs to implement plans and achieve long-term groundwater sustainability, and protect existing surface water and groundwater rights. The SGMA provides local GSAs the authority to (1) require registration of groundwater wells; (2) measure and manage extractions; (3) require reports and assess fees; and (4) request revisions of basin boundaries, including establishing new subbasins. Furthermore, under the SGMA, GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans within 5 to 7 years of 2015, depending on whether the basin is in critical overdraft. The DWR has designated the Whitewater Subbasin, for which the City overlies, as a medium-priority subbasin not in critical overdraft.¹³

Porter-Cologne Act

In 1969, the State Legislature enacted the Porter-Cologne Water Quality Control Act (embodied in the California Water Code [CWC]) to protect the quality of water. The Porter-Cologne Act grants the Water Boards the authority to implement and enforce water quality laws, regulations, policies, and plans to protect the groundwater and surface waters of the State. The goal is to protect and enhance the quality of the waters of the State by defining an enforcement process that addresses water quality problems in the most fair, efficient, effective, and consistent manner. The CWC authorizes the SWRCB and the RWQCBs to implement the provisions of the federal CWA, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants.

12 Sustainable Groundwater Management Act, 2015 Amendments (effective January 1, 2016). California Government Code Section 65350.5, 65352, and 65352.5; California Water Code Section 10735.2 and 10735.8; and California Water Code Sections 10927, 10933, 12924, 113, 10750.1, and Part 2.74 (commencing with Section 10720) to Division 6.

13 CVWD, 2020-2021 *Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020).

Accordingly, each RWQCB is required to formulate and adopt a local water quality control plan or basin plan for its region. This water quality control plan or basin plan must adhere to the policies set forth in the CWC and established by the SWRCB. The RWQCB is also given authority to include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Section 13050 of the CWC defines what is considered pollution, contamination, or nuisance. Briefly defined, “pollution” means an alteration of water quality such that it unreasonably affects the beneficial uses of water. “Contamination” means an impairment of water quality to the degree that it creates a hazard to the public health. “Nuisance” is defined as anything that is injurious to health, is offensive to the senses, or is an obstruction to property use, and that affects a considerable number of people.

Regional and Local

Colorado River Regional Water Quality Control Board

The Colorado River Basin RWQCB has adopted the Water Quality Control Plan for the Colorado River Basin in accordance with criteria contained in the CWA, Porter-Cologne Act, and other pertinent State and federal rules and regulations. The intent of the Basin Plan is to provide definitive guidelines and give direction to the scope of Colorado River Basin RWQCB activities that will optimize the beneficial uses of the State waters within the Colorado River Basin by preserving and protecting the quality of these waters. The intended beneficial use of water determines the water quality objectives. For example, the quality requirements for irrigation water are different from drinking water.

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

Whitewater River Region Stormwater Management Plan

The Whitewater River Region Stormwater Management Plan (SWMP) describes activities and programs implemented by the permittees to manage urban runoff to comply with the requirements of the NPDES MS4 permit for the Whitewater River Region.¹⁴ The SWMP emphasizes source control measures and strong public education/outreach efforts as being the most effective way to manage urban runoff in the highly arid Coachella Valley region.

14 Riverside County, *Whitewater River Region Stormwater Management Plan (January 2015)*, https://content.rcflood.org/downloads/NPDES/Documents/WW_SWMP_WQMP/WWR_WQMP_Guidance_Jan15_2015.pdf, accessed May 2020.

The SWMP discusses program management, detection and elimination of illicit connections and discharges, new and redevelopment programs, private construction activities, permittee facilities and activities, public education and outreach programs, and monitoring programs. The Whitewater River SWMP also emphasizes reporting and responding to any spills, leaks, and/or illegal discharges including: any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any hazardous material spill where residents are evacuated, any spill of reportable quantities of hazardous waste, any other spill or discharge that is reportable to the California Office of Emergency Services (Cal OES).

According to the Whitewater River Region SWMP, each permittee performing construction activities requires applicable project proponents to obtain coverage under the Construction General Permit as part of standard conditions of project approval; proof of coverage must be furnished prior to the issuance of any building or grading permits. Proponents seeking coverage must file all required documentation to the SWRCB, including their site SWPPP via the Stormwater Multiple Application and Report Tracking System (SMARTS). The Construction General Permit specifies minimum BMPs that site operators must implement dependent upon their site's calculated risk. The Permittees specify that erosion and sediment controls must be implemented on applicable construction sites through their grading and/or Stormwater Ordinances; construction waste controls can be required through standard conditions of approval, stated in project specifications and/or on standard notes that appear on grading plans.

Coachella Valley Water District

Coachella Valley Water Management Plan Update

CVWD maintains water management policies within its 2010 Coachella Valley Water Management Plan (CVWMP) Update to comprehensively protect and augment the groundwater supply in a cost-effective and sustainable manner.¹⁵ As defined in the 2010 CVWMP Update, CVWD is reducing reliance on groundwater sources by utilizing more Colorado River water, SWP water, and recycled water. Per this plan, CVWD also implements source substitution and conservation measures to reduce demands on the aquifer. The goal is to reduce the overall water demand by 20 percent by 2020 pursuant to SB7-7. The District anticipates this water use reduction level will be maintained through the remainder of the planning period.

The 2010 CVWMP Update identifies proposed methods and means of meeting future water needs in changing conditions. In order to meet future needs, the 2010 CVWMP Update includes many new features in water conservation, source substitution, new supplies, and groundwater recharge. The 2010 CVWMP Update's objectives were refined to meet current and future demands with a 10 percent supply buffer, eliminate long-term groundwater overdraft, manage, and protect water quality, comply with State and federal laws and regulations, manage future costs, and minimize adverse environmental impacts.

¹⁵ Coachella Valley Water District, *2010 Coachella Valley Water Management Plan (CVWMP) Update*, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/703>, accessed May 2020.

Major elements to assist in achieving the 2010 CVWMP Update's objectives include water conservation, increasing surface water supplies for the Valley from outside sources, substitution of surface water supplies for groundwater (source substitution), groundwater recharge, monitoring and evaluation of subsidence and groundwater levels, and quality to provide the information needed to manage the Valley's groundwater resources.

In 2014, a Water Management Plan Status Report (2014 WMP Status Report)¹⁶ was published to accomplish the following:

- Evaluate changes in the planning environment that impact water demand projections and warrant adjustments to the 2010 Coachella Valley Water Management Plan Update (2010 WMP Update).
- Review the effectiveness of the 2010 WMP Update including overdraft reduction progress.
- Evaluate implementation progress of the 2010 WMP Update programs and recommend new implementation targets.

The 2014 WMP Status Report demonstrated that the 2010 WMP Update is working. Continued implementation ensures that long-term overdraft will be eliminated by 2021 with increased groundwater levels in the Palm Springs area and the East Valley.

The most significant change in the planning environment is that regional growth projections have been reduced to reflect the impacts of the sustained economic downturn. Population projections through 2045 are reduced in the 2014 Status Report, based on revised regional growth projections. The result is that long-term water demands increase at a slower rate: the estimated total water demand in 2045 is approximately 14 percent lower in the 2014 Status Report than in the 2010 WMP Update. It is estimated that the 2010 WMP Update demands will not be realized until after 2055, allowing more time to plan for future needs.

City of Rancho Mirage Municipal Code

The Rancho Mirage Municipal Code (RMMC) establishes required on-site retention on undeveloped properties of one gross acre or more in size located north of the Whitewater River Channel. Projects fitting this description shall, upon development, provide sufficient on-site stormwater retention for the volume of runoff resulting from a one-hundred-year storm with a time duration that generates the maximum stormwater volume. Section 7.03: Stormwater Management and Discharge Control of the RMMC regulates nonstormwater discharges, controls discharges, and reduces pollutants in stormwater discharges to the maximum extent feasible. According to the RMMC, stormwater runoff and volume calculations, retention location, and method of storage shall be performed to the satisfaction of the City engineer.¹⁷

16 Coachella Valley Water District, *2014 Status Report for the 2010 Coachella Valley Water Management Plan Update*, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/474>, accessed May 2020.

17 City of Rancho Mirage Municipal Code, Section 13.05.010.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to hydrology and water quality, if it would:

- Threshold 5.5-1:** Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
- Threshold 5.5-2:** Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Threshold 5.5-3:** Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would:
- i) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
 - ii) Result in substantial erosion or siltation on- or off-site;
 - iii) 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; or
 - iv) Impede or redirect flood flows.
- Threshold 5.5-4:** In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- Threshold 5.5-5:** Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Methodology

The Project includes development of a 3,885-square-foot building on a 1.52-acre property. Total construction area would be 1.50 acres. The site is within the developed Rancho Las Palmas Shopping Center, with a vacant pad located on site for the future Project Site. The proposed drainage design for the Project would be designed to conform to the existing drainage for the Rancho Las Palmas Shopping Center.

The Rancho Las Palmas Shopping Center was constructed in conformance with the current NPDES permit for post-construction stormwater treatment. Therefore, the Project proposes to maintain existing drainage patterns and existing infiltration dry wells that were installed as part of the Rancho Las Palmas project.

A technical study was prepared for the proposed Project and is included in **Appendix E.1**. Conceptual pre- and post-Project drainage analyses were prepared to address local on-site drainage flood conditions. The following impact analysis related to flooding is based on information from the City, the County, and CVWD flood control requirements. Surface and groundwater quality impacts are evaluated based on proposed stormwater filtration techniques and requirements under the NPDES, the MS4, and the SWPPP prepared for the proposed Project. Impacts to groundwater recharge were evaluated using information contained in the 2010 CVWMP Update and the 2015 UWMP.

Project Impacts

Threshold 5.5-1: **Would the project result in the violation of any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Construction

Prior to the start of construction, the Project Applicant must obtain coverage under the State's most current Construction General Permit (CGP), Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ. Compliance with the CGP involves the development and implementation of a Project-Specific SWPPP designed to reduce potential adverse impacts to surface water quality during the period of construction. A SWPPP was prepared for the Project in compliance with the CGP (**Appendix E.2**). The required SWPPP identified the limits of disturbance during construction with specific locations where activities would require implementation of stormwater BMPs. Stormwater BMPs refer to a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent, eliminate, or reduce the pollution of waters of the receiving waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff spillage or leaks. Consistent with the CGP, implementation of SWPPP would include good site management (housekeeping), nonstormwater management, erosion control, sediment controls, run-on and runoff controls, along with inspection, maintenance, and repair measures. Other relevant requirements of the SWPPP include proper waste management, proper material handling, and storage within the allowable construction limits, as provided in **Table 5.5-1: Waste Management and Materials Pollution Control BMPs**. As construction progresses, any on-site proposed storm drain-inlets that become operational would require temporary protection to prevent sediment or pollutants from entering the on-site storm drain system.

Table 5.5-1
Waste Management and Materials Pollution Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Material Delivery and Storage	Construction materials will be stored in designated, fenced areas in a manner, which will eliminate pollutant discharges.	All phases
Material Use	All chemicals shall be stored in watertight containers with appropriate secondary containment to prevent spillage. Minimize the exposure of construction materials to precipitation, for materials that are not intended to be exposed to outdoor conditions.	All phases
Stockpile Management	Locate stockpiles a minimum of 50 feet away from concentrated flows of stormwater. Protect all stockpiles from run-on using a temporary barrier such as berms, dikes, or fiber rolls.	Demolition, grading, landscaping
Spill Prevention and Control	Equipment and materials for cleanup of spills shall be available on site. Spills and leaks shall be cleaned up immediately and disposed of properly.	All phases
Solid Waste Management	Regular collection and off-site disposal of litter and trash will be conducted during the project.	All phases
Hazardous Waste Management	Petroleum products and other hazardous materials will be covered and/or containerized to prevent discharge.	All phases
Concrete Waste Management	There shall be no discharge into the underlying soil or the surrounding areas for concrete washout areas. Locate the washout area at least 50 feet from storm drains, open ditches, or water bodies.	Paving
Sanitary/Septic Waste Management	Portable toilets will be located on-site in project areas not subject to surface water accumulation or discharge.	All phases
Liquid Waste Management	There shall be no disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.	All phases

Source: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

To ensure proper implementation, the SWPPP was developed by a Qualified SWPPP Developer (QSD) and would be implemented under the responsible charge of a Qualified SWPPP Practitioner (QSP). The purpose of the SWPPP is to identify and implement BMPs during Project development to ensure that the runoff or contamination potential does not occur during construction activities and to include BMPs to lessen erosion and soils entering the storm drain system. Temporary erosion control, temporary sediment control, and temporary tracking control BMPs from the SWPPP are provided in **Table 5.5-2: Temporary Erosion Control BMPs**, **Table 5.5-3: Temporary Sediment Control BMPs**, and **Table 5.5-4: Temporary Tracking Control BMPs**. These BMPs would be implemented to ensure that construction activities do not permit stormwater runoff from leaving the Project Site and entering the local storm drain system.

Table 5.5-2
Temporary Erosion Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Limit use of plastic erosion control materials	Use of plastic should be limited as erosion control or cover. If plastic covers are used, temporary application should be considered.	All phases
Wind Erosion Control	Dust suppression by application of water will be conducted over pavement, soil, and material stockpiles to prevent sediment erosion by wind or rain as needed.	All phases
Scheduling	Insofar as possible, construction activities will be scheduled to avoid wet weather conditions.	All phases

Source: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Table 5.5-3
Temporary Sediment Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Fiber Rolls	Straw wattle fiber rolls will be placed around the perimeter of the project boundaries.	Demolition, earthwork, grading, paving
Street Sweeping and Vacuuming	Street sweeping shall be provided at points of ingress and egress from the construction site and along any point where construction site debris may leave sediment.	All phases
Storm Drain Inlet Protection	Existing and proposed storm drain inlets shall be protected through the use of a barrier provided by gravel bags.	All phases

Source: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Table 5.5-4
Temporary Tracking Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Stabilized Construction Entrance/Exit	A stabilized entrance/exit will be constructed adjacent to paved roadways to capture tire sediment prior to exiting each project area.	All phases
Street Sweeping and Vacuuming	Street sweeping shall be provided at points of ingress and egress from the construction site and along any point where construction site debris may leave sediment.	All phases

Source: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Additionally, since the Project Site is located in a high wind area, construction activities would have the potential to result in windborne erosion. The release of fugitive dust during wind events and construction activities may impact water quality by siltation or sedimentation. Due to the location of the Project Site and to prevent water quality impacts that may result in fugitive dust, a Project-specific Local Air Quality Management Plan (LAQMP) would be required in accordance with the regulations of the South Coast Air Quality Management District's (SCAQMD). The Project-specific LAQMP requires additional BMPs and maintenance to reduce windborne erosion and include, but are not limited to, watering the Project Site, applying a chemical dust suppressant, using wind fencing around the perimeter of a project, and street sweeping. Consistent with LAQMP requirements, the SWPPP would also include a Fugitive Dust Control Plan with wind erosion control BMPs, as indicated in **Table 5.5-5: Temporary Wind Erosion Control BMPs**.

Table 5.5-5
Temporary Wind Erosion Control BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Wind Erosion Control	Dust suppression by application of water will be conducted over pavement, soil, and material stockpiles to prevent sediment erosion by wind or rain as needed.	All phases
Stabilized Construction Entrance/Exit	A stabilized entrance/exit will be constructed adjacent to paved roadways to capture tire sediment prior to exiting each project area.	All phases
Street Sweeping and Vacuuming	Street sweeping shall be provided at points of ingress and egress from the construction site and along any point where construction site debris may leave sediment.	All phases
Stockpile Management	Locate stockpiles a minimum of 50 feet away from concentrated flows of stormwater. Protect all stockpiles from run-on using a temporary barrier such as berms, dikes, or fiber rolls.	Demolition, earthwork, grading, paving

Source: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Additionally, Project-specific water conservation measures were established from the SWPPP (as shown in **Appendix E.2**) to ensure that efficient water practices would be implemented on the Project Site. Some of these conservation measures include the following:

- Water-use practices that avoid causing erosion and the transport of pollutants off-site.
- Keep water equipment in good working condition.
- Stabilize water truck filling area.
- Repair water leaks promptly.
- Washing of vehicles and equipment on the construction site is discouraged.

- Avoid using water to clean construction areas. If water must be used for cleaning or surface preparation, surface should be swept and vacuumed first to remove dirt. This will minimize the amount of water required.
- Direct construction water runoff to areas where it can soak into the ground or be collected and reused.
- Authorized nonstormwater discharges to the storm drain system, channels, or receiving waters are acceptable with the implementation of appropriate BMPs, as provided in **Table 5.5-6: Nonstormwater Management BMPs**.
- Lock water tank valves to prevent unauthorized use.

Table 5.5-6
Nonstormwater Management BMPs

BMP	Where and How the BMP Will Be Used	Construction Phase
Water Conservation Practices	Water-use practices that avoid causing erosion and the transport of pollutants off-site.	All phases
Paving and Grinding Operations	BMPs shall be implemented to ensure the prevention of pollutant discharge from paving operations. BMPs shall be implemented to prevent run-on and -off pollution, waste disposal, and training of employees and subcontractors.	Paving
Illicit Discharge/Illegal Dumping Reporting	Procedures and practices shall be implemented for construction contractors to recognize illicit connections or illegally dumped or discharged materials on a construction site and report incidents.	All phases
Potable Water/Irrigation	Implement BMPs to manage the discharge of potential pollutants generated during discharges from irrigation water lines, landscape irrigation, lawn or garden watering, planned and unplanned discharges from potable water sources, water line flushing, and hydrant flushing.	Demolition, landscaping
Vehicle and Equipment Cleaning	Cleaning practices shall be implemented to eliminate or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning operations.	All phases
Vehicle and Equipment Fueling	On-site refueling and/or maintenance of construction vehicles and equipment will be conducted in project areas where surface water has not accumulated or is likely to discharge.	All phases
Vehicle and Equipment Maintenance	On-site refueling and/or maintenance of construction vehicles and equipment will be conducted in project areas where surface water has not accumulated or is likely to discharge.	All phases
Concrete Curing	Proper procedures and care should be taken when managing concrete curing materials to prevent them from coming into contact with stormwater flows.	Paving

*Note: **Appendix E.2**, Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.*

During construction, the Project would also be required to comply with the SCAQMD's Rule 403 and 403.1, which requires the Project Applicant to prepare and implement a Fugitive Dust (PM10) Control Plan. Implementation of the Fugitive Dust Control Plan primarily pertains to air quality, but also supports water quality protection through the requirement of soil stabilization measures to prevent sediment erosion and track-out. The concurrent implementation of the required SWPPP and Dust Control Plan would prevent potential adverse construction-related impacts to water quality at the Project Site and its surroundings. Impacts would be less than significant.

Operation

The proposed Project would be required to submit a site drainage plan for review and approval by the City prior to the issuance of a building permit. This submittal must include BMPs to limit discharge of sediment and pollutants during long-term operation in accordance with the Municipal NPDES Permit requirements, which are included in the SWPPP.

Additionally, post-construction stormwater management measures are satisfied through the local MS4 permit with an approved Stormwater Management Plan. Surface drainage will be collected with a series of existing on-site drain box inlets that are connected to drywell units, which treat the runoff through drainage filters and infiltration into the native soils.¹⁸ Moreover, since the Ranchos Las Palmas Shopping Center was constructed in conformance with the current NPDES permit for post-construction stormwater treatment, the Project would be in compliance with NPDES standards.

The Project would use existing drainage areas that are tributary to dry wells which have been designed to infiltrate the first flush storm within the Rancho Las Palmas Shopping Center, which has been previously approved and in compliance with NPDES. First flush is defined as an individual sample taken during the first 30 minutes of a storm event. The pollutants in this sample can often be used as a screen for nonstorm water discharges since such pollutants are flushed out of the system during the initial portion of the discharge.¹⁹

The Project design would prevent violations to water quality standards and waste discharge requirements by implementing adequate stormwater management measures and BMPs at each stage of development and operation, which are designed to contain Project-related runoff and prevent discharges into any receiving waters. As the Project proposes to maintain existing drainage design, the Project would be in compliance with NPDES, MS4, and City retention ordinance regulations applicable during construction and operation.

18 *Storm Water Pollution Prevention Plan*, MSL Engineering, October 21, 2019.

19 Environmental Protection Agency, *NPDES Storm Water Sampling Guidance Document*, <https://www3.epa.gov/npdes/pubs/owm0093.pdf>, accessed May 2020.

The Project would be required to follow State, regional, and local regulations regarding on-site stormwater retention, so that surface waters and the groundwater aquifer are not contaminated with Project-related pollutants. With the enforcement of the above regulations and existing project design elements, the Project would not violate any water quality standards or waste discharge requirements or degrade surface or groundwater quality during Project construction or during the life of the Project. Impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on water quality standards are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.5-2: Would the project result in substantially decreased groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Groundwater is the primary source of domestic water supply in the Coachella Valley. The City, including the Project Site, are underlain by the Whitewater River Subbasin, which forms part of the Coachella Valley groundwater basin. The Whitewater River Subbasin encompasses a major portion of the Coachella Valley floor and is shared and managed by CVWD, DWA, Myoma Dunes Mutual Water Company, and the cities of Indio and Coachella. The Project Site and City are within the service area of the CVWD, which is the largest provider of potable water in the Coachella Valley.

Local groundwater resources are managed under the 2015 adopted CVWD Urban Water Management Plan Final Report (2015 UWMP), dated July 1, 2016. The 2015 UWMP serves as a planning tool that documents actions in support of long-term water resources planning and ensures adequate water supplies are available to meet the existing and future urban water demands. The 2015 UWMP indicates that the

Coachella Valley groundwater basin historically has been in a state of overdraft. An overdraft condition occurs when the outflows (demands) exceed the inflows (supplies) to the groundwater basin over a period of time. To address this condition, the water management strategies have combined water conservation measures with groundwater replenishment facilities to stabilize the groundwater levels and eliminate the overdraft. Artificial replenishment, or recharge, is recognized by the water districts as one of the most effective methods available for preserving local groundwater supplies, reversing aquifer overdraft and meeting demand by domestic consumers. According to the CVWD, the CVWD and DWA groundwater replenishment program has percolated 650 billion gallons of water back into the aquifer to date.²⁰ Individual development projects can contribute to groundwater replenishment by retaining and infiltrating storm water runoff on site. Local replenishment efforts have also been coupled with a reduction in demand through improved water efficiency use in homes, yards, gardens, and businesses.

The Project Site is currently characterized as undeveloped land. The Project Site is situated on generally flat ground that has been previously graded. Site elevations range from approximately 231 feet above mean sea level (amsl) from the west of the Project Site, to 225 amsl at the lowest elevation to the northeast of the Project Site. In its current condition, the Project Site is 62 percent impervious and is projected to be 73 percent impervious post construction (as shown in **Appendix E.2**). This surface water runoff will infiltrate into the existing dry wells which provide treatment of the surface water and infiltration into the underlying groundwater. Therefore, the Project would not interfere substantially with ground water recharge and impacts would be less than significant.

The available supplies and water demands for CVWD's service area were analyzed in the water supply conditions of the 2015 UWMP to assess the region's ability to satisfy current and future urban water demands, including those of the Project, under three scenarios: a normal water year, a single dry year, and multiple dry years. According to the 2015 UWMP, the urban water demands for a normal water year, a single dry year, and multiple dry years in the CVWD service area (retail supply totals) are estimated to grow from 114,600 AFY in 2020 to 194,300 AFY in 2040. Urban water demands estimates for a normal water year, a single dry year, and multiple dry years are the same across the board as all urban water uses are supplied from local groundwater and pumped from the Mission Creek or Whitewater River Subbasin and conveyed to meet water demands.²¹

The Project would be consistent with the growth projections outlined in the City's General Plan, which was used to calculate water demand projections in the UWMP. Accordingly, the CVWD 2015 UWMP and the

20 Coachella Valley Water District, "Groundwater Replenishment & Imported Water," accessed April 2020, <http://www.cvwd.org/162/Groundwater-Replenishment-Imported-Water>.

21 CVWD, *2015 Urban Water Management Plan Final Report (July 1, 2016)*, <https://www.cvwd.org/ArchiveCenter/ViewFile/Item/516>, accessed May 2020.

Alternate Plan water demand and supply projections account for growth within the City. Additionally, the estimated Project demands (5.25 AFY) represent less than 0.005 percent of the total water supply number (114,600 AFY) for 2020 and would represent less than 0.003 percent of the total water supply number (194,300 AFY) for 2040.

Although the aquifer has a sufficient amount of water to serve the Project, the City implements water conserving and water efficient technologies, especially for new development. The 2017 Rancho Mirage General Plan Update establishes goals, policies, and programs in order to conserve water resources. In particular, Policy COS 7.1 encourages the use of drought tolerant landscaping as a means of reducing water demand, which the Project is consistent with by introducing landscape that is considered low in water use. Per the Rancho Mirage Municipal Code 17.24.025, the City adopted CVWD's Model Water Efficient Landscape Ordinance which establishes landscape and irrigation system design criteria to ensure sustainable landscape design. This requires that new landscape plans be designed to incorporate more native and locally compatible drought tolerant planting materials and efficient irrigation systems. Program COS 7.5C encourages the use of low flush toilets and low flow showerheads and faucet for the same purpose. The Project has been designed to include low flow water fixtures consistent with City code.

With the minimal water use of the Project and groundwater management planning adopted in the 2015 UWMP and through the Alternate Plan as required by SGMA, the aquifer has sufficient available water to supply the Project and other present and anticipated needs for normal year, as well as one or more multiple dry years, over the next 20 years. Further, the Project would implement or incorporate water conservation and efficiency methods as required by the City and CVWD. With regulatory compliance, the Project would not substantially decrease groundwater supplies and impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the previous Zone Text Amendment Analysis, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to groundwater supplies are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.5-3: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Construction

The Project Site is relatively flat, at approximately 231 to 225 feet amsl elevation throughout the site; has been previously graded with the redevelopment of the Rancho Las Palmas Shopping Center; and contains a development pad. Based on surface topography, drainage across the Project Site generally travels from southwest to northeast. The runoff drains into the existing storm drain system which corresponds with the Rancho Las Palmas development drainage area. Surface runoff that lands within the Project limits sheets flows to multiple on-site drain inlets that contain underground drywells. Therefore, on-site runoff is contained without connection to off-site public storm drains.

The Project would introduce additional impervious surfaces including, concrete sidewalks, roadways, etc., and would potentially alter the exiting drainage pattern of the Project Site. One of the hydrological concerns during construction of the proposed Project would be potential erosion and sedimentation impacts during site clearing and grading. Erosion and sedimentation caused by construction activities are dependent on climatic and site conditions, as well as the degree of soil disturbance during construction. Site clearing and grading operations, in particular, would have the greatest potential for discharging sediment downstream during storm events.

As discussed in **Threshold 5.5-1**, a SWPPP was prepared for the proposed Project that contains BMPs for all phases of construction, as shown in **Table 5.5-1** through **Table 5.5-5**. With the implementation of the SWPPP and wind erosion control BMPs consistent with the LAQMP, the Project would not result in substantial on- and off-site erosion or siltation. Accordingly, Project related construction impacts would be less than significant.

Operation

The Project proposes hardscaped and landscaped areas. These areas would mitigate potential erosion created by the Project Site by stabilizing the surface with grass, decomposed granite, trees and shrubs, as shown in **Figure 3.0-10: Conceptual Landscape Layout**. The development of the proposed building, as well as the paved and concrete surfaces, would also decrease the amount of exposed soil located on-site; therefore, decreasing the exposed soil that may cause fugitive dust.

In accordance with the County MS4 Permit and consistent with City requirements, a Water Quality Management Plan (WQMP) has been prepared for the Project (**Appendix E.1**). Specifically, the WQMP has been designed to conform to the existing drainage design for the Rancho Las Palmas Shopping Center to minimize post-construction/operation siltation and erosion impacts. The WQMP is intended to provide guidelines for desert-appropriate, project-specific, post-construction BMPs and addresses the management of urban runoff quantity and quality to help protect receiving waters. The post-construction BMPs would also indirectly minimize substantial soil erosion or siltation on- or off-site.

The Project Site is designated to be in a moderate wind erosion hazard area. Moderate wind erosion hazard areas are partially protected from erosive winds where the soils show evidence of wind removal or accumulation in hummocks up to 24 inches high and all areas with fine-to medium-grained soils are protected from erosive winds.²² According to **Appendix C: Geotechnical Engineering Investigation**, the subsurface conditions encountered appear typical of those found in the geologic region of the site. Ground surface borings were investigated at two locations and consisted of approximately 4 inches of asphalt pavement overlain by 3 inches of base material for the existing asphalt pavements.

Project construction and operation would control potential erosion or siltation on- or off-site by adhering to the established water quality and stormwater regulations under the regulatory framework of the NPDES under the Clean Water Act during construction and during the life of the Project. With the design of the post-construction Project features and implementation of the Project-Specific WQMP, the Project would not result in substantial on- and off-site erosion or siltation. Operational related impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to the existing drainage are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

22 *Rancho Mirage General Plan*, "Safety Element, Wind Erosion Hazard Zones," accessed April 2020, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf.

- ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or**
- iii. **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?**

Based on existing surface topography, drainage across the Project Site generally travels from southwest to northeast. The runoff drains into the existing storm drain system which corresponds with the Rancho Las Palmas development drainage area. The surface flow would drain from the various high points on the Project Site and continue northeast to the existing on-site drain box inlets that are connected to drywell units, which treat the runoff through infiltration into the native soils.

As previously discussed, the Rancho Las Palmas Shopping Center was constructed in conformance with the current NPDES permit for post-construction stormwater treatment. The existing storm drain system includes drainage areas that are tributary to dry wells, which have been designed to infiltrate the first flush storm runoff volume from the shopping center. All dry wells were designed to treat equal amounts of stormwater runoff with the capacity to store and infiltrate the largest drainage area of 1.02 acres. The proposed Project has been designed to maintain the existing drainage areas and to utilize the recently constructed storm drain system for the shopping center.

As discussed in the Hydrology Study prepared for the Project and indicated in **Table 5.5-7: Proposed Project Drainage Areas**, the site would be developed to convey stormwater runoff to five separate drainage areas within the existing stormwater system for the shopping center.

**Table 5.5-7
Proposed Project Drainage Areas**

Drainage IDs	Project Site Drainage Area (acres)	Rancho Las Palmas Shopping Center Drainage Area (acres)	Net Drainage Area (acres)
A	0.63	0.36	0.27
B	0.65	0.98	-0.33
C	0.36	0.36	0.00
D	0.14	0.15	-0.01
E	0.10	N/A	N/A

Source: Hydrology Study and WQMP Compliance, MSL Engineering, October 21, 2019.

Note: The Rancho Las Palmas Shopping Center drainage areas that drain to an existing drywell were adjusted to account for the drainage area within the Project Site.

Drainage Area E would be completely pervious

As shown in **Table 5.5-7**, Drainage Area A includes surface runoff from the area north of the proposed building. Development of the Project Site would increase runoff to the existing drywell in this drainage area by 0.27 acres to a total of 0.63 acres. Since all existing drywells have been designed to treat and infiltrate stormwater runoff from 1.02 acres, the existing drywell has the capacity to accept the Project's proposed increase in runoff (**Appendix E.1**).

Drainage Area B includes surface runoff from the area northeast of the proposed building. Development of this area of the Project Site would result in surface water runoff which drains primarily in the east direction towards a new concrete swale that would convey the runoff to an existing drywell. Development of the Project Site would decrease runoff to the existing drywell in this drainage area by 0.33 acres to a total of 0.65 acres. Since all existing drywells have been designed to treat and infiltrate stormwater runoff from 1.02 acres, the existing drywell has the capacity to accept the Project's proposed increase in runoff.

Drainage Area C includes surface runoff from the proposed building and drive-thru lane to the south of the building. Development of this area of the Project Site would result in surface water runoff which drains primarily in the east direction within the drive-thru lane where it would be collected within a new drain box inlet and conveyed through a new direct connection to an existing drywell. As indicated in Table 5.5-6, there would be no change in the drainage area to the existing drywell, therefore there would be sufficient capacity for treatment of the runoff from the proposed improvements within Drainage Area C.

Drainage Area D includes surface runoff from the area east of the proposed building. Development of this area of the Project Site would result in surface water runoff which drains to the east off-site towards existing improvements within the shopping center that drain to an existing drywell. Development of the Project Site would decrease the runoff area by 0.01 acres to the existing drywell to 0.15 acres. Since all existing drywells have been designed to treat and infiltrate stormwater runoff from 1.02 acres, the existing drywell has the capacity to accept the Project's proposed increase in runoff.

Drainage Area E is a pervious landscaped area that would infiltrate stormwater runoff. Thus, any additional stormwater runoff that would drain off site to the south would be similar to existing conditions and the Project would not substantially increase the rate or amount of runoff to the south in a manner that would result in off-site flooding.

As previously discussed, the existing stormwater treatment system developed for the Rancho Las Palmas Shopping Center was designed in accordance with the MS4 Permit and City standards to treat and infiltrate stormwater. Since there would be adequate capacity of the existing drywells to treat and infiltrate the stormwater runoff from the Project Site and the Rancho Las Palmas Shopping Center, the Project would not provide substantial additional sources of polluted runoff.

As discussed previously, there is adequate remaining capacity within the existing drywells to treat and infiltrate surface runoff from the Project Site. Thus, the proposed Project would not substantially increase the rate or amount of surface water that would result in flooding on- or off-site and impacts would be less than significant. Additionally, Project implementation would not create or contribute to stormwater runoff volumes, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to the existing drainage are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-through restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

iv. Result in the redirection of flood flows?

The Project Site is currently undeveloped and is bound by Bob Hope Drive to the North, Highway 111 to the west, and Magnesia Falls Drive to the south. These roadways are paved with curb and gutter improvements. The Project Site is surrounded by existing development and fully improved roadways that intercept and control most off-site storm flows except for volumes that enter the existing on-site basins that accept flows from adjacent roadways as explained in the Existing Conditions above. Upon implementation of the Project, the Project Site would continue to accept these flows. Although the additional impervious surface within the Project Site would result in reduced water absorption and increased flood flows, the increase would be minimal.

FEMA's Flood Insurance Rate Map (FIRM) Map serves as the basis for identifying potential hazards and determining the need for and availability of federal flood insurance. The proposed area is covered by FIRM Panel Numbers 06065C2206G, revised August 28, 2008, which indicates the Project area lies within Zone X defined as "areas determined to be outside the 0.2 percent annual chance flood. Insurance purchase is not required in these zones."

The Project Site is currently surrounded by developed land, including existing emergency overflow inlets and associated storm drains should the dry well capacity be exceeded. All required on-site stormwater runoff would be contained without connection to off-site public storm drains. Impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to the existing drainage are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.5-4: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the FEMA FIRMs Map Number 06065C2206G, effective since August 28, 2008, the Project Site is not located in a designated 100-year flood hazard area.²³ Per the FEMA FIRM Map, the Project Site is located in Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplain (500 year floodplain) and areas of 1 percent annual chance flood (100 year floodplain) with average depths of less than one foot or with drainage areas less than one square mile. According to the same map, Magnesia Falls Drive, which runs east to west along the south of the Project Site, is within Flood Zone A, defined as those areas with a one percent annual chance (100 year) of flooding. Magnesia Falls Drive also contains the East Rancho Mirage Stormwater Channel, which would likely convey flood flows along Magnesia Falls Drive, and ultimately, to the Whitewater River. However as noted in the FEMA FIRM Map, the discharge associated with this Zone A are contained within the street. Thus, the Project would not risk release of pollutants due to Project inundation from a flood.

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 inland and east of the Pacific Ocean and is not within a designated tsunami inundation area.²⁴ As such, tsunamis are not anticipated to pose a hazard to the Project Site.

Seiches are large waves generated within enclosed bodies of water. The site is not located in close proximity to any lakes or reservoirs. The closest enclosed body of water is the Salton Sea located approximately 25 miles to the southeast of the Project Site. As such, seiches are not anticipated to pose a hazard to the Project Site.

23 Federal Emergency Management Agency, "FEMA Flood Map," <https://msc.fema.gov/portal/home>, accessed April 2020.

24 California Department of Conservation, "California Official Tsunami Inundation Maps," accessed April 2020, <https://maps.conservation.ca.gov/cgs/informationwarehouse/tsunami/>

As stated throughout this section, the Project would be required to comply with all applicable City, regional, State, and federal regulations regarding water quality and potential pollutant release during Project construction and operation. With regulatory compliance impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. However, the proposed restaurant permitted through the zone text amendments, is not located in a FEMA flood hazard area.²⁵

Similar to the proposed Project, the proposed restaurant permitted through the zone text amendments would be 75 miles inland east of the Pacific Ocean and is not within a designated tsunami inundation area.²⁶ As such, tsunamis are not anticipated to pose a hazard.

The closest enclosed body of water is the Salton Sea located approximately 25 miles to the southeast of the Project Site. As such, seiches are not anticipated to pose a hazard

Additionally, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.5-5: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed previously, the Project is subject to the requirements of the NPDES municipal separate MS4 permit for the Whitewater River Region. Construction associated with the Project would be subject to the requirements of the MS4 Permit. Additionally, the Project would be required to comply with the Statewide General Permit, which requires that a SWPPP identify potential sources of pollution and specify runoff controls or BMPs during construction for the purpose of minimizing the discharge of pollutants in stormwater. Accordingly, the SWPPP developed for the Project identifies BMPs that would meet or exceed local, State, and federal mandated guidelines for stormwater treatment to control erosion and to protect the quality of surface water runoff during the construction period. The Project SWPPP would include BMP's designed to meet the Best Available Technology economically achievable (for toxics and nonconventional pollutants) and Best Conventional Pollutant Control Technology standards, and to ensure

25 Federal Emergency Management Agency, "FEMA Flood Map," <https://msc.fema.gov/portal/home>, accessed May 2020.

26 California Department of Conservation, "California Official Tsunami Inundation Maps," accessed April 2020, <https://maps.conservation.ca.gov/cgs/informationwarehouse/tsunami/>

that runoff does not cause or contribute to exceedances of water quality standards in receiving water bodies. In addition, the construction activities associated with the Project would be required to comply with all applicable City grading permit regulations, plans, and inspections to reduce sedimentation and erosion.

Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan during construction of the Project Site.

During Project operation, surface water and debris (including suspended solids such as sediment), would be collected conveyed to the existing shopping center drywell system, which would be treated and infiltrated into the ground. Given that the Project would be designed to convey surface water runoff to existing drywells, which have available capacity as indicated in **Table 5.5-6**, there would ultimately be a decrease in the volume of runoff off-site. Additionally, a small area in the southern portion of the site would be entirely pervious, which would also promote infiltration of surface water into the ground.

The CVWD is responsible for the long-term planning of water supplies for the area, including groundwater resources. The CVWD assess current and future water supplies to the year 2040 through their UWMP, which is updated periodically, and through the 2010 CVWMP Update as an Alternate Plan.

Projected water requirements through 2040 for the Whitewater River Subbasin are based in the water balance model utilized in the 2010 CVWMP Update and the 2016 Status Report for the 2010 CVWMP Update. The projected water requirements are largely offset by potable supplies; however, on a long-term basis, water requirements are likely to continue to place demands on groundwater storage. Implementation of the programs recommended in the 2010 CVWMP update is expected to result in elimination of storage losses by about 2022, assuming average hydrologic conditions.²⁷ It should be noted that the ten-year average change in groundwater levels remains positive across most of the Whitewater River Subbasin.

The Project is generally consistent with the commercial zone within the Shopping Center. Accordingly, the CVWD 2015 UWMP and the Alternate Plan water demand and supply projections account for growth within the City. Additionally, the estimated Project demands (5.25 AFY) represent less than 0.005 percent of the total water supply number (114,600 AFY) for 2020 and would represent less than 0.003 percent of the total water supply number (194,300 AFY) for 2040.

27 Coachella Valley Water District, *Coachella Valley Water Management Plan 2016 Status Report*, <https://www.cvwd.org/DocumentCenter/View/4045/2016-Coachella-Valley-Water-Management-Plan-Status-Report>, accessed May 2020.

Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan during operation of the proposed Project. Thus, impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to a water quality control plan or sustainable groundwater management plan are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

The cumulative impact analysis in this Draft EIR considers related development projects in the area. The Colorado River Basin RWQCB has issued a MS4 permit for stormwater discharges. The County, CVWD, and other co-permittees have prepared a stormwater management program addressing requirements for meeting this MS4 permit. The County reviews all plans and developments for compliance with existing ordinances (e.g., grading ordinance) and stormwater management program requirements.

With regard to water quality, related projects would be required to comply with the NPDES General Construction Permit, including the implementation of a site-specific SWPPP, to prevent polluted runoff from entering local stormwater drainage systems during construction activities. Additionally, each related project would be subject to NPDES requirements after buildout and applicable municipal code requirements such as Stormwater Drainage System Protection Regulations, of the County Municipal Code.²⁸ As each related project would be required to comply with NPDES requirements and local regulations designed to prevent polluted runoff from entering local storm drain systems and receiving water bodies during construction and after buildout, the cumulative impact to water quality would be less than significant. Further, as compliance with NPDES and local municipal code requirements would prevent substantial erosion and siltation, the cumulative impact related to erosion and siltation would also be less than significant.

With regard to flooding and storm drain capacity, the related projects would be required to adequately convey stormwater runoff such that flooding does not occur. Projects within the County are subject to the County Municipal Code, which includes several regulations pertaining to flood control facilities within new development projects.²⁹ These regulations require that proposed drainage facilities be designed to convey

28 Riverside County Municipal Code, Section 13.12, "Stormwater Drainage System Protection Regulations."

29 Riverside County Municipal Code, Section 16.36.100, "Tract Drainage."

flows associated with a 100-year storm event. Similarly, the Project is not located within a 100-year flood hazard area. Compliance by the related projects with applicable municipal code requirements, CVWD regulations, and California Drainage Law would result in less than significant cumulative impacts.

Section 5.10.1: Water Service and Supply of this Draft EIR includes a detailed analysis of the water demand associated with the related projects and the effect on groundwater supply and recharge. As discussed, the Project would not 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.

Groundwater supply and aquifer overdraft are currently being assessed and management plans implemented by CVWD to minimize impacts with increased development on groundwater supplies. Over the next 20 years, groundwater extraction is expected to decrease slightly as groundwater basin management activities are executed and sustainable levels of pumping are achieved. Increased future demands are expected to be met with imported water from the Colorado River and State Water Project, and groundwater management activities are expected to maintain groundwater levels and safe yields. These groundwater management activities will ensure that groundwater supplies are not depleted or degraded. Therefore, the cumulative impacts would be less than significant.

Development projects, including commercial, industrial, and residential, individually and cumulatively will create more impervious surfaces thus reducing the total groundwater recharge area. However, projects located within the local watershed also have the possibility of adding to the groundwater subbasin through the addition of imported and/or recycled water. The water used for irrigation could offset the difference in the reduction of groundwater recharge area to rainfall-related recharge that occurs today. Accordingly, the cumulative impact would be less than significant.

C. MITIGATION MEASURES

With adherence to and implementation of State and local water quality permits and regulations and incorporation of the BMPs, impacts to hydrology and water quality are less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to hydrology and water quality would remain less than significant.

5.6 LAND USE AND PLANNING

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential land use impacts of the proposed Project with the City of Rancho Mirage (City) General Plan. The following analysis assesses physical divisions of communities, conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Land use impacts can be either direct or indirect. Direct impacts result in land use incompatibilities or the division of neighborhoods or communities. Indirect impacts are secondary effects resulting from conflicts with implementation of land use policies, such as an increase in demand for public utilities or services, or increased traffic on roadways. Indirect impacts are addressed in other topical sections of this Draft EIR. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

This section describes the existing land use setting and identifies the current City General Plan land use designation and zoning for the Project Site. This section also discusses the extent to which the proposed Project is consistent with City policies that are applicable to the proposed Project but are not related to environmental impacts—specifically, land use policies.

CEQA Guidelines, Section 15125(d) (found in 14 CCR 15000 et seq.), states that the environmental setting of an EIR must discuss “any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans.” An inconsistency with a general plan or other policy would not necessarily create an environmental impact. In some cases, a general plan policy lays out the standard by which an environmental impact is judged to be significant or less than significant.

Existing Conditions

Project Site

The Project Site consists of relatively flat topography on approximately 1.52 acres of undeveloped land within the existing Rancho Las Palmas Shopping Center located entirely within the City. Existing vegetation consists of nonnative grasses, and trees. The Rancho Las Palmas Shopping Center is bound by Bob Hope Drive to the North, Highway 111 to the west, and Magnesia Falls Drive to the south.

The existing land use and zoning for the Project Site is Neighborhood Commercial (C-N), as shown in **Figure 5.6-1: City of Rancho Mirage Land Use and Zoning Map**. The City’s General Plan Land Use Element defines the purpose of the Neighborhood Commercial designation as:

- Provides for neighborhood-scale shopping facilities, conveniently located near residential areas. These developments are typically anchored by supermarkets and drug stores. A wide range of other

uses include banks, barber/beauty salons, dry cleaners, restaurants, service business, and other related activities. Typical sizes are 8 to 10 acres, providing approximately 80,000 to 100,000 square feet of gross, leasable floor area.

The City Municipal Code defines allowable land uses within neighborhood commercial zoning district as indicated in **Table 5.6-1: Allowable Uses and Permit Requirements for Commercial Zoning Districts**.

Table 5.6-1
Allowable Uses and Permit Requirements for Commercial Zoning Districts

Commercial Land Use	Permit Requirement by District	
	<i>Neighborhood Commercial</i>	<i>Community Commercial</i>
<i>Retail Trade</i>		
Accessory Retail Uses		P
Art, Antiques, Collectibles, and Gifts	D	D
Automobile Sales (new with incidental used)		C
Auto (motor vehicle) Parts and Supplies		C
Bars and Alcoholic Beverage Drinking Places, On-Site Consumption	C	C
Building Material Stores		C
Consignment Stores	C	C
Convenience Stores	C	C
Drug Stores with Drive-Through	C	
Furniture, Furnishings and Equipment Stores	D	D
Grocery Stores	D	D
Liquor Stores, Off-Site Consumption	C	C
Mobile Home, Recreational Vehicle Sales		
Outdoor Retail Sales and Activities		
Pet Stores	D	D
Plant Nurseries	D	D
Restaurants, Fast Food		C
Restaurants, Specialty	D	D
Restaurants, Standard	D	D
Retail Stores, General Merchandise	D	D
Shopping Centers	D	D
Warehouse Retail Stores		C
Automated Teller Machines (ATMs)	P	P
Banks and Financial Services	D	D
Bed and Breakfast Inns		
Business Support Services	D	D
Car (Motor Vehicle) Wash		C

Commercial Land Use	Permit Requirement by District	
Hospital, Convalescent		C
Hospital, Specialty	C	
Hotels		D
Laundromats, Self-Service and Dry Cleaning, Drop-off only	D	D
Medical Services, Clinics, and Laboratories	D ^a	D
Mortuaries and Funeral Parlors		D
Offices, Professional	D	D
Personal Services	D	D
Repair and Maintenance, Consumer Products	D	D
Repair and Maintenance, Vehicles		
Service Stations	C	C
Spa Facilities		D
Storage (Self Service, Personal Storage) Facilities		
Veterinarian Clinics and Animal Hospitals	C	C

Source: City of Rancho Mirage, Municipal Code, Title 17: Zoning.

Note:

a: Fractional ownership may be permitted subject to approval of a development agreement pursuant to Section 17.56 of this title. See Section 17.30.260 (Time share and vacation ownership uses).

P: Permitted use, a director approved development plan permit shall be required. See Chapter RMMC 17.42.

D: Development Plan Permit required, see Chapter RMMC 17.42

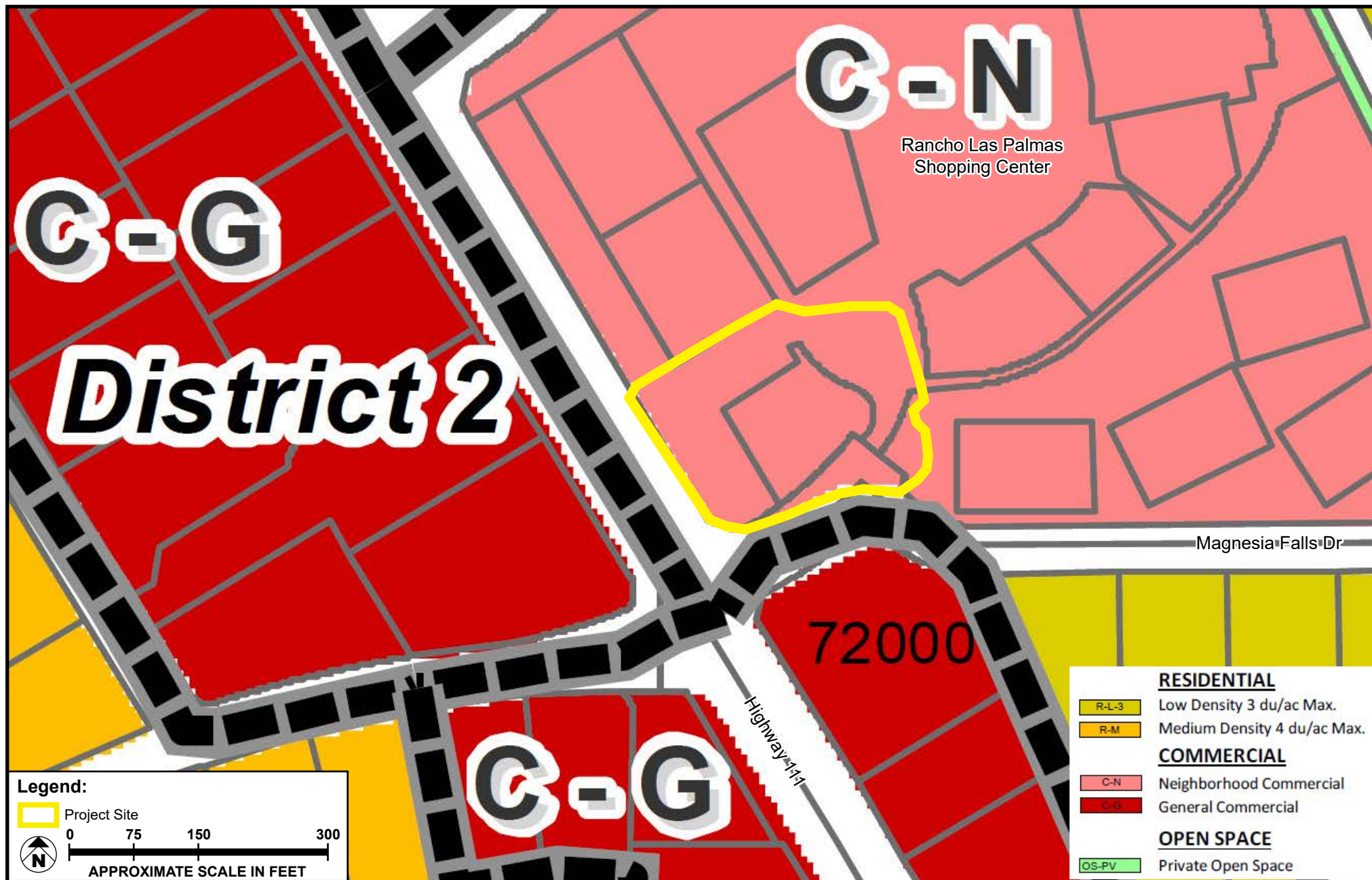
C: Conditional use—Conditional Use Permit required, Chapter RMMC 17.48

Blank: Use not allowed.

Surrounding Land Uses

The Project Site is surrounded by properties designated by the General Plan Land Use Element as C-N to the north and east within the Rancho Las Palmas Shopping Center. General Commercial (C-G) to the west across Highway 111, and Residential Low Density and C-G to the south across Magnesia Falls Drive.

The Project Site is bordered by Bob Hope Drive to the north, Magnesia Falls Drive to the south, and Highway 111 to the west. North of Bob Hope Drive, retail commercial uses predominate. East of the Project Site abutting the Rancho Las Palmas Shopping Center is the Rancho Las Palmas Golf Course, which includes a golf course and multifamily resort housing. South of Magnesia Falls Drive are primarily single-family residential neighborhoods, with minor areas of retail development to the southwest at intersection of Highway 111 and Magnesia Falls Drive. To the west of the Project Site across Highway 111 is primarily retail uses with single-family residential neighborhoods further west.



SOURCE: City of Rancho Mirage - 2013

FIGURE 5.6-1



City of Rancho Mirage Land Use and Zoning Map

Existing Land Use Plans, Policies and Regulations

Local and regional laws, regulations, plans, or guidelines that address the Project Site and the surrounding area are described below.

Southern California Association of Governments

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

SCAG is also responsible for the designated Regional Transportation Plan (RTP) including its Sustainable Communities Strategies (SCS) component pursuant to SB 375. The SCS has been formulated to reduce GHG emissions from passenger vehicles by 8 percent per capita by 2020, by 18 percent per capita by 2035, and by 21 percent per capita by 2040, compared to 2005 targets set by the California Air Resources Board (CARB).

The *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016 RTP/SCS) is an update to the 2012–2035 RTP/SCS that reflects changes in economic, policy, and demographic conditions.¹ Similarly, SCAG released the 2020–2045 RTP/SCS, also known as *Connect SoCal*, on November 14, 2019 for public input and comment and closed on the comment period on January 24, 2020. The 2020–2045 RTP/SCS focuses on a more prosperous mobile approach through implementing planning strategies that focus on transportation networks.² The 2020–2045 RTP/SCS core vision centers on maintaining and better managing the transportation network for moving people and goods, while expanding mobility choices by locating housing, jobs and transit closer together and increasing investment in transit and complete streets.

1 Southern California Association of Governments (SCAG), *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy [2016 RTP/SCS]* (adopted April 2016), 17.

2 Southern California Association of Governments (SCAG), *Connect SoCal: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategies Draft*, “Chapter 1,” <https://www.connectsocial.org/Pages/Connect-SoCal-Draft-Plan.aspx>, Accessed on March 25, 2020.

Coachella Valley Association of Governments

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

City of Rancho Mirage

General Plan

The City General Plan, adopted November 2017, defines the planned pattern and intensity of land uses in the City. The Rancho Mirage General Plan consists of a Land Use Element and 10 other citywide elements, including the Circulation Element, Housing Element, Conservation Element, Open Space Element, Noise Element, and Safety Element —are supplemented by four additional elements that the City considers to its future: Community Design Element, Economic and Fiscal Element, Public Services and Facilities Element, and Arts and Culture Element.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact related to land use if it would:

Threshold 5.6-1: Physically divide an established community.

Threshold 5.6-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Methodology

The determination of the Project's consistency with applicable land use plans and policies is based upon a review of the planning documents that regulate land use or guide land use decisions at and around the Project Site. The Project is considered to be consistent with the provisions of the identified regional and

local plans if it meets the general intent of the plans and would not preclude the attainment of the primary intent of the land use plan or policy.

Project Impacts

Threshold 5.6-1: **Would the project physically divide an established community?**

Implementation of the proposed Project would have a significant environmental impact if it were sufficiently large enough or otherwise configured in such a way as to create a physical barrier or other physical division within an established community. The physical division of an established community typically refers to the construction of a physical feature or the removal of a means of access that would impair mobility within an existing community, or between a community and outlying areas. An example of a physical feature that would divide an existing community is an airport, roadway, or railroad track through an existing community that could constrain travel from one side of the community to another or impair travel to areas outside of the community.

As discussed in **Section 3.0: Project Description** of this Draft EIR, the Project is an In-N-Out Burger Restaurant proposed within the existing Rancho Las Palmas Shopping Center in the central portion of the Coachella Valley in the City of Rancho Mirage within Riverside County, California.

The Project Site and surrounding area is a mixture of commercial and residential uses, with commercial uses bordering Highway 111. The Project Site is bordered by Bob Hope Drive to the north, Magnesia Falls Drive to the south, and Highway 111 to the west.

North of Bob Hope Drive, retail commercial uses are the primary land use. East of the Project Site abutting the Rancho Las Palmas Shopping Center is the Rancho Las Palmas Golf Course, which includes a golf course and multifamily resort housing. South of Magnesia Falls Drive are primarily single-family residential neighborhoods, with minor areas of retail development to the southwest at intersection of Highway 111 and Magnesia Falls Drive. To the west of the Project Site across Highway 111 is primarily retail uses with single-family residential neighborhoods further west.

The proposed Project does not propose any changes to the existing driveways that provide access into and out of the Rancho Las Palmas Shopping Center. Access would continue to be provided by three entrances, one from Magnesia Falls Drive, one from Highway 111, and one from Bob Hope Drive. The proposed Project would have four vehicle access points to and from the restaurant parking lot. The proposed Project would contain a drive-through, similar to all In-N-Out Restaurants and similar to other uses within the shopping center. Specifically, the Starbucks and CVS Pharmacy have a drive-through service.

The proposed Project would develop an approximately 3,885 square foot building on approximately 1.52 acres of vacant land within the shopping center. No operational or structural changes are proposed that would divide the surrounding land uses, nor are any linear features, new roads or other barriers to movement proposed. Therefore, the Project would not physically divide an established community and the impact of the Project would be less than significant.

Threshold 5.6-2: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The City's General Plan designates properties to the north and east within the Rancho Las Palmas Shopping Center as C-N. C-G to the west across Highway 111, and Low Density Residential and C-G to the south across Magnesia Falls Drive, as shown in **Figure 5.6-1**.

The proposed Project, a fast-food restaurant, is currently not a permitted use in the C-N zone, as seen in **Table 5.6-1** and according to Section 17.10.012 of the Municipal Code. Fast-food restaurants are permitted within the Community Commercial (C-C) zone with approval of a Conditional Use Permit and in the Regional Interstate Commercial zone with the approval of a Development Plan.

The Municipal Code defines "Restaurants, fast-food" as:

Establishments whose primary business is the sale of food and beverages to customers for consumption on or off site. Less than fifty percent of the floor area is used for customer seating. Interior furnishings include standardized floor plans, stationary seats, and tables. Food is primarily pre-packaged rather than made to order. Condiment bars and trash disposal are self-service. Drive-in or drive through facilities may be allowed with a Conditional Use Permit, granted in compliance with Chapter 17.48. Fast-food restaurants have a higher turnover rate than standard restaurants.

The Project includes a proposed Zone Text Amendment, which seeks to modify allowable uses in the Neighborhood Commercial and General Commercial Zones in order to consider fast-food restaurants with a CUP in a large-scale shopping center. The Project also seeks approval of Zone Text Amendment to Rancho Mirage Municipal Code Section 17.90.020, "Definitions of specialized terms and phrases" of Title 17, "Zoning" of the Rancho Mirage Municipal Code be amended to include the definition of a large-scale shopping center, which reads as follows: A "Large Scale Shopping Center" is a comprehensively planned shopping center comprising 15 acres or more.

The proposed Zone Text Amendment request would also apply to Assessor's Parcel Number 685-220-008. The parcel is a vacant lot located at the northeast corner of Monterey Avenue and Frank Sinatra Drive

within the City. The City's General Plan land use and zoning designates these lots as C-G. Fast-food restaurants would be an unpermitted use in the C-G zone without the proposed Zoning Text Amendment. As such, any future proposal to develop the site at the northeast corner of Monterey Avenue and Frank Sinatra Drive with fast-food use would require City review and approval.

A detailed analysis of the Project's consistency with the policies of the various elements of the City's General Plan related to topics of environmental concern is provided in **Table 5.6-2: City of Rancho Mirage General Plan Analysis**. The analysis contained in **Table 5.6-2** concludes that the proposed Project would be consistent with the City's General Plan with the associated Zoning Text Amendment because the proposed Project is within a large scale shopping center in the C-N zone, which is suitable for the proposed Project. Therefore, implementation of the proposed Project would not result in significant land use impacts due to inconsistency with the City's General Plan. Accordingly, impacts would be less than significant.

Table 5.6-2
City of Rancho Mirage General Plan Analysis

Applicable General Plan Policies	Project Consistency
Land Use Element	
Goal Land Use (LU) 1: A resort residential community of desirable neighborhoods, a variety of community facilities, and high-quality development.	
Goal LU 2: A balanced mix of functionally integrated land uses, meeting the general social and economic needs of the community through simplified, compatible, and consistent land use and zoning designations.	
Policy LU 2.5: The City shall ensure adequate visibility and accessibility for commercial development while preserving the scenic view sheds from adjoining properties and public rights-of-way.	The Project proposes an In-N-Out restaurant in the Rancho Las Palmas Shopping Center accessible from Highway 111 and Bob Hope Drive, major transportation corridors. The Project design would preserve and enhance scenic views by adding appropriately placed landscaping, and other high-quality design elements. The project meets Municipal Code requirements for the proposed height.
Policy LU 2.6: The City shall ensure privacy and safety for residential neighborhoods by providing adequate buffering and screening, particularly where neighborhoods adjoin or are integrated with commercial developments.	The Project includes enhanced landscape setbacks around the Project Site as appropriate. State Highway 111 and Magnesia Falls Drive would serve as buffers to adjacent residential neighborhoods to the west and south of the Project Site.
Goal LU 4: High-quality commercial land uses conveniently and appropriately distributed throughout Rancho Mirage, to meet the community's current and future needs and to take full advantage of emerging development and economic opportunities.	
Policy LU 4.1: The City shall pursue high-quality retail uses along Highway 111, in the Specific Plan for Section 19, and in other areas of Rancho Mirage.	The proposed Project is an In-N-Out restaurant fronting the east side of Highway 111 within the Rancho Las Palmas Shopping Center. The Project would adhere to the development standards and design guidelines outlined in the General Plan as identified in Chapter 10: Community Design Guidelines. Development of the proposed Project would ensure that the Project Site would be developed as a high-quality commercial development and would not negatively impact the aesthetic appearance of the Project Site or surrounding area.
Circulation Element	
Goal Circulation (CIR) 1: A safe, efficient, attractive, and economical circulation network meeting current and future demands in a manner consistent with the resort residential character of the community.	

Applicable General Plan Policies	Project Consistency
<p>Policy CIR 1.1: Rancho Mirage's street system shall be designed and constructed to maximize mobility, minimize congestion, and assure that all intersections and street segments operate at LOS "D" or better during the peak hours.</p>	<p>As discussed in Section 5.9: Transportation, none of the analyzed study intersections would operate below a LOS D during peak hours with Project conditions. The private driveway at Highway 111 at Rancho Las Palmas Center Driveway is forecast to operate at LOS F during the Saturday Midday peak hour. It is not uncommon for unsignalized private driveways that have direct access to primary arterials, such as Highway 111, to operate at a lower LOS due to the limited gaps in traffic and the high volume of traffic on the major street.</p> <p>Furthermore, the delay occurs to the right-out movement, and the peak driveway queue can be accommodated entirely within the driveway throat without impacting the internal circulation system of the shopping center. Based on these considerations, the lower level of service of these driveway intersections will not affect traffic conditions on Highway 111 and is not significant for this reason. As such, Project access will be adequate. Motorists entering and exiting the Project Site will be able to do so comfortably, safely, and without undue congestion.</p>
<p>Policy CIR 1.2: A detailed traffic analysis shall be required for development proposals or other activities that might potentially require roadway improvements above and beyond those evaluated in the Circulation Element and General Plan EIR and EIR Addendum.</p>	<p>As discussed in Section 5.9: Transportation, a detailed Traffic Impact Analysis Report was prepared for the proposed Project and identified key intersections and driveways that have the potential to be impacted by the Project. The Traffic Impact Analysis Report did not recommend any roadway improvements above and beyond those evaluated in the Circulation Element and General Plan EIR and EIR Addendum.</p>
<p>Policy CIR 1.3: The City shall require improvements at critical intersections beyond those needed to meet standard levels-of-service at the discretion of the City Engineer.</p>	<p>As discussed in Section 5.9: Transportation, the Project would not reduce LOS at critical intersections with implementation of the Project. Additionally, the City already plans to improve two intersections abutting the Project Site, Highway 111 at Bob Hope Drive and Highway 111 at Rancho Las Palmas Center Driveway No. 3.</p>
<p>Policy CIR 1.9: Circulation and access for undeveloped parcels shall be coordinated with surrounding properties.</p>	<p>The Project is the proposed development of a restaurant on vacant land within the Rancho Las Palmas Shopping Center. Access to the site would remain unchanged and would be accessed by Highway 111 to the west, Magnesia Falls Drive to the south, and Bob Hope Drive to the north. Project circulation would be similar to the existing circulation system within the shopping center. Moreover, as discussed in Section 5.9: Transportation there would be adequate internal circulation and access for the proposed Project within the Rancho Las Palmas Shopping Center. The City and the Project Applicant would</p>

Applicable General Plan Policies	Project Consistency
	coordinate circulation and access with surrounding properties on an ongoing basis.
Biological Resources, Goal COS 3: The protection and preservation of biological resources in Rancho Mirage, especially sensitive and special status wildlife species and their natural habitats.	
Policy COS 3.3: The City shall encourage the use of naturally occurring desert plant materials in landscaping for development projects, to the greatest extent possible, and discourage the use of nonnative plant materials that are harmful to native plant and animal species.	The Project landscape plan draws from the natural desert context of Rancho Mirage using desert and low-water-use plant materials. The landscape plan is designed to maximize water efficiency while maintaining an aesthetically pleasing environment for visitors. In addition, the Project Site would not use nonnative plant materials that are harmful to native plants and animal species.
Energy and Mineral Resources, Goal COS 4: The conservation, efficient use, and thoughtful management of energy sources and mineral deposits.	
Energy and Mineral Resources, Goal COS 5: The long-term viability of limited and nonrenewable resources.	
Policy COS 5.2: The General Plan and other community plans shall ensure an efficient circulation system and land use pattern in Rancho Mirage.	As mentioned, the General Plan requires a LOS D or better for peak operating hours. The Project would be consistent with this policy by maintaining a LOS D or better at the six key intersections during peak hours. Additionally, the Project would protect the existing sidewalk along the project frontage and if necessary, repair or reconstruct sidewalks along the Project frontage per the City's request. The proposed Project would also not interfere with the existing bus stops or bike lanes. Therefore, there would be no impact to transit, bicycle, or pedestrian facilities. With regard to land use patterns, the Project does not seek to change its Neighborhood Commercial designation.
Water Quality, Goal COS 6: A dependable, long-term supply of clean and healthful domestic water to meet the needs of all segments of the community.	
Water Quality, Goal COS 7: An informed public that respects Rancho Mirage's finite water resource and maximizes protection and conservation efforts for the benefit of the entire community.	
Policy COS 7.1: The City shall encourage the use of drought tolerant landscaping as a means of reducing water demand.	The Project landscape plan draws from the natural desert context of Rancho Mirage using desert and low-water-use plant materials. The landscape plan is designed to maximize water efficiency while maintaining an aesthetically pleasing environment for visitors. In addition, the Project Site is characterized as an infill location in an urban context so there are no adjoining natural desert areas containing native plant or animal species.

Applicable General Plan Policies	Project Consistency
	Furthermore, the Coachella Valley Water District (CVWD) would evaluate the landscape plan against their Landscape and Irrigation System Design Criteria, which were established in response to severe and continued drought conditions.
Policy COS 7.5: Require new developments to establish and confirm the ability to meet current and future water resource demands.	Analysis for future water demands was provided in Section 5.10.1: Water Service and Supply . The Project water demand is estimated to be approximately 5.25 acre-feet per year (AFY), which represents approximately less than 1 percent of the total anticipated urban demand of 194,300 AFY.
Air Quality Element	
Goal Air Quality (AQ) 1: Preservation and enhancement of regional air quality for the protection of the health and welfare of the community as a whole.	
Policy AQ 1.1: The City shall coordinate and cooperate with CVAG and SCAQMD in the ongoing monitoring and management of major pollutants affecting Rancho Mirage and the region, with particular focus on PM10.	As provided in Section 5.2: Air Quality , construction emissions would not exceed regional and localized thresholds of coarse particulate matter (PM10). Furthermore, the Project would be required to implement Best Available Control Measures for all sources and forms of visible particulate matter. This includes the application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour (mph), sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites. SCAQMD Rule 403 is intended to reduce PM10 emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust.
Policy AQ 1.2: The City shall promote the development of pedestrian-oriented retail centers, as well as community wide multiuse trails and bike paths, dedicated bike lanes, and other desirable alternatives to motor vehicle traffic.	The Project site is located within the Rancho Las Palmas Shopping Center which went through a large amount of reconstruction and re-facing consisting of other pedestrian-oriented retail stores. Furthermore, the proposed Project would provide right-of-way improvements that would be consistent with applicable City requirements
Policy AQ 1.4: The City shall encourage the use of clean alternative energy sources for transportation, heating, and cooling whenever practical.	The City's Sustainability Plan summarizes policies that support the City's GHG reduction measures that include the use of clean alternative energy sources. The Project's GHG impacts are evaluated by assessing the Project's consistency with applicable Statewide, regional, and local GHG reduction plans and strategies. As discussed in Section 5.4 Greenhouse Gases , the proposed Project would be consistent with these plans. Specifically, the proposed Project would provide electric vehicle charging stations, energy

Applicable General Plan Policies	Project Consistency
	efficient lighting, and energy efficient heating and cooling systems consistent with the City's Sustainability Plan and Green Building Code.
Policy AQ 1.5: The City shall review all development proposals for potential adverse effects on air quality and require mitigation of any significant impacts	As provided in Section 5.2: Air Quality , the construction and operation of the Project would not exceed regional and localized significance thresholds and would not result in any significant impacts. Furthermore, the proposed Project would be required to comply with applicable SCAQMD regulations to further reduce emissions such as Rule 403, 1113, and 1186.
Policy AQ 1.6: The City shall strive towards achieving a level-of-service C (see Circulation Element) on all roadways to improve traffic flow, minimize idling time, and reduce air emissions.	As provided in Section 5.9: Transportation , the six key intersections analyzed would result in a LOS of C or better. In addition, standard store operating procedures requires that as soon as the drive-through queue reaches the eighth car (where the menu board/order speaker is located), staff would take orders outside resulting in shorter wait times and drive-through queues. Consequently, the 23 car drive-through queue proposed would be able to handle the expected volume and minimize back up into the shopping center entrance drive from Highway 111. Thus, the operational characteristics of the proposed Project would reduce idling time and reduce air emissions.
Noise Element	
Goal Noise (N) 1: A noise environment providing peace and quiet that complements and is consistent with Rancho Mirage's resort residential character.	
Policy N 1.1: Land use patterns, associated traffic and its distribution, and individual developments shall be assessed for their potential to generate adverse and incompatible noise impacts. Noise exceeding normally acceptable levels shall be appropriately mitigated.	As provided in Section 5.7: Noise , traffic noise levels with Project implementation would be less than significant.
Policy N 1.2: Noise sensitive land uses, including residences, resorts, community open space, schools, libraries, churches, hospitals, and convalescent homes, shall be protected from high noise levels emitted by both existing and future noise sources.	As provided in Section 5.7: Noise , the nearest sensitive receptor would be the residences located along Magnesia Falls Drive to the southeast. The proposed Project's estimated composite noise levels would range from 43.7 dBA CNEL to 49.2 dBA CNEL at nearby sensitive receptors, or an increase of approximately 0.5 dBA CNEL when compared to existing roadway noise levels. While the addition of proposed Project composite noise levels would increase noise levels along Magnesia Falls Drive east of Rancho Las Palmas Center, no changes to the land use noise compatibility classification would occur, as the classification would remain normally acceptable. Thus, off-site noise levels from the Project Site would be consistent with City standards.
Safety Element	

Applicable General Plan Policies	Project Consistency
Flooding and Hydrology – Goal (SAFE) 2: Protection of lives, property, and essential facilities from flooding and other hydrologic hazards in Rancho Mirage.	
Policy SAFE 2.7: Development proposals located in areas that are subject to flooding shall be evaluated to minimize the exposure of life and property to potential flood risks. All development proposed on lands of one acre or larger shall be designed such that all stormwater to the level of a 100-year frequency storm, worst case of the 3, 6, 12, or 24-hour duration, shall be retained on site.	As provided in Section 5.5 Hydrology , according to the FEMA FIRMs Map Number 06065C2206G, effective since August 28, 2008, the Project Site is not located in a designated 100-year flood hazard area. Additionally, the existing stormwater treatment infrastructure within the Rancho Las Palmas Shopping Center was recently upgraded to retain all stormwater on site. The potential stormwater runoff generated on the Project Site would not exceed the existing capacity of the stormwater system with implementation of the proposed Project.
Public Services and Facilities Element	
Fire and Police Protection – Goal PS&F 6: A high level of police and fire protection and paramedic service.	
Policy PS&F 6.1: Review all new and improved developments for their impact on safety and the provision of police and fire protection services.	Section 5.8: Public Services of this Draft EIR evaluates the potential impacts of the Project on public services, and potential impacts would be less than significant through payment of the City’s impact fees.
Community Design Element	
Goal Community Design (CD) 1: Preservation and promotion of the special identity of Rancho Mirage as an “Oasis in the Desert,” combining quality development with scenic, natural, and open space amenities.	
Policy CD 1.1: Rancho Mirage’s symbolic identity shall be enhanced through distinct signage, gateways, architecture, and resilient landscaping.	The Project would be developed in the Rancho Las Palmas Shopping Center, which currently has existing signage at the entrance of the shopping center fronting Bob Hope Drive and Highway 111.
Policy CD 1.3: The City shall ensure the development of high-quality, visually distinctive commercial uses.	As provided in Section 5.1 Aesthetics , the Project would adhere to the development standards and design guidelines outlined in the General Plan as identified in Chapter 10: Community Design Guidelines. The design of the proposed restaurant building employs clean, simple geometric forms and coordinated massing to produce an overall sense of unity, scale, and interest. The building is designed to have a human scale and relate to pedestrians by incorporating appropriately scaled design elements and details that generate interest and diversity at the street, sidewalk level, and relate the building to the ground plan. Thus, development of the proposed Project would ensure that the Project Site would be developed as a high-quality commercial development and would not negatively impact the aesthetic appearance of the Project Site or surrounding area.
Landscape, Goal CD 4: A landscape program that promotes aesthetics, climate change resistance, and place-making.	

Applicable General Plan Policies	Project Consistency
Policy CD 4.1: Landscape plans submitted to the City shall be consistent with this element.	This proposed Project includes a landscape plan consistent with the City's General Plan.
Signage and Lighting, Goal CD 6: Signage of the highest level of design and construction quality. Goal CD 7: Protection of the star-studded desert night sky from excessive glare.	
Policy CD 6.1: The City shall encourage high-quality, low-scale signage that effectively communicates in an attractive manner.	As provided in Section 5.1: Aesthetics , the Project would implement a signage plan that would encourage high-quality, low-scale signage that would effectively communicate in an attractive manner. Additionally, all proposed on-site identification signage would be subject to applicable regulations pursuant to City Municipal Code Chapter 17.28, Signs.
Policy 7.1: Lighting features that preserve the beauty of the desert night while still performing directional, safety, and informational functions shall be designed and incorporated into development projects.	As provided in Section 5.1: Aesthetics , the proposed Project would implement lighting and signage that would be used throughout the Project Site to provide direction to restaurant patrons, as well as security at nighttime. Lighting design throughout the Project Site will illuminate only paths, entryways, and focal elements in order to highlight design and landscaping features, reinforce the community theme, and help ensure pedestrian and vehicular safety. All lighting shall be architectural, hooded, and directed downward to minimize light and direct glare impacts on neighboring properties and pedestrian or vehicular sight lines and reduce impacts on dark skies. Moreover, as identified in County Ordinance No. 655, the Project would respect the requirements and guidelines of the Mount Palomar restricted nighttime light zone.
Commercial Development – Goal CD 9: Retail centers in Rancho Mirage that are visually attractive, people-friendly, and economically successful.	
Policy CD 9.2: Projects shall provide comfortable, attractive, and distinctive pedestrian amenities including sitting areas, shade structures, plazas, and arcades.	The proposed Project would be an approximately 3,885 square foot building with indoor seating for 74 guests, and outdoor seating for 74 guests. A 1,762 square foot patio cover would be connected to the restaurant building at its southwest corner to provide shade for outdoor dining.
Policy CD 9.5: Projects shall design highly visible entrances through accent landscaping, monument signs, back lighting, specialized paving, and other design amenities.	As provided in Section 5.1: Aesthetics , lighting design throughout the Project Site will illuminate only paths, entryways, and focal elements in order to highlight design and landscaping features, reinforce the community theme, and help ensure pedestrian and vehicular safety. Lighting would also be used for security and safety of on-site areas such as parking, loading, shipping, and receiving and would respect the requirements and guidelines of the Mount Palomar restricted nighttime light zone, as identified in County Ordinance No. 655.

Applicable General Plan Policies	Project Consistency
Policy CD 9.7: Monument, retail, and directional signs shall use accent lighting.	As provided in Section 5.1: Aesthetics , the Project would implement a signage plan that would include illuminated channel wall signs. All proposed on-site identification signage would be subject to applicable regulations pursuant to City Municipal Code Chapter 17.28, Signs.
Policy CD 9.8: Projects shall incorporate monument signs near corners or entrances to retail centers.	The Project would be developed in the Rancho Las Palmas Shopping Center, which currently has an existing signage at the entrance of the shopping center fronting Bob Hope Drive and Highway 111.
Parking – Goal CD 10: Distinctly designed parking areas in Rancho Mirage’s commercial centers that incorporate rich paving materials, drought and heat-tolerant landscaping, clear and safe pedestrian and vehicular access, and protection from the desert climate through the use of well-placed trees and/or carports.	
Goal CD 11: Parking areas that are screened from public streets to the greatest extent possible.	
Policy CD 10.2: Projects shall configure parking areas to allow for the free flow of vehicular traffic and convenient vehicular access to customers.	Evaluation of the on-site circulation layout of the proposed In-N-Out Burger Restaurant Project on an overall basis is adequate. Curb return radii have been confirmed and are adequate for service/delivery trucks and trash trucks. Ingress and egress for the drive-through pick-up lane is not impeded by any on-site vehicular queueing and any potential overflow of the drive-through pick-up lane will not impact on-site circulation of the shopping center. Furthermore, based on the internal circulation pattern of the existing Rancho Las Palmas Center, Project traffic will be able to access Bob Hope Drive, Highway 111, and/or Magnesia Falls via primary drive aisles without circulating through the parking areas.
Policy CD 10.5: Lighting shall be directed downward to protect from nighttime glare and illuminate pedestrian pathways with bollard lighting.	As provided in Section 5.1: Aesthetics , all lighting shall be architectural, hooded, and directed downward to minimize light and direct glare impacts on neighboring properties and pedestrian or vehicular sight lines and reduce impacts on dark skies. Lighting design throughout the Project Site will illuminate only paths, entryways, and focal elements in order to highlight design and landscaping features, reinforce the community theme, and help ensure pedestrian and vehicular safety.
People-Gathering Places – Goal CD 12: A city that is noted for lively and attractive public plazas with a combination of quality seating, shade, various art mediums, and other pedestrian amenities.	
Policy CD 12.1: Commercial developments shall be designed to incorporate attractive, people-friendly spaces.	The proposed Project would be an approximately 3,885 square foot building with indoor seating for 74 guests, and outdoor seating for 74 guests. A 1,762 square foot patio cover would be connected to the restaurant building at its southwest corner to provide shade for outdoor dining.

Applicable General Plan Policies	Project Consistency
Economic and Fiscal Element	
Goal Economic and Fiscal (E&F) 1: A growing and balanced economic base that serves the needs of Rancho Mirage residents, businesses, and visitors while maintaining the City's high standards of development and environmental protection.	
Goal E&F 2: A prudent and progressive financial management program to maintain and enhance the City's strong fiscal position.	
Policy E&F 2.5: Promote the development of a central place of activity to enhance the economic vitality of the Highway 111 corridor.	The proposed Project includes the development of an iconic fast-food drive-through restaurant that is within an infill site along Highway 111, a major transportation corridor, that is consistent with other drive-through uses within the City's large scale shopping center land use and zoning designation. Additionally, the proposed Project would provide employment and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis.

Cumulative Impacts

Cumulative impacts would be less than significant, and the proposed Project would not have a considerable contribution to potential land use impacts. Development of the proposed Project, in conjunction with other cumulative development in the area permitted by the City's General Plan, would not result in citywide and regional land use and planning impacts. Upon adoption of the proposed Project, the Project would be consistent with applicable goals and policies of the City's General Plan.

The proposed uses within the Project Site would be consistent and compatible with existing and planned land uses surrounding the Project Site, including the existing commercial uses to the west across Highway 111, the designated commercial uses to the north within the Rancho Las Palmas Shopping Center, and the mix of residential and commercial uses to the south across Magnesia Falls Drive.

The proposed use within the Project Site would be consistent and compatible with existing and planned land uses surrounding the Project Site upon approval of the Zone Text Amendment. As noted in **Section 4.0: Environmental Setting**, there would be a total of 9 related projects in the City as well as in the adjacent City of Palm Desert. None of these projects are nearby or on this same section of Highway 111. In consideration of the preceding factors, the Project's contribution to cumulative land use impacts would be less than considerable.

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

C. MITIGATION MEASURES

No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE

No significant impacts have been identified and no mitigation measures are necessary.

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to result in noise impacts within the INO Burger Restaurant Project Site (Project Site) and surrounding area. This evaluation uses procedures and methodologies as specified by the California Department of Transportation (Caltrans), the Federal Transit Administration (FTA), and the Federal Highway Administration (FHWA). Existing noise monitoring, roadway and construction noise and vibration, and operational modeling datasheets are included in **Appendix F: Noise Worksheets** of this Draft EIR.

Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Fundamentals of Noise

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted sound. Sound is characterized by various parameters that describe the physical properties of sound waves. These properties include the rate of oscillation (frequency); the distance between successive high and low noise levels, the speed of propagation; and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level.

The unit of sound pressure expressed as a ratio to the faintest sound detectable to a person with normal hearing is called a decibel (dB). Sound or noise can vary in intensity by more than one million times within the range of human hearing. A logarithmic loudness scale, similar to the Richter scale for earthquake magnitude, is used to describe sound-intensity levels. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity are factored more heavily into sound descriptions in a process called A weighting, written as dBA. Further reference to decibels in this analysis should be understood to be A-weighted.

Several noise descriptors have been developed to evaluate the adverse effect of community noise on people. Since noise level fluctuates over time, an equivalent sound level (Leq) descriptor is used to describe typical time-varying instantaneous noise. Finally, because community receptors are more sensitive to unwanted noise intrusion during evening and nighttime hours, State law requires that an artificial decibel increment be added to noise occurring during those time periods. The 24-hour noise descriptor with a specified evening (7:00 to 10:00 PM) and nighttime (10:00 PM to 7:00 AM) penalty is called the Community Noise Equivalent Level (CNEL).

Noise sources can generally be categorized as one of two types: (1) point sources, such as stationary mechanical equipment; and (2) line sources, such as a roadway. Sound generated by a point source typically diminishes (attenuates) at a rate of 6 dBA for each doubling of distance from the source to the receptor at acoustically hard sites, and at a rate of 7.5 dBA at acoustically soft sites.¹ A hard or reflective site consists of asphalt, concrete, or very hard-packed soil, which does not provide any excess ground-effect attenuation. An acoustically soft or absorptive site is characteristic of normal earth and most ground with vegetation. As an example, a 60-dBA noise level measured at 50 feet from a point source at an acoustically hard site would be 54 dBA at 100 feet from the source and 48 dBA at 200 feet from the source. Noise from the same point source at an acoustically soft site would be 52.5 dBA at 100 feet and 45 dBA at 200 feet from the source. Sound generated by a line source typically attenuates at a rate of 3 dBA and 4.5 dBA per doubling of distance from the source to the receptor for hard and soft sites, respectively.² Noise levels generated by a variety of activities are shown in **Figure 5.7-1: Common Noise Levels**. Man-made or natural barriers can also attenuate sound levels, as illustrated in **Figure 5.7-2: Noise Attenuation by Barriers**.

Noise Terminology

Different types of scales are used to characterize the time-varying nature of sound. Applicable scales include the maximum noise level (Lmax), equivalent noise level (Leq), and the CNEL. Lmax is the maximum noise level measured during a specified period. Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods. CNEL is an average A-weighted sound level measured over a 24-hour period. However, this noise scale is adjusted to account for some individuals' increased sensitivity to noise levels during the evening and nighttime hours. A CNEL noise measurement is obtained by adding 5 dBA to sound levels occurring during the evening, from 7:00 PM to 10:00 PM, and 10 dBA to sound levels occurring during the nighttime, from 10:00 PM to 7:00 AM. The 5 dBA and 10 dBA "penalties" are applied to account for increased noise sensitivity during the evening and nighttime hours. Day-night average level (Ldn) is the A-weighted equivalent sound level for a 24-hour period with an additional 10 dB imposed on the equivalent sound levels for nighttime hours of 10:00 PM to 7:00 AM. **Table 5.7-1: Noise Descriptors** identifies various noise descriptors developed to measure sound levels over different periods of time.

1 USDOT FHWA, Fundamentals and Abatement, 97.

2 USDOT FHWA, Fundamentals and Abatement, 97.

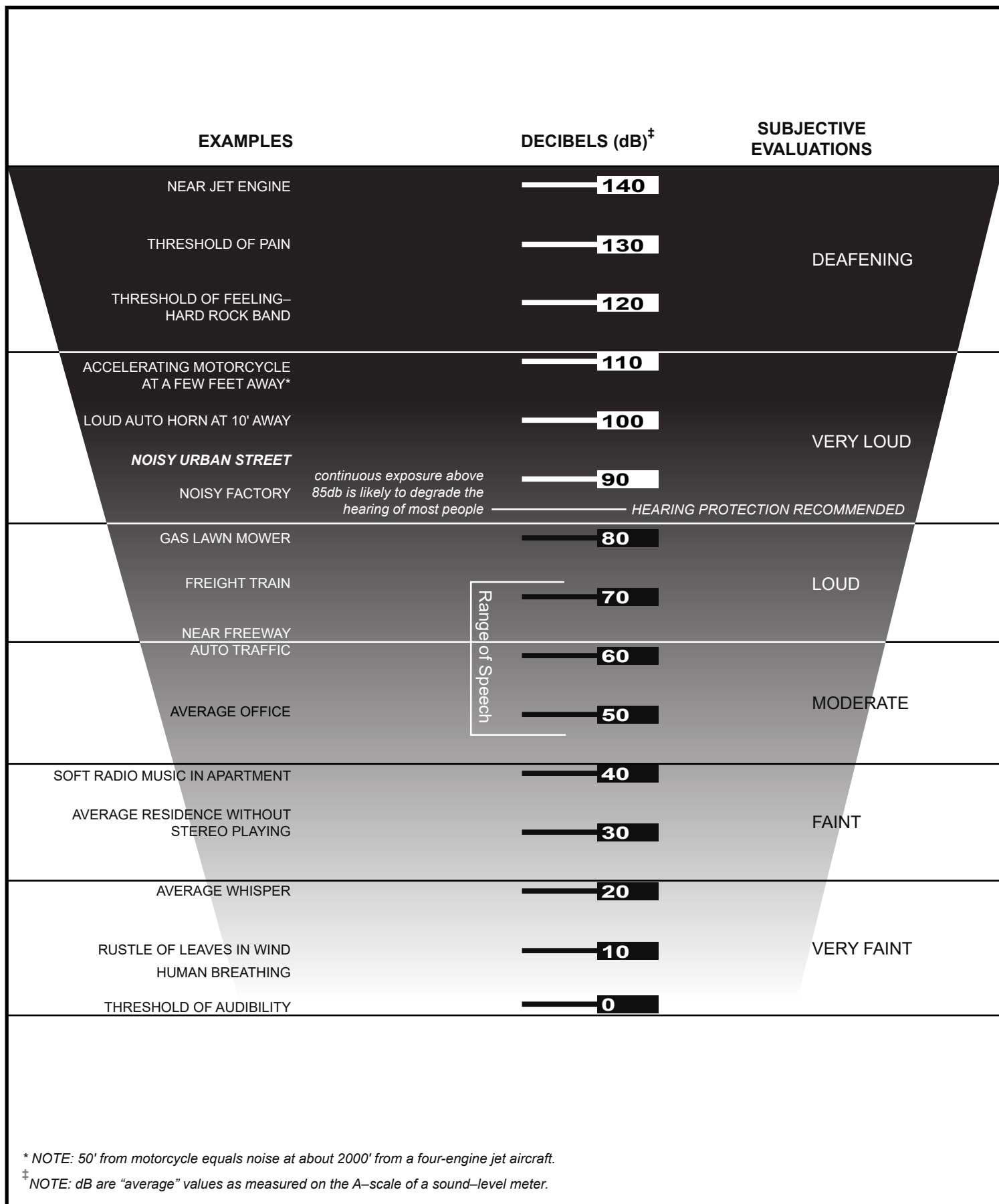
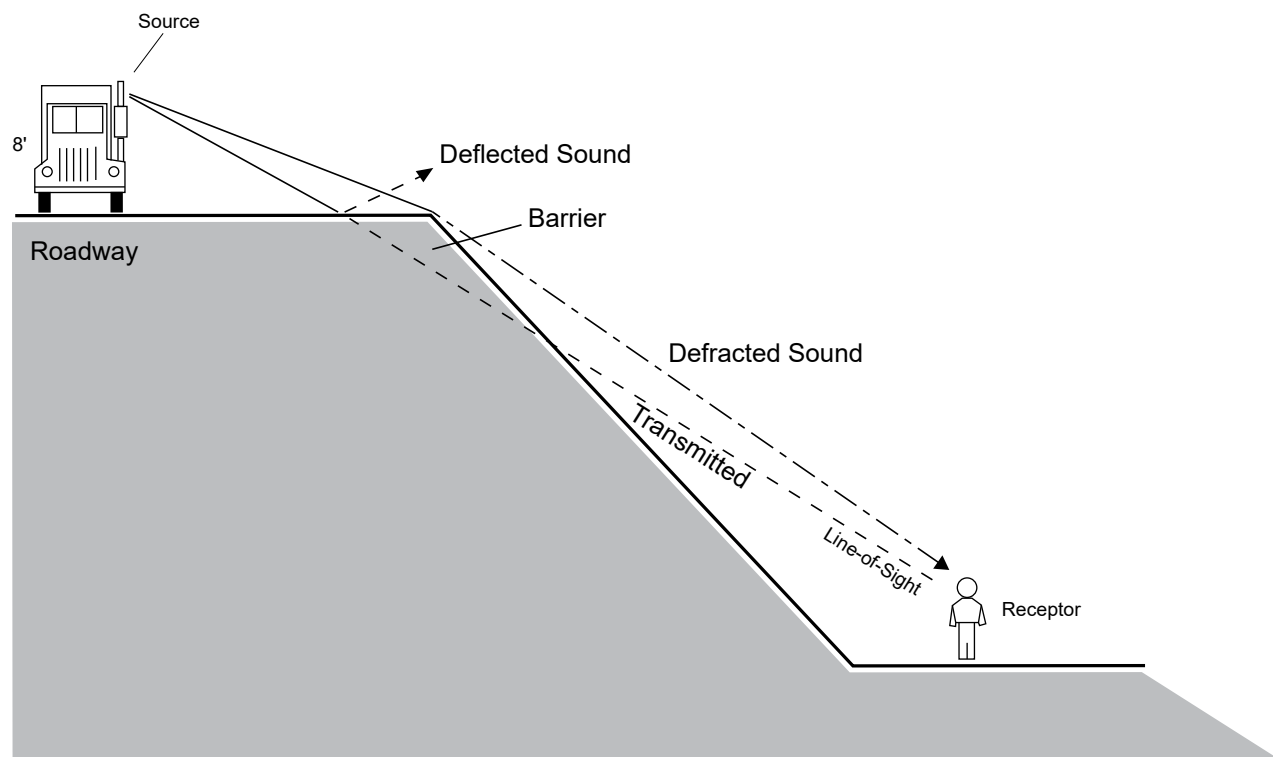
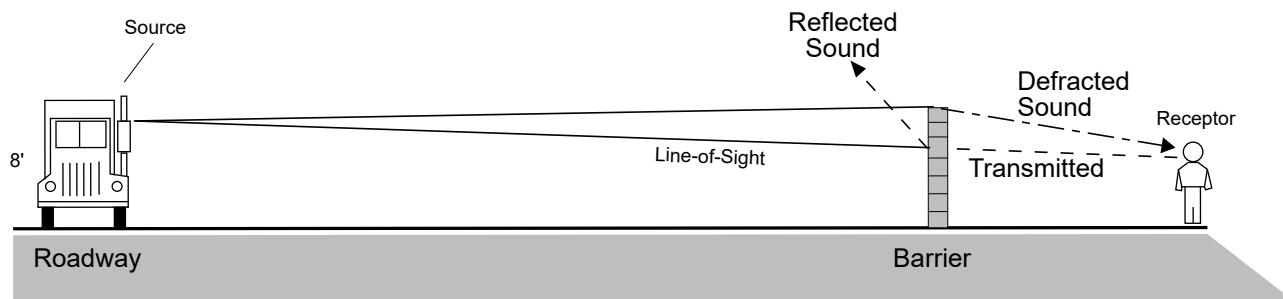


FIGURE 5.7-1



"Barrier Effect" Resulting from Differences in Elevation.



"Barrier Effect" Resulting from Typical Soundwall.

FIGURE 5.7-2

**Table 5.7-1
Noise Descriptors**

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

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

Noise Barrier Attenuation

The introduction of a barrier between a noise source and a sensitive receptor redistributes the sound energy into several paths, including a diffracted path over the top of the barrier, a transmitted path through the barrier, and a reflected path directed away from the sensitive receptor. Diffraction is the bending of sound waves over the top of a barrier. The area behind the barrier in which diffraction occurs is known as a “shadow zone,” and sensitive receptors located in this area will experience some sound attenuation. The amount of attenuation is related to the magnitude of the diffraction angle. The diffraction

angle will increase if the barrier height increases or if the distance from sensitive receptors is decreased to the barrier. In addition to diffraction with the use of barriers, sound can travel through the barrier itself. The level of sound transmission through the barrier depends on factors relating to the composition of the barrier (such as its weight and stiffness), the angle of incidence of the sound, and the frequency spectrum of the sound. The rating of a material's ability to transmit noise is called transmission loss. Transmission loss is related to the ratio of the incident noise energy to the transmitted noise energy, and it is normally expressed in decibels, which represents the amount noise levels will be reduced when the sound waves pass through the material of the barrier.

Noise energy can also be reflected by a barrier wall. Thus, the reflected sound energy would not affect the sensitive receptor but may affect sensitive receptors to the left and right of the developed barrier.³ Man-made or natural barriers can also attenuate sound levels, as illustrated in **Figure 5.7-3: Noise Barrier Diffraction**. A solid wall or berm may reduce noise levels by 5 to 10 dBA.⁴

Contemporary wood frame construction techniques in California typically provide about 25 dBA reduction in exterior to interior noise levels. This is due to structural means used to comply with California regulations, such as the Title 24 energy conservation standards. The minimum attenuation of exterior to interior noise provided by typical structures in California is provided in **Table 5.7-2: Attenuation of Typical Structures**.

Table 5.7-2
Attenuation of Typical Structures

Building Type	Open Windows (dBA)	Closed Windows (dBA) ^a
Residences	17.0	25.0
Churches	20.0	30.0
Hospitals/convalescent homes	17.0	25.0
Offices	17.0	25.0
Theaters	20.0	30.0
Hotels/motels	17.0	25.0

Source: Bolt Beranek and Newman, Inc., *Highway Noise: A Design Guide for Highway Engineers*, NCHRP Report No. 117, (1971). Prepared for Highway Research Board, National Academy of Sciences, Washington, D.C.

^a As shown, structures with closed windows can attenuate exterior noise by a minimum of 25.0 to 30.0 dBA.

Vibration

Vibration consists of waves transmitted through a solid medium. Groundborne vibration propagates from the source through the ground to adjacent buildings by surface waves. A vibration may be a single pulse,

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

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

a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in hertz (Hz). Most environmental vibrations consist of a composite, or “spectrum,” of many frequencies, and are generally classified as broadband or random vibrations. **Figure 5.7-4: Typical Levels of Groundborne Vibration** identifies typical groundborne vibration levels. The normal frequency range of most groundborne vibration that can be felt starts from a low frequency of less than 1 Hz to a high of about 200 Hz. Vibration is often measured in terms of the peak particle velocity (PPV) in inches per second (in/sec) because it is related to the stresses that are experienced by buildings. Vibration is also measured in vibration decibels (VdB). The human threshold of perception is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Vibration levels are acceptable at approximately 85 VdB if there are an infrequent number of events per day.⁵

Vibration energy attenuates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source.⁶ High frequency vibrations reduce much more rapidly than low frequencies, so that in the far-field from a source, the low frequencies tend to dominate. Soil properties also affect the propagation of vibration. When groundborne vibration interacts with a building, there is usually a ground-to-foundation coupling loss, but the vibration can also be amplified by the structural resonances of the walls and floors.⁷ Vibration in buildings is typically perceived as rattling of windows or of items on shelves, or the motion of building surfaces.

Groundborne vibration is generally limited to areas within a few hundred feet of certain types of construction activities, especially pile driving. Road vehicles rarely create enough groundborne vibration to be perceptible to humans unless the road surface is poorly maintained and there are potholes or bumps.⁸ If traffic, typically heavy trucks, induces perceptible vibration in buildings, such as window rattling or shaking of small loose items, then it is most likely an effect of low-frequency airborne noise or ground characteristics. Human annoyance by vibration is related to the vibration energy and the number and duration of events, as well as the setting in which the person experiences the vibration. As discussed previously, vibration can be amplified by the structural resonances of the walls and floors of buildings. The more the events or the greater the duration, the more annoying will it be to humans.

Existing Conditions

The Project Site is located within the Ranchos Las Palmas Shopping Center. The center went through a large amount of reconstruction and re-facing in 2015. The redevelopment of the site included the demolition of the 5,470-square-foot sit-down restaurant that previously occupied the proposed Project

5 *Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual*, September 2018), 7-8.

6 *California Department of Transportation, Earthborne Vibrations* (1990), VII-27.

7 *Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual*, September 2018, 7-1, 7-2.

8 *Federal Transit Administration* (2018), 7-9.

Site. A pad was prepared for development; however, the Project Site is currently vacant and undeveloped.

Existing Noise Levels

While there are no existing stationary- or mobile-sources of noise within the Project Site, the site is surrounded by transportation and stationary sources of noise that contribute to the existing ambient noise environment. In addition to mobile and stationary sources of noise, the Coachella Valley also experiences high wind gusts that can significantly elevate the ambient noise environment on windy days.

Noise measurements, as discussed below, were conducted during the AM peak hour period (7:00 AM to 9:00 AM) at five off-site locations adjacent to the Project Site area to establish baseline noise conditions. The noise measurements locations are shown in **Figure 5.7-5: Noise Monitoring and Sensitive Receptor Location Map** and described in **Table 5.7-3: Existing Ambient Noise Levels**. Existing noise levels ranged from a low of 46.7 dBA Leq (Site 5) to a high of 63.5 dBA Leq (Site 1). Based on the City's land use noise compatibility criteria, noise levels ranging between 50 – 57 Ldn or CNEL, dB are classified as normally acceptable and between 55 – 70 Ldn or CNEL, dB are classified as conditionally acceptable for residential – low density single-family, duplex, and mobile homes.⁹ Additionally, noise levels ranging between 50 – 70 Ldn or CNEL, dB are classified as normally acceptable for commercial uses. As shown in **Table 5.7-3**, the residential uses (Sites 3 and 5) and the commercial uses (Sites 1, 2, and 4) are within the normally acceptable range.

**Table 5.7-3
Existing Ambient Noise Levels**

Site	Location	Land Use	Land Use Zone	Applicable Exterior Noise Standard			Existing Noise (15-minute dBA Leq)
				7:00 AM to 6:00 PM	6:00 PM to 10:00 PM	10:00 PM to 7:00 AM	
Site 1	East of the Project Site	Commercial	C-N	70	65	60	63.5
Site 2	North of the Project Site at the entrance of the Proposed Drive-Through	Commercial	C-N	70	65	60	55.0
Site 3	Southeast of the Project Site along Magnesia Falls Drive	Residential	R-L-3	55	50	45	52.8
Site 4	Southwest of the Project Site along Magnesia Falls Drive	Commercial	C-G	70	65	60	61.6
Site 5	East of the Project Site	Residential	R-L-3	55	50	45	46.7

Refer to **Appendix F.1** for noise monitoring data sheets.

9 City of Rancho Mirage General Plan Noise Element, Exhibit 20, Noise Level and Land Use Compatibility, accessed April 2020, https://ranchomirageca.gov/content_files/pdf/departments/community_development/gp17/Chapter_7_Noise.

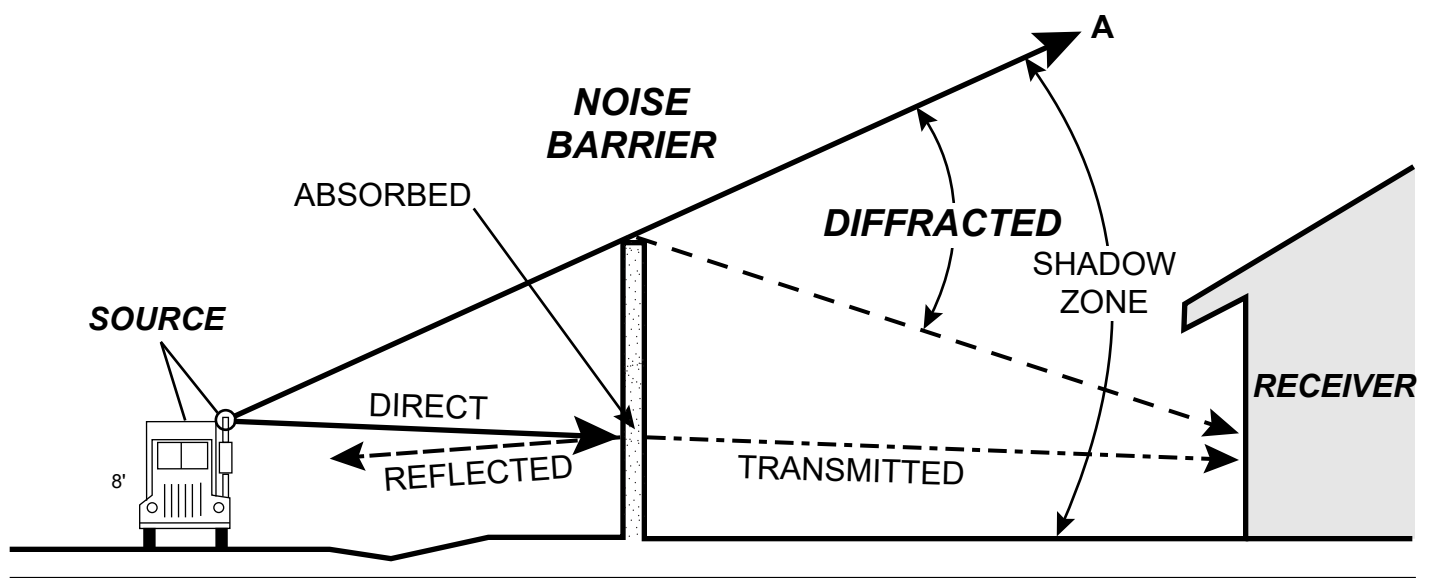
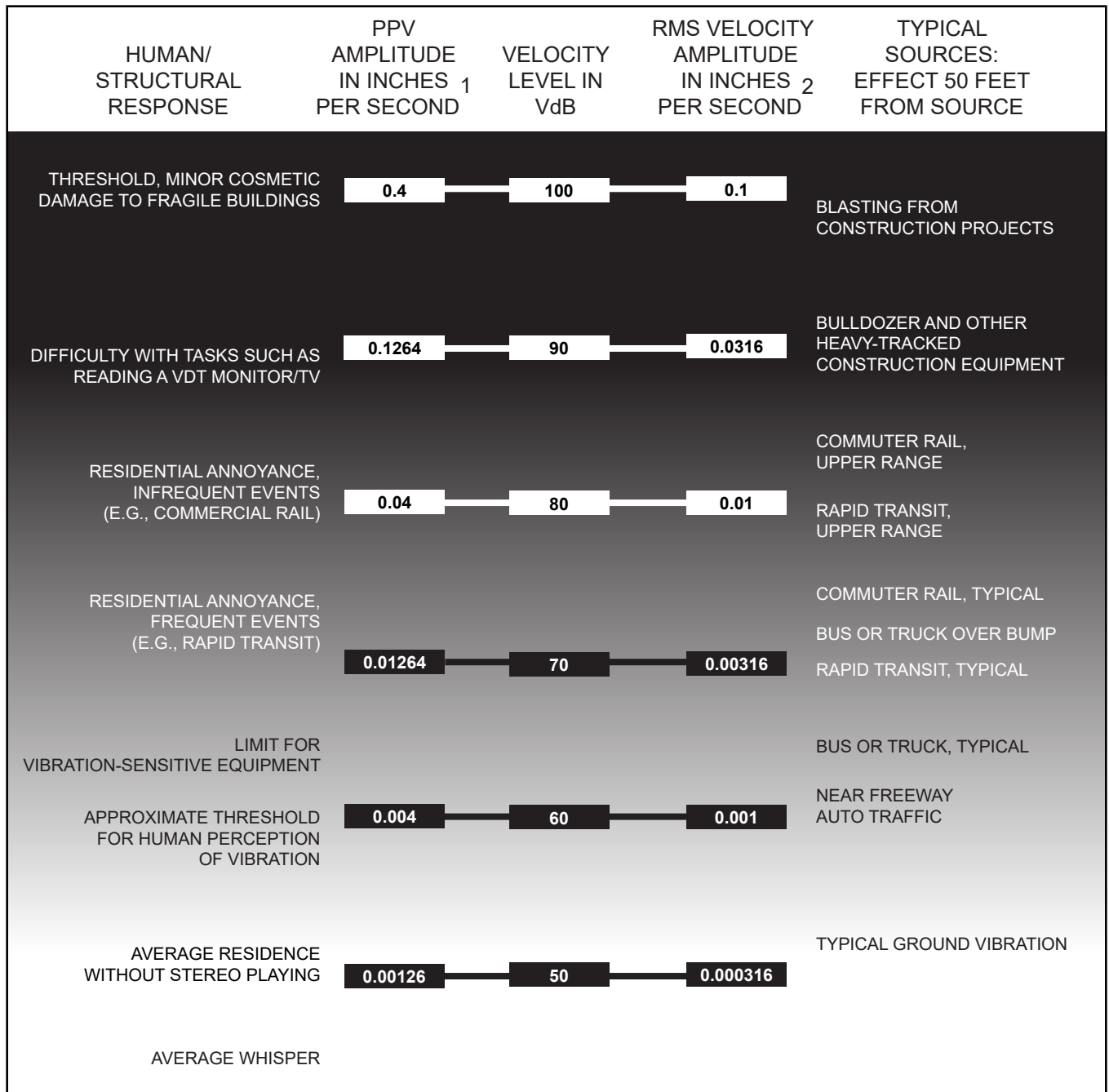
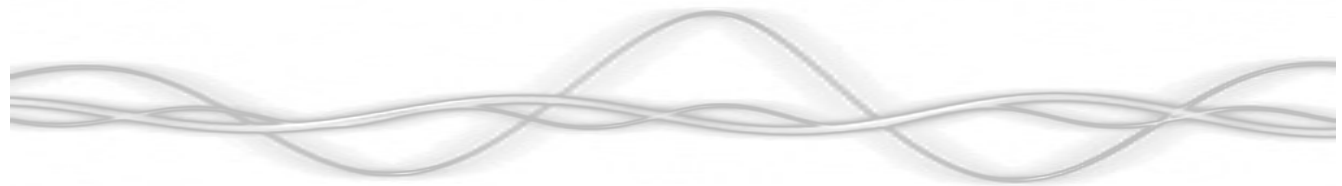


FIGURE 5.7-3



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

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

FIGURE 5.7-4

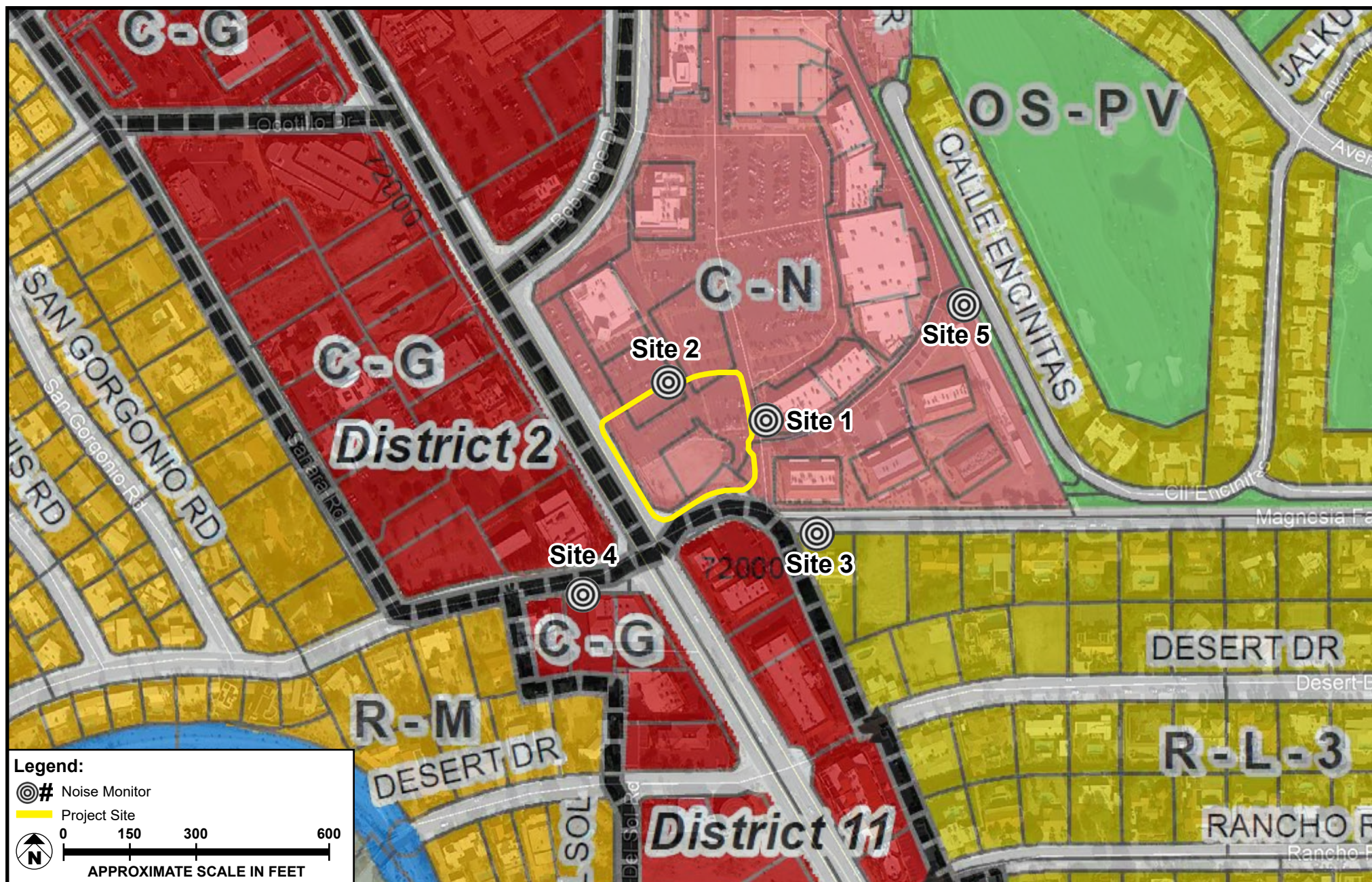


FIGURE 5.7-5

Existing Off-Site Roadway Noise Levels

In addition to the ambient noise measurements near the Project Site, the existing traffic noise on local roadways in the surrounding areas was calculated to quantify the 24-hour CNEL noise levels using information provided in the traffic impact study (refer to **Appendix H**). The traffic impact study analyzed a total of 9 intersections during the weekday PM peak hour period and Saturday Midday peak hour. These intersections and connecting roadway segments were selected for the generation of existing off-site traffic noise. Traffic noise levels were calculated using the Federal Highway Administration Traffic Noise Model (FHWA TNM).

Table 5.7-4: Existing Roadway Noise Levels provides the calculated CNEL for the analyzed local roadway segments based on existing traffic volumes. CNEL levels attributed to roadway traffic range from 37.6 dBA CNEL along Rancho Las Palmas Drive east of Bob Hope Drive (Intersection 7) during the weekday PM peak hour to 69.7 dBA CNEL along Highway 111 south of Magnesia Falls Drive (Intersection 3) and north of Painters Path/Park View Drive (Intersection 5) during the Saturday Midday. In terms City's land use noise compatibility categories based on roadway traffic only, most locations are classified as normally acceptable, with others classified as conditionally acceptable. Specifically, the noise exposure compatibility categories based on roadway traffic only are summarized as follows:

- Normally Acceptable: Locations where commercial uses are dominant along Highway 111, Bob Hope Drive, Rancho Las Palmas Center, Park View Drive, Fred Waring Drive, Rancho Las Palmas Drive (Driveway No. 2 and 3) and where residential uses are dominant along Magnesia Falls Drive.
- Conditionally Acceptable: Locations where residential uses are mixed with commercial uses along Bob Hope Drive, Park View Drive and Rancho Las Palmas Drive.
- Normally Unacceptable: None.
- Clearly Unacceptable: None.

**Table 5.7-4
Existing Roadway Noise Levels**

Intersection No.	Roadway Segment	Adjacent Land Use	Time Period	Existing Roadway Noise Level (CNEL)	Existing Noise Exposure Compatibility Category
Highway 111					
1	North of Rancho Las Palmas Drive	Commercial	Weekday PM	68.0	Normally Acceptable
			Saturday Midday	68.2	Normally Acceptable
	South of Rancho Las Palmas Drive	Commercial	Weekday PM	68.0	Normally Acceptable
			Saturday Midday	68.1	Normally Acceptable

Intersection No.	Roadway Segment	Adjacent Land Use	Time Period	Existing Roadway Noise Level (CNEL)	Existing Noise Exposure Compatibility Category
2	North of Bob Hope Drive	Commercial	Weekday PM	68.3	Normally Acceptable
			Saturday Midday	68.3	Normally Acceptable
	South of Bob Hope Drive	Commercial	Weekday PM	69.5	Normally Acceptable
			Saturday Midday	69.5	Normally Acceptable
3	North of Magnesia Falls Drive	Commercial	Weekday PM	69.4	Normally Acceptable
			Saturday Midday	69.5	Normally Acceptable
	South of Magnesia Falls Drive	Commercial	Weekday PM	69.6	Normally Acceptable
			Saturday Midday	69.7	Normally Acceptable
5	North of Painters Path/Park View Drive	Commercial	Weekday PM	69.5	Normally Acceptable
			Saturday Midday	69.7	Normally Acceptable
	South of Painters Path/Park View Drive	Commercial	Weekday PM	69.3	Normally Acceptable
			Saturday Midday	69.5	Normally Acceptable
6	North of Fred Waring Drive	Commercial	Weekday PM	69.4	Normally Acceptable
			Saturday Midday	69.4	Normally Acceptable
	South of Fred Waring Drive	Commercial	Weekday PM	68.5	Normally Acceptable
			Saturday Midday	68.9	Normally Acceptable
9	North of Rancho Las Palmas Center	Commercial	Weekday PM	69.5	Normally Acceptable
			Saturday Midday	69.4	Normally Acceptable
	South of Rancho Las Palmas Center	Commercial	Weekday PM	69.5	Normally Acceptable
			Saturday Midday	69.4	Normally Acceptable
Bob Hope Drive					
2	East of Hwy 111	Commercial	Weekday PM	64.0	Normally Acceptable
			Saturday Midday	64.2	Normally Acceptable
	West of Hwy 111	Commercial	Weekday PM	42.6	Normally Acceptable
			Saturday Midday	44.3	Normally Acceptable

Intersection No.	Roadway Segment	Adjacent Land Use	Time Period	Existing Roadway Noise Level (CNEL)	Existing Noise Exposure Compatibility Category
7	North of Rancho Las Palmas Drive	Residential/Commercial	Weekday PM	65.4	Conditionally/Normally Acceptable
			Saturday Midday	65.3	Conditionally/Normally Acceptable
	South of Rancho Las Palmas Drive	Commercial	Weekday PM	64.4	Normally Acceptable
			Saturday Midday	64.9	Normally Acceptable
8	North of Rancho Las Palmas Drive Dwy No. 2	Commercial	Weekday PM	64.3	Normally Acceptable
			Saturday Midday	64.7	Normally Acceptable
	South of Rancho Las Palmas Drive Dwy No. 2	Commercial	Weekday PM	63.9	Normally Acceptable
			Saturday Midday	64.1	Normally Acceptable
Rancho Las Palmas Center					
1	East of Hwy 111	Commercial	Weekday PM	57.6	Normally Acceptable
			Saturday Midday	56.4	Normally Acceptable
	West of Hwy 111	Commercial	Weekday PM	54.2	Normally Acceptable
			Saturday Midday	52.1	Normally Acceptable
Magnesia Falls Drive					
3	East of Hwy 111	Residential/Commercial	Weekday PM	51.7	Normally Acceptable
			Saturday Midday	52.7	Normally Acceptable
	West of Hwy 111	Residential/Commercial	Weekday PM	49.2	Normally Acceptable
			Saturday Midday	48.7	Normally Acceptable
4	East of Rancho Las Palmas Center	Residential/Commercial	Weekday PM	44.7	Normally Acceptable
			Saturday Midday	43.2	Normally Acceptable
	West of Rancho Las Palmas Center	Residential/Commercial	Weekday PM	50.6	Normally Acceptable
			Saturday Midday	52.0	Normally Acceptable
Park View Drive					
5	East of Hwy 111	Residential/Commercial	Weekday PM	59.6	Conditionally/Normally Acceptable
			Saturday Midday	58.8	Conditionally/Normally Acceptable

Intersection No.	Roadway Segment	Adjacent Land Use	Time Period	Existing Roadway Noise Level (CNEL)	Existing Noise Exposure Compatibility Category	
6	West of Hwy 111	Commercial	Weekday PM	50.2	Normally Acceptable	
			Saturday Midday	50.5	Normally Acceptable	
	Fred Waring Drive					
	East of Hwy 111	Commercial	Weekday PM	65.9	Normally Acceptable	
			Saturday Midday	66.1	Normally Acceptable	
	West of Hwy 111	Commercial	Weekday PM	62.1	Normally Acceptable	
			Saturday Midday	63.4	Normally Acceptable	
	Rancho Las Palmas Drive					
	7	East of Bob Hope Drive	Commercial	Weekday PM	37.6	Normally Acceptable
				Saturday Midday	43.2	Normally Acceptable
West of Bob Hope Drive		Residential/Commercial	Weekday PM	60.9	Conditionally/Normally Acceptable	
			Saturday Midday	59.3	Conditionally/Normally Acceptable	
Rancho Las Palmas Drive Dwy No. 2						
8	East of Bob Hope Drive	Commercial	Weekday PM	52.9	Normally Acceptable	
			Saturday Midday	53.6	Normally Acceptable	
	West of Bob Hope Drive	Commercial	Weekday PM	51.3	Normally Acceptable	
			Saturday Midday	51.5	Normally Acceptable	
Rancho Las Palmas Drive Dwy No. 3						
9	East of Hwy 111	Commercial	Weekday PM	43.9	Normally Acceptable	
			Saturday Midday	45.7	Normally Acceptable	
	West of Hwy 111	Commercial	Weekday PM	N/A	N/A	
			Saturday Midday	N/A	N/A	

Source: Refer to **Appendix F.2** for roadway noise calculation worksheets.

Note: N/A = No Data as roadway segment does not exist.

Existing Vibration Conditions

Based on field observations, the primary source of existing ground-borne vibration near the Project Site is vehicle traffic on local roadways. According to the FTA,¹⁰ typical road traffic-induced vibration levels are unlikely to be perceptible by people. In part, FTA indicates that “it is unusual for vibration from traffic including buses and trucks to be perceptible, even in a location close to major roadways.” Therefore, based on FTA published vibration data, the existing ground vibration environment in the Project vicinity would be below the perceptible levels. Trucks and buses typically generate vibration velocity levels of approximately 63 VdB (at 50-foot distance), and these levels could reach 72 VdB when trucks and buses pass over bumps in the road.

Regulatory Setting

Federal

Department of Housing and Urban Development

The US Department of Housing and Urban Development (HUD) has set a goal of 65 dBA CNEL as a desirable maximum exterior standard for residential uses developed under HUD funding. While HUD does not specify acceptable interior noise levels, standard construction of residential uses constructed under Title 24 standards typically provides in excess of 20 dBA of attenuation with the windows closed. Based on this premise, the interior CNEL should not exceed 45 dBA CNEL.¹¹

Federal Transit Administration

The FTA has published a technical manual, *Transit Noise and Vibration Impacts Assessment*, that provides ground-borne vibration impact criteria with respect to building damage during construction activities.¹² According to the FTA guidelines, a vibration criterion of 0.20 PPV should be considered as the significant impact level for nonengineered timber and masonry buildings. Structures or buildings constructed of reinforced concrete, steel, or timber have a vibration damage criterion of 0.50 PPV based on the FTA guidelines. Structures amplify ground-borne vibration, and wood-frame buildings, such as typical residential structures, are more affected by ground vibration than are heavier buildings. The level at which ground-borne vibration is strong enough to cause architectural damage has not been determined conclusively.

10 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment* (2018).

11 Code of Federal Regulations, Title 24, sec. 51, Housing and Urban Development, Environmental Criteria and Standards (revised April 1, 2004).

12 US Department of Transportation, Federal Transit Administration (USDOT, FTA), *Transit Noise and Vibration Impact Assessment*, FTA report no. 0123 (September 2018), accessed May 2020, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

The most conservative estimates are reflected in the FTA standards, shown in **Table 5.7-5: Construction Vibration Damage Criteria**. The FTA has also adopted standards for ground-borne vibration impacts related to human annoyance, as shown in **Table 5.7-6: Ground-borne Vibration Sensitivity Criteria**. These criteria are based on extensive research that suggests humans are sensitive to vibration velocities in the range of 8 to 80 Hz.¹³

Table 5.7-5
Construction Vibration Damage Criteria

Building Category	PPV (ips)	Lv (VdB)
I. Reinforced concrete, steel, or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Nonengineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

Source: Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual, September 2018).

Note: For Max Lv (VdB), Lv = the velocity level in decibels as measured in 1/3 octave bands of frequency over the frequency ranges of 8 to 80 Hz; VdB = vibration decibels; Hz = hertz; ips = inches per second.

Table 5.7-6
Ground-borne Vibration Sensitivity Criteria

Building Category	Frequent Events	Occasional Events	Infrequent Events
Category 1: High Sensitivity. Buildings where vibration would interfere with interior operations (e.g., vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and research operations).	65 VdB ¹	65 VdB ¹	65 VdB ¹
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses, such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment, but still have the potential for activity interference.	75 VdB	78 VdB	83 VdB

Source: Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual, September 2018.

Note:

¹ This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. For equipment that is more sensitive, a Detailed Vibration Analysis must be performed.

13 USDOT, FTA, Transit Noise and Vibration Impact Assessment.

State

Noise Standards

The California Department of Health Services (DHS) has established guidelines for evaluating the compatibility of various land uses as a function of community noise exposure; these guidelines have been included in the State of California General Plan Guidelines, which is published and updated by the Governor's Office of Planning and Research.¹⁴ According to the State, an exterior noise environment up to 60 dBA CNEL and 65 dBA CNEL is "normally acceptable" for single- and multifamily residential uses, respectively, without special noise insulation requirements. In addition, noise levels up to 75 dBA CNEL are "conditionally acceptable" with special noise insulation requirements, while noise levels at 75 dBA CNEL and above are "clearly unacceptable" for residential uses. In addition, Section 65302(f) of the California Government Code requires each county and city in the State to prepare and adopt a comprehensive long-range general plan for its physical development, with Section 65302(g) requiring a noise element to be included in the general plan. The noise element must (1) identify and appraise noise problems in the community, (2) recognize Office of Noise Control guidelines, and (3) analyze and quantify current and projected noise levels.

DHS's Office of Noise Control has established guidelines to provide communities with noise environments that it deems to be generally acceptable based on land-use categories. These guidelines serve as a primary tool for a city to use to assess the compatibility between land uses and outdoor noise. Noise exposure for single-family uses is normally acceptable when the CNEL at exterior residential locations is equal to or below 60 dBA, conditionally acceptable when the CNEL is between 55 to 70 dBA, and normally unacceptable when the CNEL exceeds 70 dBA. Some overlap exists between categories. These guidelines apply to noise sources such as vehicular traffic, aircraft, and rail movements.

Vibration Standards

The California Department of Transportation (Caltrans) published its *Transportation and Construction Vibration Guidance Manual* in April 2020.¹⁵ The manual provides practical guidance to Caltrans engineers, planners, and consultants who must address vibration issues associated with the construction, operation, and maintenance of Caltrans projects. This manual provides guidelines for assessing vibration damage potential to various types of buildings, ranging from 0.08 to 0.12 inches per second for extremely fragile historic buildings, ruins, and ancient monuments, to 0.50 to 2.0 inches per second for modern industrial and commercial buildings.

14 State of California, Governor's Office of Planning and Research, *General Plan Guidelines 2017 (2018)*, 374, accessed May 2020, <http://opr.ca.gov/planning/general-plan/guidelines.html>.

15 California Department of Transportation (Caltrans), *Transportation and Construction Vibration Guidance Manual*, April 2020, accessed May 2020, <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>.

The guidance and procedures provided in the Caltrans manual should be treated as screening tools for assessing the potential for adverse effects related to human perception and structural damage. General information on the potential effects of vibration on vibration-sensitive research and advanced-technology facilities is also provided, but a discussion of detailed assessment methods in this area is beyond the manual's scope. The document is not an official policy, standard, specification, or regulation. Therefore, the vibration analysis in this Draft EIR is based on the FTA's standards and the Caltrans standards are included for informational purposes only.

State of California Building Code

California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, California Building Code. These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

California Noise Insulation Standards

The California Noise Insulation Standards¹⁶ require that interior noise levels from exterior sources be 45 dBA or less in any habitable room of a multiresidential use facility (e.g., hotels, motels, dormitories, long-term care facilities, and apartment houses, except detached single-family dwellings) with doors and windows closed. Measurements are based on CNEL or Ldn (the day-night average): whichever is consistent with the noise element of the local general plan. Where exterior noise levels exceed 60 dBA CNEL, an acoustical analysis for new development may be required to show that the proposed construction will reduce interior noise levels to 45 dBA CNEL. If the interior 45 dBA CNEL limit can be achieved only with the windows closed, the residence must include mechanical ventilation that meets applicable *Uniform Building Code* (UBC) requirements.

California Department of Health Services

The State of California Department of Health Services, Environmental Health Division, has published recommended guidelines for noise and land use compatibility, referred to as the *State Land Use Compatibility Guidelines for Noise* (*State Noise Guidelines*). The *State Noise Guidelines*, illustrated in

¹⁶ California Code of Regulation, Title 24, sec. 3501 et seq.

Figure 5.7-6: Land Use Compatibility to Noise indicates that residential land uses and other noise-sensitive receptors generally should locate in areas where outdoor ambient noise levels do not exceed 65 to 70 dBA CNEL. According to the *State Noise Guidelines*, an exterior noise level of 60 dBA CNEL is considered to be “normally acceptable” for single-family, duplex, and mobile homes involving normal, conventional construction, without any special noise insulation requirements. Exterior noise levels up to 65 dBA CNEL are typically considered “normally acceptable” for multifamily units and transient lodging without any special noise insulation requirements. Between these values and 70 dBA CNEL, exterior noise levels are typically considered “conditionally acceptable,” and residential construction should only occur after a detailed analysis of the noise reduction requirements and needed noise attenuation features have been included in the Project design. Exterior noise attenuation features include, but are not limited to, setbacks to place structures outside the conditionally acceptable noise contour, orienting structures so no windows open to the noise source, and/or installing noise barriers such as berms and/or solid walls.

Regional and Local

City of Rancho Mirage Noise Element

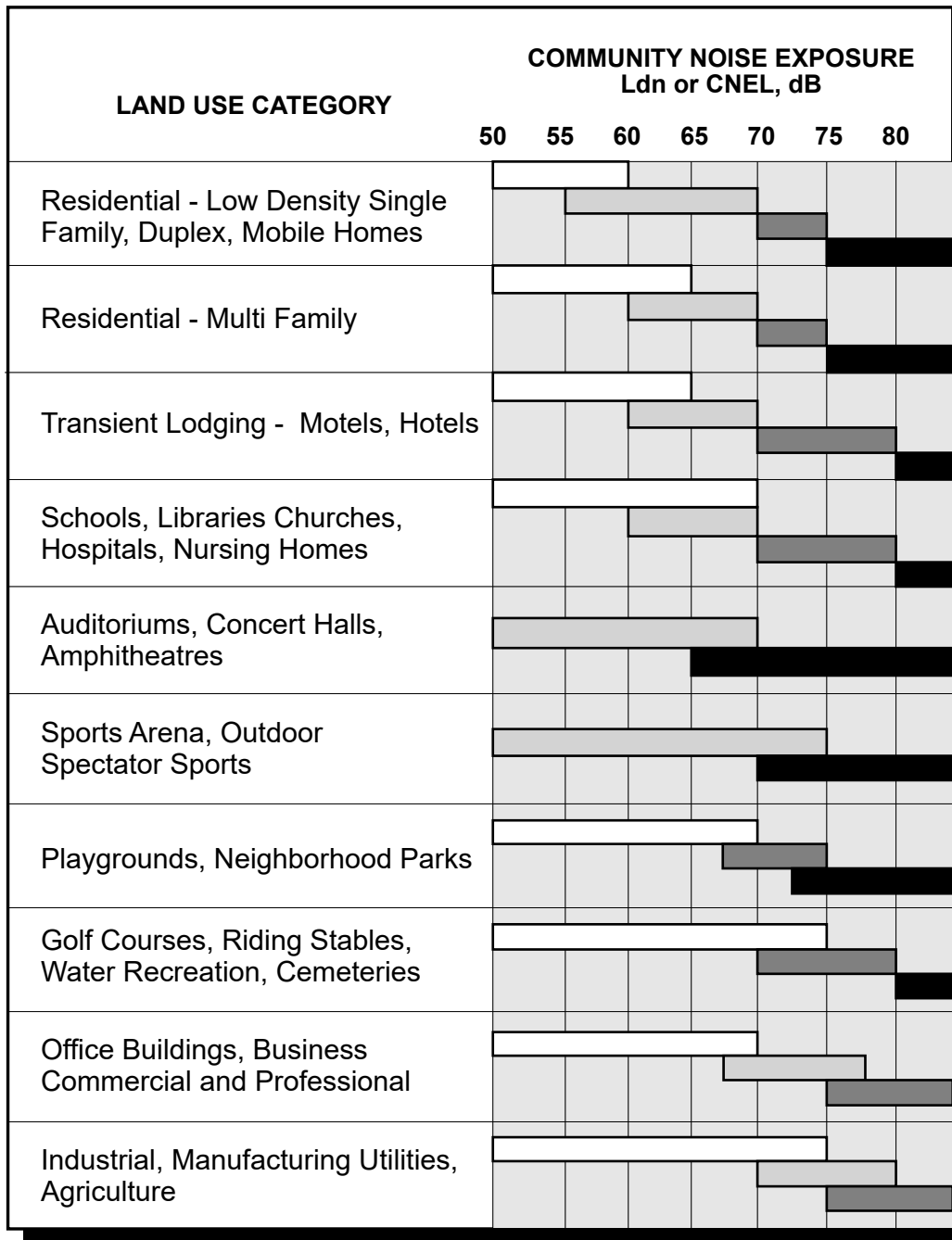
The City of Rancho Mirage General Plan Noise Element¹⁷ sets goals and policies intended to align the community’s various land uses with the existing and future noise environment to ensure impacts would be minimized or completely avoided. The following policies applicable to the Project include the following:





Policy N 1.2: Noise sensitive land uses, including residences, resorts, community open space, schools, libraries, churches, hospitals, and convalescent homes, shall be protected from high noise levels emitted by both existing and future noise sources.

City of Rancho Mirage Noise Ordinance

The City’s Municipal Health and Safety Code set forth standards, guidelines, and procedures concerning the regulation of noise in Rancho Mirage. Section 8.45 of the Municipal Code cites the value and importance given by residents, visitors, and business to the exceptional quality of life and peace and quiet of the community. Pursuant to the City Noise Ordinance, the City restricts noise generated at a property from exceeding certain noise levels for extending periods of time to protect people from objectionable nontransportation noise sources.

17 City of Rancho Mirage, *2017 General Plan Update Noise Element*, accessed May 2020, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_7_Noise.pdf



-  **NORMALLY ACCEPTABLE**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
-  **CONDITIONALLY ACCEPTABLE**
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
-  **NORMALLY UNACCEPTABLE**
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise reduction features included in the design.
-  **CLEARLY UNACCEPTABLE**
New construction or development should generally not be undertaken.

SOURCE: California Governor's Office of Planning and Research, State of California General Plan Guidelines, Appendix C: Guidelines for the Preparation and Content of Noise Elements of the General Plan, October 2003.

FIGURE 5.7-6

According to Section 8.45.050, Special Provisions and Exceptions, of the City's Municipal Code, construction, alternation, repair, grading or improvement of any building, structure, road, or improvement to real property for which a permit has been issued is exempt from the City's noise ordinance so long as construction activities occur within normal business hours (7:00 AM to 7:00 PM, except on Sundays).

The Rancho Mirage Noise Ordinance provides definition of key terms and defines exterior noise level standards on a time-of-day basis along with adjustments for intensity and duration. The appropriate exterior noise standards are identified in **Table 5.7-7: City of Rancho Mirage Exterior Noise Limits**.¹⁸

Table 5.7-7
City of Rancho Mirage Exterior Noise Limits

Type of Land Use	Time Interval	CNEL (dBA)
Residential, low-density (R-E, H-R, R-L-2, R-L-3)	7:00 AM to 6:00 PM	55
	6:00 PM to 10:00 PM	50
	10:00 PM to 7:00 AM	45
Residential, medium, and high-density, Hospital, Open Space (OS, R-M, R-H, MHP)	7:00 AM to 6:00 PM	60
	6:00 PM to 10:00 PM	55
	10:00 PM to 7:00 AM	50
Commercial office, Resort commercial, mixed use, Institutional (O, P, Rs-H, M-U)	7:00 AM to 6:00 PM	65
	6:00 PM to 10:00 PM	60
	10:00 PM to 7:00 AM	55
Commercial neighborhood, General commercial, Commercial recreation (C-N, C-G, I-L)	7:00 AM to 6:00 PM	70
	6:00 PM to 10:00 PM	65
	10:00 PM to 7:00 AM	60

Source: City of Rancho Mirage, Noise Ordinance Section 8.45.030: Exterior Noise Level Limits.

¹⁸ City of Rancho Mirage General Plan, Chapter 7 (2006).

B. ENVIRONMENTAL IMPACTS

Threshold of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant noise impact, if it would result in the:

Threshold 5.7-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise

Section 8.45.040 of the City's Municipal Code exempts construction noise from its provisions so long as construction activities are limited between the hours of 7:00 AM and 7:00 PM, except on Sundays. Construction occurring outside of these time periods would be subject to the City's allowable noise levels, which are shown in **Table 5.7-7** and discussed above. Therefore, to result in a significant impact from construction noise sources, the Project would have to generate construction noises outside the exempted hours set forth by Section 8.45.040 of the City's Municipal Code that are in exceedance of the allowable noise levels laid out in **Table 5.7-7**. Neither the City's General Plan nor the City's Noise Ordinance contain any quantitative construction noise thresholds or other standards that would apply to the Project's construction activities.

Operational Noise

The City has not adopted thresholds of significance for analysis of impacts from increases in operational noise. However, an increase in noise level of 3 dBA is generally regarded as an increase in noise that is barely perceivable and an increase in noise level of 5 dBA is generally regarded as an increase in noise that is readily perceptible.¹⁹ For this reason, increases of less than 3 dBA would have no physical effect on the environment and would not be considered significant. As such, for purposes of this analysis, if the proposed Project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA CNEL or greater noise increase would be considered significant.

19 California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013, accessed September 2020, <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf>

Threshold 5.7-2: Generation of excessive groundborne vibration or groundborne noise levels?

The City currently does not have a significance threshold to assess vibration impacts. However, the FTA guidelines set forth in FTA's *Transit Noise and Vibration Assessment guidance document*,²⁰ are used to evaluate potential impacts related to construction vibration. According to FTA guidelines, impacts relative to ground-borne vibration associated with potential building damage would be considered significant if any of the following future events were to occur:

- Project construction activities cause ground-borne vibration levels to exceed 0.5 PPV at the nearest off-site reinforced-concrete, steel, or timber building.
- Project construction activities cause ground-borne vibration levels to exceed 0.3 PPV at the nearest off-site engineered concrete and masonry building.
- Project construction activities cause ground-borne vibration levels to exceed 0.2 PPV at the nearest off-site nonengineered timber and masonry building.
- Project construction activities cause ground-borne vibration levels to exceed 0.12 PPV at buildings extremely susceptible to vibration damage, such as historic buildings.

Based on FTA guidance, construction vibration impacts associated with human annoyance would be significant if the following were to occur (applicable to frequent events; 70 or more vibration events per day):

- Project construction activities cause ground-borne vibration levels to exceed 72 VdB at off-site sensitive uses (i.e., residential and hotel uses).

Threshold 5.7-3: For a project located within the vicinity of a private airstrip or 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?

Significance is determined on the location of a project being located within two miles of a private airstrip, an airport land use plan, or where a plan is not adopted, within two miles of a public airport or public use airport.

20 FTA, *Transit Noise and Vibration Impact Manual*

Methodology

Ambient Noise Measurements

To establish baseline noise conditions, existing ambient noise levels, as described above, were monitored at the five representative locations within the vicinity of the Project Site. These monitored noise levels serve as the baseline for the analysis of proposed Project impacts. The baseline noise-monitoring program was conducted on April 19, 2019, using a Larson Davis 831 Type 1 Sound Level Meter, compliant with Section 8.45.040 of the City's Municipal Code.

Construction Noise

On-Site Construction Activities

Construction activities typically generate noise from the operation of equipment required for construction of various facilities. Noise impacts from on-site construction and staging of construction trucks were evaluated by determining the noise levels generated by different types of construction activity, calculating the construction-related noise level at nearby noise-sensitive receptor locations, and comparing these construction-related noise levels to existing ambient noise levels (i.e., noise levels without project-related construction noise). The actual noise level would vary, depending upon the equipment type, model, the type of work activity being performed, and the condition of the equipment.

In order to calculate a construction CNEL, hourly activity or utilization factors (i.e., the percentage of normal construction activity that would occur, or construction equipment that would be active, during each hour of the day) are estimated based on the temporal characteristics of other previous and current construction projects. The hourly activity factors express the percentage of time that construction activities would emit average noise levels. Typical noise levels for each type of construction equipment were obtained from the FHWA Roadway Construction Noise Model. Calculated noise levels associated with construction at noise-sensitive receptor locations were then compared to estimated existing noise levels and the construction noise significance thresholds identified below.

Construction Traffic Noise

The analysis of construction traffic noise impacts focuses on off-site areas by: (1) identifying major roadways that may be used for construction worker commute routes or truck haul routes; (2) generally identifying the nature and location of noise-sensitive receptors along those routes; and (3) evaluating the traffic characteristics along those routes, specifically as related to existing traffic volumes. Construction traffic volume and road parameter data would be input into the FHWA TNM model to calculate average noise levels for these trips. Construction trucks staging and hauling route noise impacts would be evaluated by determining the noise levels generated by different types of construction activity, calculating

the construction-related noise levels and comparing against existing ambient noise levels (i.e., noise levels without construction noise) and exterior standards.

Construction Equipment Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. While ground vibrations from construction activities do not often reach the levels that can damage structures, fragile buildings must receive special consideration.

Impacts due to construction activities were evaluated by identifying vibration sources (i.e., construction equipment), measuring the distance between vibration sources and surrounding structure locations, and making a significance determination.

For quantitative construction vibration assessments related to building damage and human annoyance, vibration source levels for construction equipment is taken from the FTA *Transit Noise and Vibration Impact Assessment Manual*. Building damage would be assessed for each piece of equipment individually and assessed in terms of peak particle velocity. Ground-borne vibration related to human annoyance is assessed in terms of rms velocity levels.

The vibration source levels for various types of equipment are based on data provided by the FTA.

Operational Noise

Roadway Noise

Traffic noise levels were modeled using the FHWA TNM. The FHWA TNM calculates noise associated with a specific line source and the results characterize noise generated by motor vehicle travel along a specific roadway segment. The traffic noise impact analysis is based on the 24-hour CNEL noise descriptor and incorporates traffic volumes, vehicle mix, posted speed limits, roadway geometry, and site conditions. Noise levels were evaluated with respect to the following traffic scenarios:

- Existing (2020) Conditions;
- Existing (2020) plus proposed Project Conditions;
- Future (2022) without proposed Project Conditions; and
- Future (2022) plus proposed Project Conditions.

Noise impacts due to off-site motor vehicle travel were analyzed by comparing the projected increase in traffic noise levels from Existing without Project conditions to both Existing plus proposed Project and Future plus proposed Project to the applicable significance criteria.

Cumulative noise impacts due to off-site motor vehicle travel were analyzed by comparing the projected increase in traffic noise levels from Existing without Project conditions to Future plus Project conditions to the applicable significance criteria. Future plus Project conditions include traffic volumes from future ambient growth, related projects, and the proposed Project.

Restaurant Noise

Potential operational noise levels related to the drive-through, parking, amplified speech emanating from the speaker, and the trash compactor were calculated with the noise model SoundPLAN, a commercially available software that produces computer simulations of noise propagation from sources. The operational noise levels were calculated for sensitive-receptor locations using SoundPLAN. It was assumed operating hours would take place between 10:00 AM and 1:30 AM. The SoundPLAN model includes real-world noise levels and contains noise data in a reference library. The average of numerous readings relating to a parking process (approximately 30 seconds) were assumed. The average of numerous readings related to cars accelerating between 6 to 12 miles per hour were assumed. The average of numerous readings related to speaker box (70 dB) were assumed. The average numerous readings related to a waste compactor measured at a distance 33 feet (10 meters) were assumed. It is important to note the trash compactor would be positioned behind a wall enclosure. Because of its placement, noise generated by the trash compactor will be attenuated by the wall.

The SoundPLAN modeling software accounts for large differences in topography, and the presence of intervening structures or landscaping that would block a direct line of sight between operation activities from the proposed Project Site and nearby sensitive receptors.

Vibration

The majority of the Project's operational-related vibration sources, such as mechanical and electrical equipment, would incorporate vibration attenuation mounts, as required by the particular equipment specifications. Therefore, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project and, as such, vibration impacts associated with the Project would be minimal. Therefore, the ground borne vibration analysis is limited to Project-related construction activities.

Project Impacts

Threshold 5.7-1: Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction

On-Site Construction Activities

Forecasts of construction noise levels are shown in **Table 5.7-8: Typical Maximum Noise Levels for Construction Equipment**. The construction equipment-reference noise levels are based on measured noise data compiled by the FHWA. These maximum noise levels would occur when equipment is operating under full power conditions. However, equipment used on construction sites typically operate at less than full power. The acoustical usage factor is the percentage of time that each type of construction equipment is anticipated to be in full power operation during a typical construction day. These values are estimates and will vary based on the actual construction process and schedule.

Table 5.7-8
Typical Maximum Noise Levels for Construction Equipment

Equipment Description	Spec Lmax (dB[A])	Actual Lmax (dB[A])	Typical Duty Cycle (%)
Compressor (air)	80.0	77.7	40
Forklift	80.0	N/A	40
Paver	85.0	77.2	50
Roller	85.0	80.0	20
Tractor	84.0	N/A	40

*Source: U.S. DOT, FHWA Construction Equipment and Noise Level Ranges.
Noise levels at a distance of 50 feet.*

To characterize construction-period noise levels, the average (hourly Leq) noise level associated with each construction stage was calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction stage. These noise levels are typically associated with multiple pieces of equipment operating simultaneously.

As mentioned previously, the City exempts construction noise from its provisions so long as activities are limited between 7:00 AM to 7:00 PM, except on Sundays. The Project would be compliant with Section 15.04.030 of the City's code which would restrict construction activities to occur outside of these time

Table 5.7-13
Proposed Project Composite Noise Impacts

Roadway Segment	Time Period	Existing Roadway Noise Level ¹	Maximum Modeled Noise Level ²	Composite Noise Level ³	Increase in Noise Levels Due to Project ⁴	Noise Exposure Compatibility Category
Magnesia Falls Drive w/o Highway 111	Weekday PM	49.2	27.6	49.2	0.0	Normally Acceptable
	Saturday MIDDAY	48.7	27.6	48.7	0.0	Normally Acceptable
Magnesia Falls Drive w/o Rancho Las Palmas Center	Weekday PM	44.7	34.0	45.0	+0.3	Normally Acceptable
	Saturday MIDDAY	43.2	34.0	43.7	+0.5	Normally Acceptable

Note:

¹ Refer to **Table 5.7-4** for existing roadway noise levels.

² Refer to **Table 5.7-11** for proposed Project modeled noise levels. Maximum noise levels used between daytime, evening, nighttime periods.

³ Logarithmic sum of existing roadway noise level + maximum modeled noise level (e.g., 51.7 dB + 27.6 dB = 51.7 dB).

⁴ Difference between composite noise level and existing roadway noise level (e.g., 51.7 dB – 51.7 dB = 0.0 dB).

Consistency with General Plan

As shown in **Table 5.7-13** above, existing roadway noise levels within the Project vicinity ranged from a low of 43.2 dBA to a high of 49.2 dBA. Additionally, the proposed Project's composite noise levels would increase existing roadway noise levels by 0.5 dBA. While the addition of Proposed Project composite noise levels would increase noise levels along Magnesia Falls Drive east of Rancho Las Palmas Center, no changes to the land use noise compatibility classification would occur, as the classification would remain normally acceptable. Therefore, consistent with Policy N 1.2 of the City's Noise Element, Proposed Project noise impacts to nearby sensitive uses in terms of land use compatibility would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly,

trips per day would take place during paving and 31 hauling trips per day during demolition.²²

Noise associated with construction trips were estimated using the Caltrans FHWA Traffic Noise Model based on the maximum number of worker and hauling trips in a day. The 18 worker trips per day would generate roadway noise levels of approximately 36.7 dBA measured at a distance of 75 feet. The 31 hauling trips per day would generate roadway noise levels ranging from 48.6 dBA to 53.1 dBA at a distance of 75 feet, depending on the use of medium or heavy duty trucks. As shown in **Table 5.7-3**, existing noise levels near Highway 111 were 61.6 dBA. The noise level increase from the 18 worker trips per day and 31 hauling trips per day would be below the existing ambient noise environment. Additionally, noise levels would be below the exterior standard of 70 dBA for commercial uses along Highway 111. As such, off-site construction noise impacts would be less than significant.

Operation

Restaurant Noise

Truck deliveries would take place on average no more than once daily between the hours of 1:30 AM to 7:00 AM, lasting less than an hour. Site access for these delivery trucks would be along Highway 111 and would unload at the service entrance located facing Highway 111. The nearest sensitive receptor would be the residences located along Magnesia Falls Drive to the south east. The location of the delivery entrance would be on the opposite side of the proposed restaurant in comparison to the location of the nearest receptors. Thus, the line of sight between the service entrance and the nearest sensitive receptor would be blocked, and the noise associated with the delivery would be attenuated by the proposed restaurant.

Source contributed noise levels throughout the entire day (daytime, evening, and nighttime) from operational sources of the proposed use are shown in **Table 5.7-10: Modeled Exterior Noise Levels from Operational Sources**. The modeling of operational sources assumed operating hours would take place between 10:00 AM and 1:30 AM. The source noise levels reflected in **Table 5.7-10** include the use of the trash compactor, parking activities from mobile vehicles, drive-through queuing, and amplified speech from the speaker box. It is important to note the trash compactor would be positioned behind a wall enclosure. Because of its placement, noise generated by the trash compactor would be attenuated by the wall. However, this model does not account for a wall enclosure for the purposes of providing a worst-case analysis. Consequently, the highest noise sources associated with operation of the proposed Project would be generated by vehicle queuing at the drive-through and the trash compactor.

²² 306 total hauling trips during the demolition phase (10 days).

Table 5.7-11: Modeled Exterior Noise Level Comparison compares the modeled exterior noise levels from the proposed Project-related noise sources that operate on a daily basis to the exterior noise standards identified in the City’s Municipal Code (refer to **Table 5.7-7**). As shown in **Table 5.7-11**, the proposed Project’s exterior noise levels at nearby sensitive receptors would range from 23.9 dBA to 32.6 dBA during the daytime hours (6:00 AM to 7:00 PM); 25.5 to 34.0 dBA during the evening hours (7:00 PM to 10:00 PM); and 21.1 to 29.9 dBA during the nighttime hours (10:00 PM to 6:00 AM). The proposed Project’s operational sound levels at off-site receptors would not exceed the City’s standards for uses zoned R-M and R-L-3 during the daytime, evening, and nighttime periods. Additionally, exterior noise levels would be well below the normally acceptable levels ranging from 50 – 60 Ldn or CNEL, dB and conditionally acceptable from 55 – 70 Ldn or CNEL, dB for residential – low density single-family, duplex, and mobile homes, as identified in the City’s Noise Element of the General Plan. Furthermore, the maximum noise level of 34.0 dB would occur during the evening period (6:00 PM – 10:00 PM) and would not exceed normally acceptable levels. The results of the predictive modeling process for all three time periods (daytime, evening, and nighttime) and the location of the sensitive receptors are shown graphically in **Figures 5.7-7 through 5.7-9: Operational Noise Level Contour Map**. As such, operational noise levels from the proposed restaurant use would not result in a permanent increase in ambient noise levels in the vicinity of the Project Site in excess of the City’s Noise Element and Noise Ordinance. The proposed Project’s operational noise impacts would be less than significant.

Table 5.7-10
Modeled Exterior Noise Levels from Operational Sources

Receptor	Time Period	Modeled Source Contribution Noise Levels				Proposed Project Modeled Noise Level		
		Trash Compactor	Parking	Drive-Through	Speaker Box	Day	Evening	Night
Residential along Magnesia Falls Drive (East)	Day	22.1	22.7	31.7	5.2			
	Evening	23.4	24.1	33.1	6.6	32.6	34.0	29.9
	Night	19.3	19.9	28.9	2.5			
Residential along Cil Encinitas	Day	20.2	14.9	20.2	2.7			
	Evening	21.6	16.3	21.6	4.1	23.9	25.2	21.1
	Night	17.5	12.2	17.5	0			
Residential along Magnesia Falls Drive (West)	Day	21.9	14.8	23.5	3.9			
	Evening	23.3	16.1	24.9	5.3	26.2	27.6	23.5
	Night	19.2	5.3	20.8	2.3			

Note:

Daytime: 7:00 AM – 6:00 PM

Evening: 6:00 PM – 10:00 PM

Night: 10:00 PM – 7:00 AM

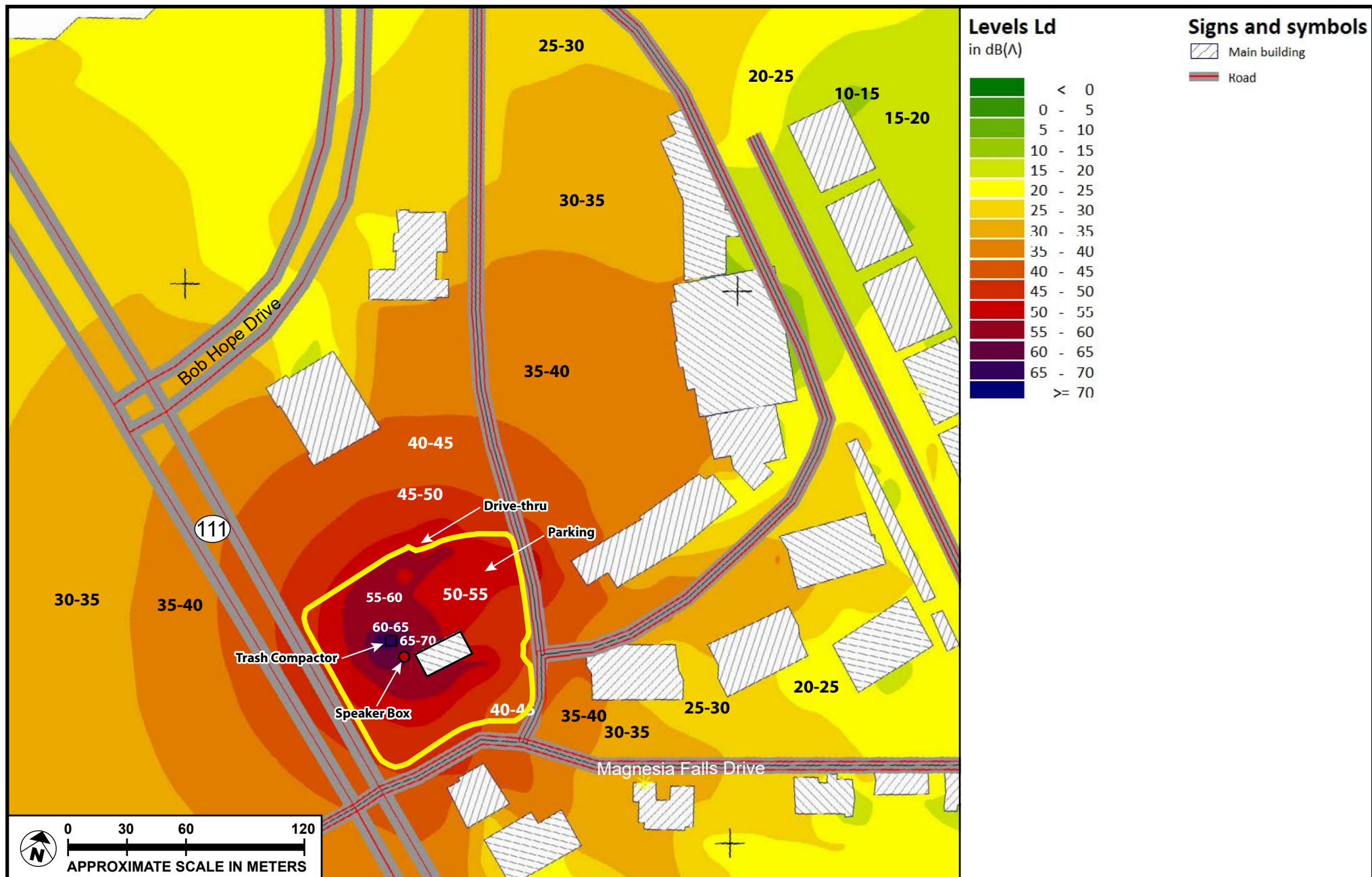
Source: Refer to **Appendix F.5** for SoundPLAN Output Sheets.

**Table 5.7-11
Modeled Exterior Noise Level Comparison**

Site	Zone	Time Period	Exterior Noise Standard	Proposed Project Modeled Noise Levels (dBA)	Exceeds Exterior Noise Standard?
Residential along Magnesia Falls Drive (East)	R-L-3	7:00 AM – 6:00 PM	55	32.6	No
		6:00 PM – 10:00 PM	50	34.0	No
		10:00 PM – 7:00 AM	45	29.9	No
Residential along Cil Encinitas	R-M	7:00 AM – 6:00 PM	55	23.9	No
		6:00 PM – 10:00 PM	50	25.2	No
		10:00 PM – 7:00 AM	45	21.1	No
Residential along Magnesia Falls Drive (West)	R-L-3	7:00 AM – 6:00 PM	60	26.2	No
		6:00 PM – 10:00 PM	55	27.6	No
		10:00 PM – 7:00 AM	50	23.5	No

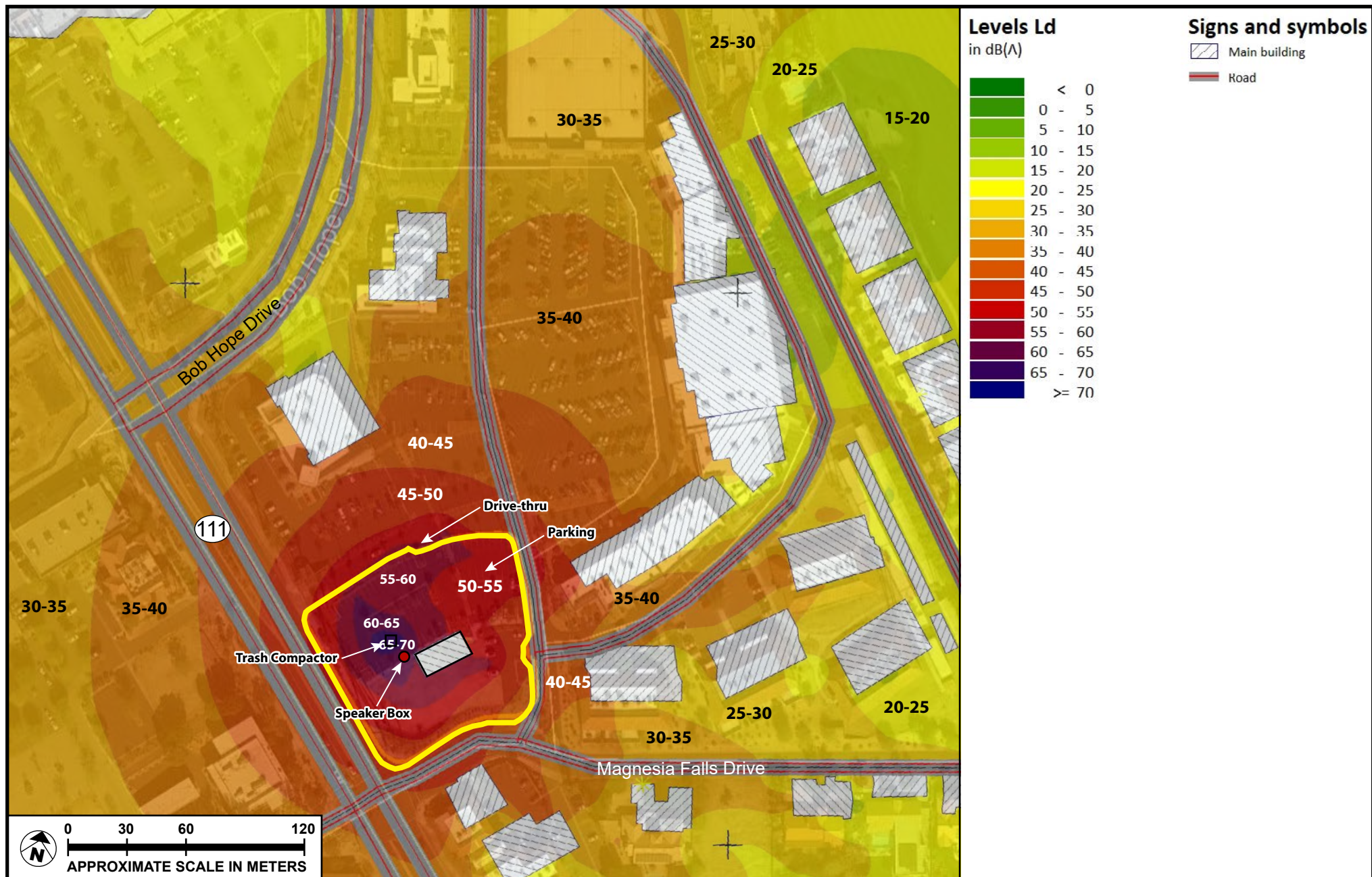
Roadway Noise

As mentioned previously, to estimate noise level increase and impacts due to the Project, noise level increases were calculated from the traffic volumes (refer to **Appendix H**). **Table 5.7-12: Existing plus Project** illustrates the change in CNEL from existing traffic volumes and from traffic generated by the Project. The difference in traffic noise between existing conditions and existing plus Project conditions represents the increase in noise attributable to Project-related traffic. As shown in **Table 5.7-12**, the maximum noise level increase along analyzed roadways would be 2.6 dB along the Rancho Las Palmas Drive Driveway segment (No. 3), east of Hwy 111 (Intersection 9) during Saturday Midday. Additionally, the next highest increase along the roadway network would be 2.4 dB along Magnesia Falls Drive, west of Rancho Las Palmas Center (Intersection 4) during Saturday Midday. Accordingly, Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dBA. Furthermore and as indicated in **Table 5.7-12**, roadway noise levels would remain within normally acceptable limits with proposed Project related-traffic. Consequently, the addition of proposed Project related traffic would not increase noise levels along analyzed roadway segments by 3 dBA or greater. Thus, the proposed Project would not result in a permanent increase in noise levels above ambient levels in the vicinity of the Project Site in excess of the City's Noise Element and Noise Ordinance. Vehicular related noise impacts under the Existing plus Project scenario would be less than significant.



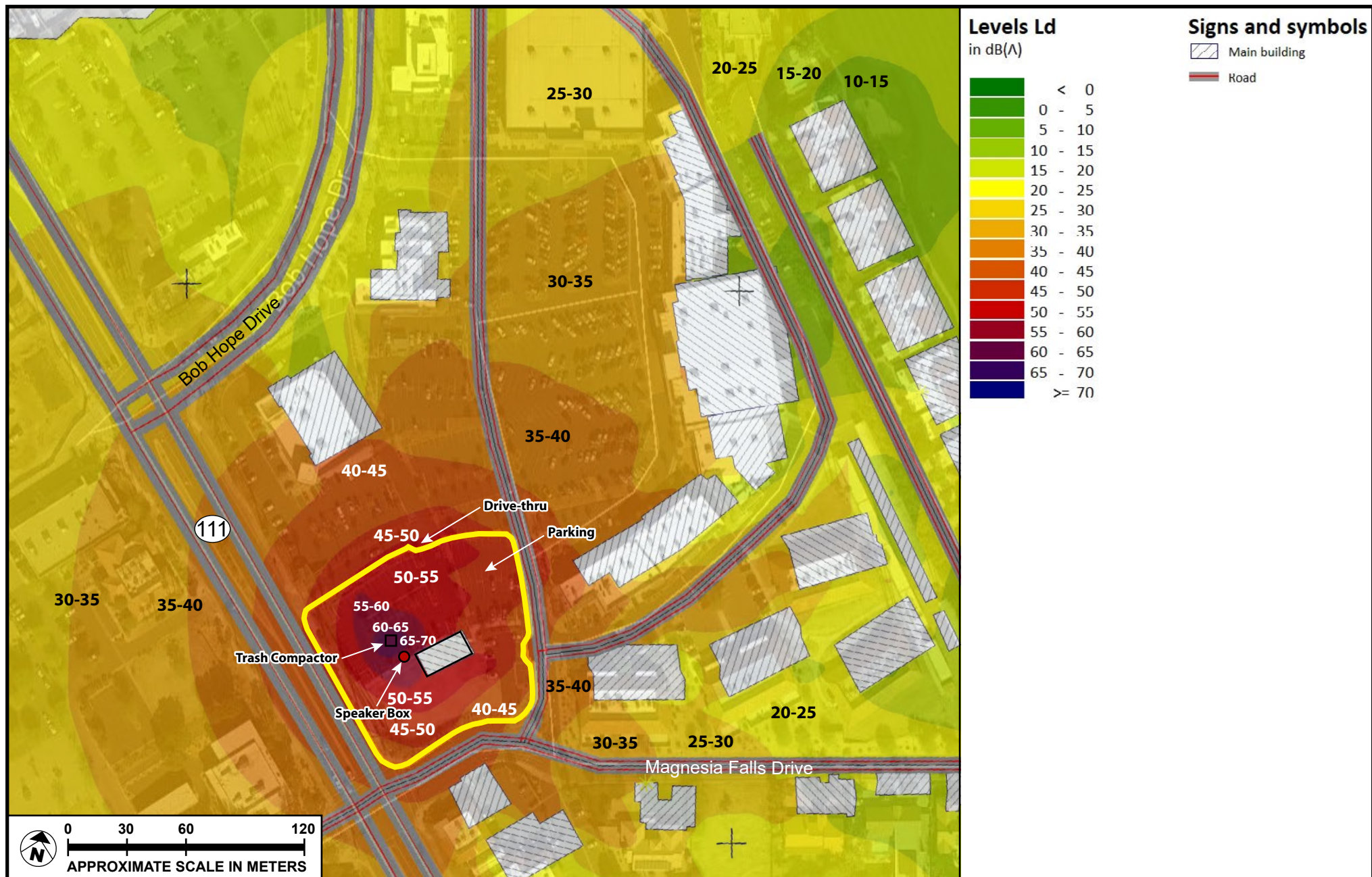
SOURCE: SoundPlan - 2020

FIGURE 5.7-7



SOURCE: SoundPlan - 2020

FIGURE 5.7-8



SOURCE: SoundPlan - 2020

FIGURE 5.7-9

Table 5.7-12
Existing plus Project

Intersection No.	Roadway Segment	Time Period	Existing	Existing plus Project	Difference	Significant Impact?
			CNEL			
Highway 111						
1	North of Rancho Las Palmas Drive	Weekday PM	68.0	68.1	+0.1	No
		Saturday Midday	68.2	68.3	+0.1	No
	South of Rancho Las Palmas Drive	Weekday PM	68.0	68.0	0.0	No
		Saturday Midday	68.1	68.2	+0.1	No
2	North of Bob Hope Drive	Weekday PM	68.3	68.3	0.0	No
		Saturday Midday	68.3	68.4	+0.1	No
	South of Bob Hope Drive	Weekday PM	69.5	69.5	0.0	No
		Saturday Midday	69.5	69.5	0.0	No
3	North of Magnesia Falls Drive	Weekday PM	69.4	69.4	0.0	No
		Saturday Midday	69.5	69.5	0.0	No
	South of Magnesia Falls Drive	Weekday PM	69.6	69.7	+0.1	No
		Saturday Midday	69.7	69.8	+0.1	No
5	North of Painters Path/Park View Drive	Weekday PM	69.5	69.6	+0.1	No
		Saturday Midday	69.7	69.8	+0.1	No
	South of Painters Path/Park View Drive	Weekday PM	69.3	69.3	0.0	No
		Saturday Midday	69.5	69.6	+0.1	No
6	North of Fred Waring Drive	Weekday PM	69.4	69.4	0.0	No
		Saturday Midday	69.4	69.5	+0.1	No
	South of Fred Waring Drive	Weekday PM	68.5	68.6	+0.1	No
		Saturday Midday	68.9	69.0	+0.1	No
9	North of Rancho Las Palmas Center	Weekday PM	69.5	69.5	0.0	No
		Saturday Midday	69.4	69.5	+0.1	No
	South of Rancho Las Palmas Center	Weekday PM	69.5	69.5	0.0	No
		Saturday Midday	69.4	69.5	+0.1	No
Bob Hope Drive						
2	East of Hwy 111	Weekday PM	64.0	63.9	-0.1	No
		Saturday Midday	64.2	64.0	-0.2	No
	West of Hwy 111	Weekday PM	42.6	42.6	0.0	No
		Saturday Midday	44.3	44.3	0.0	No
7		Weekday PM	65.4	65.4	0.0	No

Intersection No.	Roadway Segment	Time Period	Existing	Existing plus Project	Difference	Significant Impact?
			CNEL			
8	North of Rancho Las Palmas Drive	Saturday Midday	65.3	65.4	+0.1	No
		Weekday PM	64.4	64.4	0.0	No
	South of Rancho Las Palmas Drive	Saturday Midday	64.9	64.9	0.0	No
		Weekday PM	64.3	64.3	0.0	No
	North of Rancho Las Palmas Drive Dwy No. 2	Saturday Midday	64.7	64.8	+0.1	No
		Weekday PM	63.9	63.8	-0.1	No
	South of Rancho Las Palmas Drive Dwy No. 2	Saturday Midday	64.1	64.0	-0.1	No
		Rancho Las Palmas Center				
1	East of Hwy 111	Weekday PM	57.6	57.6	0.0	No
		Saturday Midday	56.4	56.4	0.0	No
	West of Hwy 111	Weekday PM	54.2	54.3	+0.1	No
		Saturday Midday	52.1	52.2	+0.1	No
Magnesia Falls Drive						
3	East of Hwy 111	Weekday PM	51.7	52.9	+1.2	No
		Saturday Midday	52.7	54.8	+2.1	No
	West of Hwy 111	Weekday PM	49.2	49.2	0.0	No
		Saturday Midday	48.7	48.8	+0.1	No
4	East of Rancho Las Palmas Center	Weekday PM	44.7	44.8	+0.1	No
		Saturday Midday	43.2	43.9	+0.7	No
	West of Rancho Las Palmas Center	Weekday PM	50.6	52.1	+1.5	No
		Saturday Midday	52.0	54.4	+2.4	No
Park View Drive						
5	East of Hwy 111	Weekday PM	59.6	59.7	+0.1	No
		Saturday Midday	58.8	59.0	+0.2	No
	West of Hwy 111	Weekday PM	50.2	50.2	0.0	No
		Saturday Midday	50.5	50.5	0.0	No
Fred Waring Drive						
6	East of Hwy 111	Weekday PM	65.9	65.9	0.0	No
		Saturday Midday	66.1	66.1	0.0	No
	West of Hwy 111	Weekday PM	62.1	62.1	0.0	No
		Saturday Midday	63.4	63.4	0.0	No
Rancho Las Palmas Drive						
7		Weekday PM	37.6	37.6	0.0	No

Intersection No.	Roadway Segment	Time Period	Existing	Existing plus Project	Difference	Significant Impact?
			CNEL			
8	East of Bob Hope Drive	Saturday Midday	43.2	43.2	0.0	No
		Weekday PM	60.9	60.9	0.0	No
	West of Bob Hope Drive	Saturday Midday	59.3	59.3	0.0	No
		Weekday PM	52.9	53.0	+0.1	No
	East of Bob Hope Drive	Saturday Midday	53.6	53.8	+0.2	No
		Weekday PM	51.3	51.3	0.0	No
9	West of Bob Hope Drive	Saturday Midday	51.5	51.4	-0.1	No
		Weekday PM	43.9	45.7	+1.8	No
	East of Hwy 111	Saturday Midday	45.7	48.3	+2.6	No
		Weekday PM	N/A	N/A	N/A	No
	West of Hwy 111	Saturday Midday	N/A	N/A	N/A	No
		Weekday PM	N/A	N/A	N/A	No

Source: Refer to **Appendix F.2** for roadway noise worksheets.

Composite Noise

A composite noise analysis was performed to evaluate the potential noise impacts to neighboring noise-sensitive receptors within the Project Site from the concurrent operation of all on-site and off-site noise sources evaluated above that occur on a daily basis (e.g., trash compactor, parking, drive-through, speaker box and off-site traffic). The evaluation of composite noise levels from all on-site proposed Project noise sources that occur on a daily basis were evaluated using the CNEL noise metric.

Table 5.7-13: Proposed Project Composite Noise Impacts presents the forecasted composite noise level from the proposed Project-related noise sources that operate on a daily basis. As indicated in **Table 5.7-13**, the proposed Project's estimated composite noise levels would range from 43.7 dBA CNEL to 49.2 dBA CNEL at nearby sensitive receptors, or an increase of approximately 0.5 dBA CNEL when compared to existing roadway noise levels. In terms of the City's land use noise compatibility categories, locations would remain classified as normally acceptable. As such, proposed Project composite operational noise impacts that would occur on a daily basis be consistent with City standards and impacts would be less than significant.

Table 5.7-13
Proposed Project Composite Noise Impacts

Roadway Segment	Time Period	Existing Roadway Noise Level ¹	Maximum Modeled Noise Level ²	Composite Noise Level ³	Increase in Noise Levels Due to Project ⁴	Noise Exposure Compatibility Category
Magnesia Falls Drive w/o Highway 111	Weekday PM	49.2	27.6	49.2	0.0	Normally Acceptable
	Saturday MIDDAY	48.7	27.6	48.7	0.0	Normally Acceptable
Magnesia Falls Drive w/o Rancho Las Palmas Center	Weekday PM	44.7	34.0	45.0	+0.3	Normally Acceptable
	Saturday MIDDAY	43.2	34.0	43.7	+0.5	Normally Acceptable

Note:

¹ Refer to **Table 5.7-4** for existing roadway noise levels.

² Refer to **Table 5.7-11** for proposed Project modeled noise levels. Maximum noise levels used between daytime, evening, nighttime periods.

³ Logarithmic sum of existing roadway noise level + maximum modeled noise level (e.g., 51.7 dB + 27.6 dB = 51.7 dB).

⁴ Difference between composite noise level and existing roadway noise level (e.g., 51.7 dB – 51.7 dB = 0.0 dB).

Consistency with General Plan

As shown in **Table 5.7-13** above, existing roadway noise levels within the Project vicinity ranged from a low of 43.2 dBA to a high of 49.2 dBA. Additionally, the proposed Project's composite noise levels would increase existing roadway noise levels by 0.5 dBA. While the addition of Proposed Project composite noise levels would increase noise levels along Magnesia Falls Drive east of Rancho Las Palmas Center, no changes to the land use noise compatibility classification would occur, as the classification would remain normally acceptable. Therefore, consistent with Policy N 1.2 of the City's Noise Element, Proposed Project noise impacts to nearby sensitive uses in terms of land use compatibility would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly,

significant impacts associated with an increase in ambient noise are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.7-2: **Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?**

Construction

On-Site Construction Vibration

Table 5.7-14: On-Site Construction Vibration Impacts–Building Damage and **Table 5.7-15: On-Site Construction Vibration–Human Annoyance** presents the construction vibration impacts associated with on-site construction in terms of building damage and human annoyance, respectively. As shown in **Table 5.7-14**, the forecasted vibration levels due to on-site construction activities ranged from a low of 0 PPV ips to a high of 0.035 PPV ips and would not exceed the building damage significance threshold of 0.12 PPV ips for all sites surrounding the Project area during construction. Therefore, on-site construction vibration would not result in a significant vibration impact with regard to building damage. Impacts related to building damage from on-site construction vibration would be less than significant.

Table 5.7-14
On-Site Construction Vibration Impacts – Building Damage

Nearest Off-Site Building Structures	Estimated Vibration Velocity Levels at the Nearest Off-Site Structures from the Project Construction Equipment						Significance Threshold (PPV ips)	Exceeds Threshold?
	Vibratory Roller	Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small bulldozer		
<i>FTA Reference Vibration Levels at 25 feet</i>								
	0.210	0.089	0.089	0.076	0.035	0.003	—	
Residential along Magnesia Falls Drive (East)	0.011	0.005	0.005	0.004	0.002	0.000	0.12	No
Residential along Cil Encinitas	0.002	0.001	0.001	0.001	0.000	0.000	0.12	No
Residential along Magnesia Falls Drive (West)	0.003	0.001	0.001	0.001	0.001	0.000	0.12	No

Source: US Department of Transportation, Federal Transportation Authority, Transit Noise and Vibration Impact Assessment.

Note: Refer to **Appendix F.4** for construction vibration worksheets.

As shown in **Table 5.7-15**, the forecasted vibration levels due to on-site construction activities would range from a low of 17 VdB to a high of 69 VdB and would not exceed human annoyance significance threshold of 72 VdB. Therefore, on-site construction vibration would not result in a significant vibration impact with

regard to human annoyance. Impacts related to human annoyance from on-site construction vibration would be less than significant.

Table 5.7-15
On-Site Construction Vibration Impacts – Human Annoyance

Nearest Off-Site Building Structures	Estimated Vibration Velocity Levels at the Nearest Off-Site Structures from the Project Construction Equipment						Significance Threshold (VdB)	Exceeds Threshold?
	Vibratory Roller	Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small bulldozer		
<i>FTA Reference Vibration Levels at 25 feet</i>								
	94	87	87	86	79 ¹	58	—	
Residential along Magnesia Falls Drive (East)	69	62	62	60	53	32	72	No
Residential along Cil Encinitas	54	47	47	45	39	17	72	No
Residential along Magnesia Falls Drive (West)	59	51	51	50	43	22	72	No

Source: US Department of Transportation, Federal Transportation Authority, Transit Noise and Vibration Impact Assessment.

Note: Refer to **Appendix F.4** for construction vibration worksheets.

Off-Site Construction Vibration

In addition to on-site construction activities, construction delivery/haul trucks would generate ground-borne vibration as they travel along the Projects anticipated off-site truck travel routes. Based on the FTA data, the vibration generated by a typical loaded truck would be approximately 0.0076 PPV at a distance of 25 feet from the truck.²³ This forecasted vibration level would be well below the most stringent building damage criteria of 0.12 PPV. Therefore, vibration impacts with respect to building damage from off-site construction truck travel on public roadways would be less than significant.

In addition, vibration sensitive uses (e.g., residential) are located along Magnesia Falls Drive. Ground-borne vibration levels generated by off-site construction truck travel would not exceed the 72 VdB significance threshold, as these uses are located more than 25 feet from the truck travel pathway along

23 FTA, "Transit Noise and Vibration Impact Assessment Manual," September 2018, accessed May 2020, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Highway 111. Thus, vibration impacts with respect to human annoyance from off-site construction truck travel would be less than significant for the vibration sensitive land uses located along these roadways.

Operation

Similar to existing conditions, the primary sources of vibration associated with operation would include passenger-vehicle circulation within the Project area and on-site truck activity. Ground-borne vibration typically attenuates rapidly as a function of distance from the vibration source. Furthermore, the majority of the Project's operation-related vibration sources, such as mechanical equipment, would incorporate vibration attenuation mounts as required by the particular equipment specifications. Therefore, operation would not substantially increase existing vibration levels in the immediate vicinity of the Project Site. Vibration impacts associated with operation would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts associated with the generation of groundborne vibration or noise levels are not anticipated and therefore it is not anticipated that emissions would be cumulatively considerable. However, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.7-3: For a project located within the vicinity of a private airstrip or 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?

The closest private airstrip is Bermuda Dunes located approximately 7 miles east by northeast of the Project Site and the nearest public airport is the Palm Springs International Airport, located approximately 9 miles to the northeast of the Project Site. Therefore, the Project is not within the vicinity of a private airstrip or public airport and would not expose residents or employees in the Project area to excessive noise levels. Accordingly, no impacts would not occur.

Zone Text Amendment Analysis

If a fast-food restaurant were to be developed near Monterey Avenue and Frank Sinatra Drive, then it would be located over 6 miles west from the Bermuda Dunes Airport and 6 miles east from the Palm Springs International Airport. Therefore, similar to the proposed Project, no impacts to residents or employees within the vicinity of the Project would experience excessive noise levels.

Cumulative Impacts

Construction

Cumulative Noise

Noise impacts are localized in nature and decrease with distance. Cumulative construction noise impacts have the potential to occur when multiple construction projects in the local area generate noise within the same time frame and contribute to the local ambient noise environment. As mentioned previously, Section 15.04.030 of the City's Municipal Code exempts construction activity so as long as construction activities are limited between 7:00 AM to 7:00 PM. Consistent with City requirements, construction activities associated with the proposed Project and related projects would occur during these hours. Therefore, combined construction noise impact of the related projects and the Project's contribution would not cause a significant cumulative impact. Consequently, impacts would be less than significant.

Vibration

As discussed above, vibration impacts are generally less than significant when the receptor is more than 25 feet from the vibration source. The nearest related project is the Chase Bank which is approximately 0.25 miles north of the Project Site. Accordingly, there are no related projects anticipating construction concurrently with the Project that would also be within 25 feet of the sensitive receptors that could be affected by construction. As such, there would be no cumulative sources of construction vibration and cumulative impacts would be less than significant.

Operational

Cumulative Roadway Noise

Traffic volumes for the future scenario consists of existing counts plus ambient growth. Additionally, the Cities of Rancho Mirage and Palm Desert identified a total of nine (9) cumulative projects within the Project study area. **Table 5.7-16 : Future (2022) with Project** illustrates the change in noise levels from Future (2022) conditions. The Year 2022 conditions represent traffic growth and cumulative development within the Project Site. As shown in **Table 5.7-16**, the maximum noise level increase along existing roadways would be 2.5 dB along the Rancho Las Palmas Drive Driveway (No. 3), east of Hwy 111 (Intersection 9) during Saturday Midday. Additionally, the next highest increase along the roadway network would be 2.2 dB along Magnesia Falls Drive, west of Rancho Las Palmas Center (Intersection 4) during Saturday Midday. Thus, Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dBA. Additionally, roadway noise levels would still be within normally acceptable limits. Consequently, traffic noise levels would not increase by 3 dBA or greater and noise impacts under the Future plus Project scenario would be less than significant.

**Table 5.7-16
Future (2022) with Project**

Intersection No.	Roadway Segment	Time Period	Future	Future plus Project	Difference	Significant Impact?
			CNEL			
Highway 111						
1	North of Rancho Las Palmas Drive	Weekday PM	68.3	68.3	0.0	No
		Saturday Midday	68.5	68.5	0.0	No
	South of Rancho Las Palmas Drive	Weekday PM	68.2	68.2	0.0	No
		Saturday Midday	68.4	68.5	+0.1	No
2	North of Bob Hope Drive	Weekday PM	68.5	68.6	+0.1	No
		Saturday Midday	68.6	68.7	+0.1	No
	South of Bob Hope Drive	Weekday PM	69.7	69.7	0.0	No
		Saturday Midday	69.7	69.8	+0.1	No
3	North of Magnesia Falls Drive	Weekday PM	69.7	69.7	0.0	No
		Saturday Midday	69.7	69.8	+0.1	No
	South of Magnesia Falls Drive	Weekday PM	69.9	69.9	0.0	No
		Saturday Midday	69.9	70.0	+0.1	No
5	North of Painters Path/Park View Drive	Weekday PM	69.8	69.8	0.0	No
		Saturday Midday	69.9	70.0	+0.1	No
	South of Painters Path/Park View Drive	Weekday PM	69.5	69.5	0.0	No
		Saturday Midday	69.7	69.8	+0.1	No
6	North of Fred Waring Drive	Weekday PM	69.6	69.7	+0.1	No
		Saturday Midday	69.7	69.7	0.0	No
	South of Fred Waring Drive	Weekday PM	68.8	68.8	0.0	No
		Saturday Midday	69.1	69.2	+0.1	No
9	North of Rancho Las Palmas Center	Weekday PM	69.7	69.7	0.0	No
		Saturday Midday	69.7	69.7	0.0	No
	South of Rancho Las Palmas Center	Weekday PM	69.7	69.7	0.0	No
		Saturday Midday	69.7	69.7	0.	No

Intersection No.	Roadway Segment	Time Period	Future	Future plus Project	Difference	Significant Impact?
				CNEL		
Bob Hope Drive						
2	East of Hwy 111	Weekday PM	64.3	64.2	-0.1	No
		Saturday Midday	64.4	64.3	-0.1	No
	West of Hwy 111	Weekday PM	44.8	44.8	0.0	No
		Saturday Midday	46.3	46.3	0.0	No
7	North of Rancho Las Palmas Drive	Weekday PM	65.6	65.6	0.0	No
		Saturday Midday	65.6	65.6	0.0	No
	South of Rancho Las Palmas Drive	Weekday PM	64.6	64.7	+0.1	No
		Saturday Midday	65.1	65.2	+0.1	No
8	North of Rancho Las Palmas Drive Dwy No. 2	Weekday PM	64.5	64.6	+0.1	No
		Saturday Midday	65.0	65.0	0.0	No
	South of Rancho Las Palmas Drive Dwy No. 2	Weekday PM	64.1	64.1	0.0	No
		Saturday Midday	64.4	64.3	-0.1	No
Rancho Las Palmas Center						
1	East of Hwy 111	Weekday PM	57.8	57.8	0.0	No
		Saturday Midday	56.6	56.6	0.0	No
	West of Hwy 111	Weekday PM	54.4	54.4	0.0	No
		Saturday Midday	52.3	52.4	+0.1	No
Magnesia Falls Drive						
3	East of Hwy 111	Weekday PM	51.9	53.0	+1.1	No
		Saturday Midday	52.9	54.9	+2.0	No
	West of Hwy 111	Weekday PM	49.4	49.4	0.0	No
		Saturday Midday	48.8	49.0	+0.2	No
4	East of Rancho Las Palmas Center	Weekday PM	44.9	45.0	+0.1	No
		Saturday Midday	43.9	44.2	+0.7	No
	West of Rancho Las Palmas Center	Weekday PM	50.8	52.2	+1.4	No
		Saturday Midday	52.3	54.5	+2.2	No

Intersection No.	Roadway Segment	Time Period	Future	Future plus Project	Difference	Significant Impact?
				CNEL		
Park View Drive						
5	East of Hwy 111	Weekday PM	59.8	59.9	+0.1	No
		Saturday MIDDAY	59.0	59.2	+0.2	No
	West of Hwy 111	Weekday PM	50.4	50.4	0.0	No
		Saturday MIDDAY	50.7	50.7	0.0	No
Fred Waring Drive						
6	East of Hwy 111	Weekday PM	66.1	66.1	0.0	No
		Saturday MIDDAY	66.3	66.3	0.0	No
	West of Hwy 111	Weekday PM	62.3	62.3	0.0	No
		Saturday MIDDAY	63.6	63.6	0.0	No
Rancho Las Palmas Drive						
7	East of Bob Hope Drive	Weekday PM	37.6	37.6	0.0	No
		Saturday MIDDAY	43.4	43.4	0.0	No
	West of Bob Hope Drive	Weekday PM	61.1	61.1	0.0	No
		Saturday MIDDAY	59.4	59.4	0.0	No
Rancho Las Palmas Drive Dwy No. 2						
8	East of Bob Hope Drive	Weekday PM	53.1	53.2	+0.1	No
		Saturday MIDDAY	53.8	54.0	+0.2	No
	West of Bob Hope Drive	Weekday PM	51.6	51.5	-0.1	No
		Saturday MIDDAY	51.8	51.7	-0.1	No
Rancho Las Palmas Drive Dwy No. 3						
9	East of Hwy 111	Weekday PM	44.0	45.8	+1.8	No
		Saturday MIDDAY	45.9	48.4	+2.5	No
	West of Hwy 111	Weekday PM	N/A	N/A	N/A	No
		Saturday MIDDAY	N/A	N/A	N/A	No

Source: Refer to **Appendix F.2** for roadway noise worksheets.

Cumulative Composite Noise

A composite noise analysis was performed to evaluate future potential noise impacts to neighboring noise-sensitive receptors within the Project Site from the concurrent operation of all on-site and cumulative off-site noise sources evaluated above that occur on a daily basis (e.g., trash compactor, parking, drive-through, speaker box and off-site traffic).

Table 5.7-17: Proposed Project Composite Cumulative Noise Impacts presents the forecasted composite noise level from the proposed Project-related noise sources that operate on a daily basis. As indicated in **Table 5.7-17**, the proposed Project's estimated composite noise levels would range from 44.3 dBA CNEL to 49.4 dBA CNEL at nearby sensitive receptors, or an increase of approximately 0.4 dBA CNEL when compared to future roadway noise levels. In terms of the City's land use noise compatibility categories, locations would remain classified as normally acceptable. As such, proposed Project composite cumulative operational noise impacts that would occur on a daily basis would be consistent with City standards and impacts would be less than significant.

Table 5.7-17
Proposed Project Composite Cumulative Noise Impacts

Roadway Segment	Time Period	Future (2022) Roadway Noise Level ¹	Maximum Modeled Noise Level ²	Composite Noise Level ³	Increase in Noise Levels Due to Project ⁴	Noise Exposure Compatibility Category
Magnesia Falls Drive w/o Highway 111	Weekday PM	49.4	27.6	49.4	0.0	Normally Acceptable
	Saturday Midday	48.8	27.6	48.8	0.0	Normally Acceptable
Magnesia Falls Drive e/o	Weekday PM	44.9	34.0	45.2	+0.3	Normally Acceptable
Rancho Las Palmas Center	Saturday Midday	43.9	34.0	44.3	+0.4	Normally Acceptable

Note:

¹ Refer to **Table 5.7-17** for existing roadway noise levels.

² Refer to **Table 5.7-11** for proposed Project modeled noise levels. Maximum noise levels used between daytime, evening, nighttime periods.

³ Logarithmic sum of existing roadway noise level + maximum modeled noise level (e.g., 49.4 dB + 27.6 dB = 49.4 dB).

⁴ Difference between composite noise level and existing roadway noise level (e.g., 49.4 dB – 49.4 dB = 0.0 dB).

Cumulative Zone Text Amendment Analysis

As previously discussed, the zone text amendments could permit another fast-food restaurant near the corner of Monterey Avenue and Frank Sinatra Drive with approval of a CUP. Based on this location, the proposed restaurant would be of similar size and would operate in a similar fashion as the proposed

Project, including generating potential cumulative noise and vibration impacts during construction and operation. Similar to the proposed Project, related projects would be located at a distance from the proposed restaurant where the combined construction and vibration noise levels would not overlap.

Thus, cumulative construction and vibration levels would be less than significant. As discussed for the proposed Project, the operation noise and vibration levels would not exceed FTA and City standards and cumulative noise and vibration impacts would be less than significant. Additionally, the CUP is a discretionary action that would trigger CEQA, and therefore, the proposed restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

C. MITIGATION MEASURES

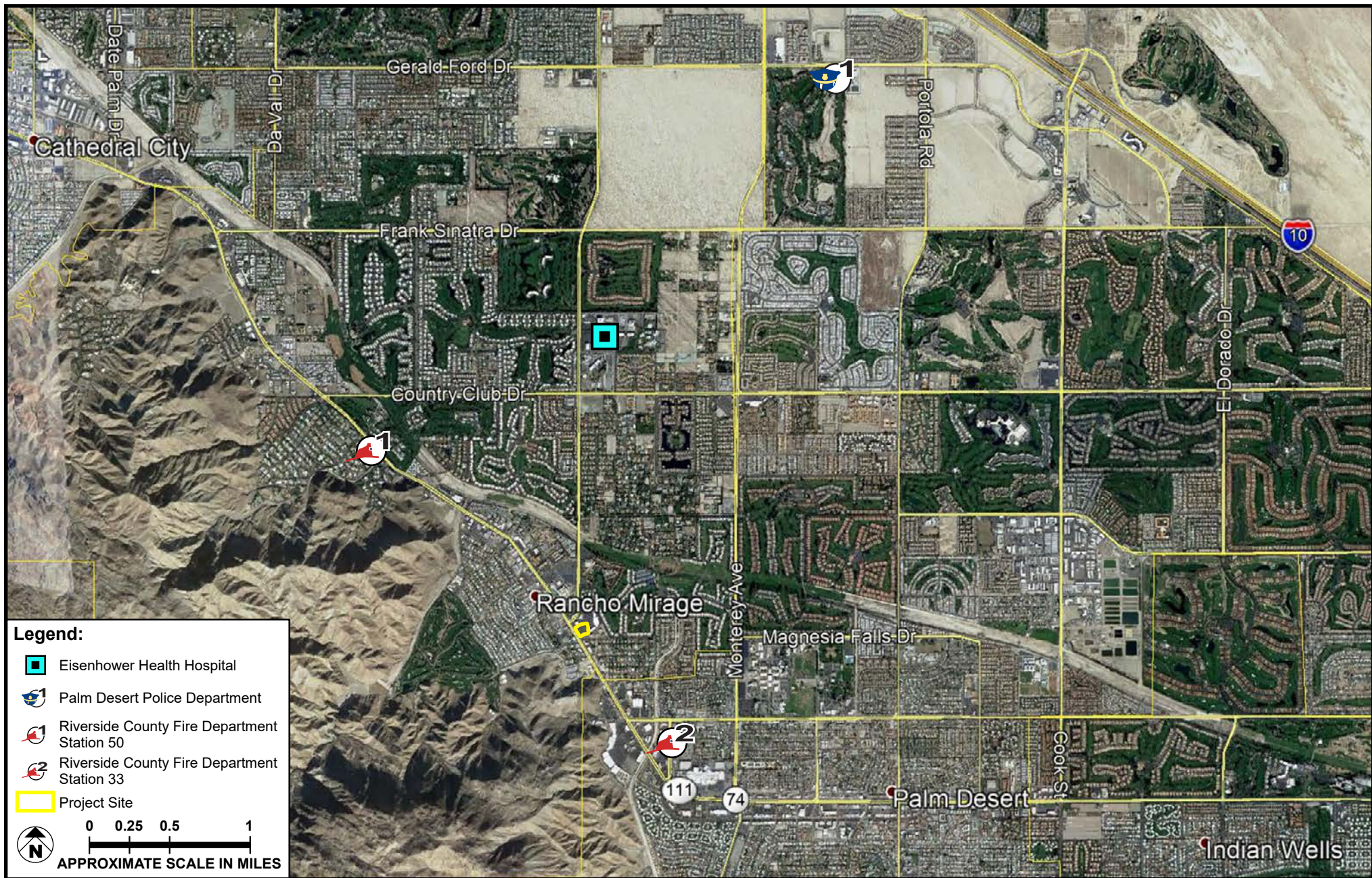
Impacts related to noise are less than significant and no mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to noise would remain less than significant.

5.8 PUBLIC SERVICES

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential impacts of the proposed Project on fire protection, emergency medical services and police protection. The information provided in this section is based on correspondence and consultation with the Riverside County Sheriff's Department and the Riverside County Fire Department. The location of each respective public service is identified in **Figure 5.8-1: Fire, Emergency, and Police Stations Servicing the Project Site**. Each of the following subsections includes an introduction, followed by discussions of existing conditions, regulatory framework, methodology, environmental impacts, cumulative impacts, mitigation measures, and level of significance after mitigation. Impacts to schools and libraries were found to be less than significant are further discussed in **Section 7.1: Effects Not Found to Be Significant** of this Draft EIR.



SOURCE: Google Earth 2020; Meridian Consultants – 2020

FIGURE 5.8-1



Fire, Emergency, and Police Stations Servicing the Project Site

5.8.1 Fire Protection & Emergency Services

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact fire protection and emergency services provided through a cooperative agreement between the California Department of Forestry and Fire Protection (Cal Fire) and Riverside County Fire Department (RCFD). Information was obtained for this section from the following individual:

- Adria Reinertson, Deputy Fire Marshal, Riverside County Fire—Office of the Fire Marshal, Email Correspondence, May 8, 2020

A complete copy of this correspondence is included in **Appendix G.1: Fire Response Letter** to this Draft EIR. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

The INO Burger Restaurant Project Site (Project Site) is located within the City of Rancho Mirage (City). RCFD provides fire protection and emergency services in cooperation with Cal Fire to the unincorporated areas of Riverside County (County) and a number of partner cities under contract—including the City of Riverside, City of Palm Desert, and Thousand Palms Community Services District—and has cooperative, joint power agreements with other communities for fire services. The City entered into a cooperative agreement for fire-related services with the County through its Cooperative Fire Programs Fire Protection Reimbursement Agreement. This agreement ensures that the City will be provided with fire protection, disaster preparedness and response, fire prevention, rescue, hazardous materials mitigation, technical rescue response, medical emergency services, and public service assistance for the life of the agreement.¹

As shown in **Figure 5.8-1: Fire, Emergency, and Police Stations Servicing the Project Site**, there are currently two fire stations within two miles of the Project Site that would serve the proposed Project with fire protection and emergency services. These stations are RCFD Station No. 33, the first responding station located at 44400 Town Center Way, Palm Desert, approximately 1.25 miles northeast of the Project Site; and RCFD Station No. 50, located at 70801 Highway 111, Rancho Mirage, approximately 2 miles north of the Project Site. Station 33 is equipped with one Type 1 Engine with three personnel, one Truck with three personnel, and one medic squad with two personnel. Additionally, Station 50 is equipped with one Type 1 Engine with three personnel, and one Medic with two personnel.²

1 City of Rancho Mirage, "Fire Suppressions & Operations," <https://ranchomirageca.gov/our-city/city-departments/fire/>.

2 Adria Reinertson, Deputy Fire Marshal, Riverside County Fire—Office of the Fire Marshal, Email Correspondence, May 8, 2020.

According to the City's 2017 General Plan, a typical response time from RCFD to an incident will place eight personnel, including a battalion chief, to the scene within 5 minutes.³ The current average response time for Station No. 33 is 4 minutes and the current response time for Station No. 50 is 5 minutes both of which meet the performance standards.

Regulatory Setting

State

California Building Code

The California Building Code (CBC) includes relevant fire safety standards and the California Fire Code, which is from Title 24, Part 9 of the California Code of Regulations. In compliance with the California Building Standards Commission based on the 2018 International Fire Code, the CBC sets building requirements that will ensure all structures are designed to ensure proper emergency access. Additionally, it indicates other design features, such as fire sprinklers, fire flow standards, emergency access roads standards, and storage of flammable materials, which comply with fire department minimum requirements.

California Fire Code

The California Fire Code (CFC) applies to all occupancies throughout the State of California. The CFC is the minimum State standard for fire code implementation in California and is based on the content of the International Fire Code. The CFC establishes minimum fire-flow requirements.

Local

Rancho Mirage General Plan

Chapter 9: Public Services and Facilities of the City's General Plan includes policies related to the fire protection and emergency services that are needed to support the City.⁴ It identifies the source of funding, the formulation of the City's fire protection services, stations that currently service the City, and the plans to expand existing fire services based on the City's continued growth and development

Rancho Mirage Municipal Code

Building and construction within the City are subject to Title 15 of the Rancho Mirage Municipal Code, which governs grading, fill, and excavation activities. The City's Building and Safety Division prescribes building codes pertaining to fire prevention hazards. The Rancho Mirage Fire Code (Title 15.12) is based

3 City of Rancho Mirage General Plan, "Chapter 9: Public Services and Facilities," 104, adopted November 16, 2017.

4 City of Rancho Mirage General Plan, "Chapter 9: Public Services and Facilities Element," 2017.

on the 2019 California Building Code, with amendments, and sets minimum design and construction standards to enforce all ordinances and laws relating to the prevention or spread of fires, fire control, and fire hazards within the City.

At the local level, the City's Municipal Code contains the Fire Code, which prescribes regulations to enforce all ordinances and laws relating to the prevention or spread of fires, fire control, and fire hazards within the City.⁵

Lastly, Title 3, Chapter 28 and Chapter 29 of the Rancho Mirage Municipal Code sets forth the City's policy for the requirement of payment of license tax and development impact fees upon new construction as a measure to fund local fire protection services. Specifically, Municipal Code Section 3.29.120, identifies that development impact fees shall be paid to a separate fund to be used only for funding fire facilities and equipment within the City.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact on public services, including fire and emergency services, if it would:

Threshold 5.8.1-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

Methodology

Analysis of fire protection and emergency response services is concerned with response time and water fire-flow service to the area that is in question. Response times to an area have large influences on the ability for a fire department to serve a development, county, city, or other populated area in a timely and efficient manner. The further a fire station is away from a populated area; it would be expected that response times would be longer and delayed. RCFD reviewed the current response times and the proposed Project to determine if adequate services are available.

5 City of Rancho Mirage, *Municipal Code*, "Chapter 15.12: Fire Code," 2016.

Additionally, the ability to provide adequate service to an area was determined by the ability to provide fire-flow service to the area. Fire-flow is the amount of water required for firefighting purposes, usually delivered by a system of underground piping and fire hydrants.

Project Impacts

Threshold 5.8.1-1: **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?**

Construction

Construction activities and staging would occur within the existing shopping center. The proposed Project would connect to existing utilities and therefore no trenching along Highway 111 or Magnesia Falls Drive would be required. The only construction traffic would be associated with moving construction equipment, trips associated with hauling debris and soil, and workers traveling to and from the site. These trips would be negligible and wouldn't impact traffic along nearby roadways and the ability of the fire department to respond to other emergencies. Thus, emergency access impacts from construction activities associated with the Project would be less than significant.

Operation

A significant environmental impact could result if implementation of the proposed project would increase demand for fire protection services to the extent that the construction of new or physically altered fire protection facilities would be needed.

The proposed Project would be developed on an infill site however it may increase demand for fire services as it would be an added use to the area. However, the RCFD has confirmed that the current response times and distances for each fire station serving the Project Site meet the performance standards of the RCFD, and that future development allowed by the proposed Project would not, by itself, contribute to the need for expansion or addition of facilities and is not expected to significantly affect the current services (**Appendix G.1**).⁶ Additionally, the Project would be required to comply with the City Fire Code, including the 2019 CBC and the California Fire Code (Title 24, Part 9 of the California Code of Regulations), which

6 Adria Reinertson, Deputy Fire Marshal, Riverside County Fire – Office of the Fire Marshal, Email Correspondence, May 8, 2020.

requires a kitchen hood fire suppression system, a fire sprinkler, and fire alarm system. The proposed Project would be a restaurant use and is not expected to increase the demand for emergency service. However, if emergency services are required, the nearby Eisenhower Health Hospital would be able to provide services.

The Project would be required to install fire hydrants and provide adequate emergency access, including ingress and egress points, for emergency services in accordance with the City Fire Code. A fire hydrant would be installed near the middle of the Project Site parking lot. Additionally, the final fire flow plans would be required to be approved by RCFD to ensure that all water mains and fire hydrant provide the required fire flows. In accordance with the RCFD, the Project would be required to meet the minimum fire flow of 1500 gpm at 20psi for 2 hours.⁷

Further, the Project Applicant would be required to pay applicable license tax and development impact fees which fund local fire protection services as identified in Section 3.29.120 of the City's Municipal Code. Payment of fees offset the proposed Project's potential increase in the demand on fire protection services.

Lastly, as discussed in **Section 7.1: Effects Not Found to Be Significant, Subsection K: Wildfires**, the Project Site is located within an area with minimal fire hazard risk according to Cal Fire. Thus, the impacts from wildfires on the Project Site would be less than significant.

While the increased development and the introduction of new uses such as those associated with the Project may result in additional demand for services provided by the RCFD, compliance with existing regulatory requirements during implementation of the Project would ensure that the City's infrastructure, including access, traffic circulation, water, and hydrant systems are adequate for both current RCFD needs as well as the needs of the Project.

Compliance with existing regulatory requirements during implementation of the Project would ensure that the City's infrastructure, including access, traffic circulation, water, and hydrant systems are adequate for both current RCFD needs as well as the needs of the Project. Thus, the Project would not increase response times or interfere with the RCFD's ability to provide adequate service levels to the extent that the construction of new or physically altered fire protection facilities would be needed. Impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part

7 Adria Reinertson, Deputy Fire Marshal, Riverside County Fire – Office of the Fire Marshal, Email Correspondence, May 8, 2020.

of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on fire protection and emergency services provided by RCFD are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

Related projects near the proposed Project could contribute to a potentially significant adverse cumulative impact on RCFD's fire protection and emergency services and their ability to provide acceptable response times. These impacts would include increased numbers of emergency and public service calls due to the increased presence of structures, traffic volume, and people within the area. The nearest related project is the Chase Bank which is less than 0.25 miles north of the proposed Project which may also impact the proposed Project. However, development projects within the City would be reviewed by the City and RCFD, and payment of development impact fees and the license tax would be required in accordance with Title 3, Chapter 28 and Chapter 29 of the City's Municipal Code to minimize impacts to local fire services. Therefore, the combination of the Project and the other related projects would not adversely impact future demand on fire protection and emergency services provided by RCFD. Accordingly, cumulative impacts would be less than significant.

C. MITIGATION MEASURES

With adherence to the City's Municipal Code and existing regulations impacts to fire and emergency services would be less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to fire and emergency services would remain less than significant.

5.8.2 Law Enforcement Services

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact law enforcement services provided by the Riverside County (County) Sheriff's Department (Sheriff's Department). Information was obtained for this section from the following individual:

- Jennifer Benoit, Community Service Officer, Rancho Mirage Crime Prevention Division, Email Correspondence, May 14, 2020

A complete copy of this correspondence is included in **Appendix G.2: Sheriff's Response Letter** to this Draft EIR. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

The Sheriff's Department provides law enforcement services to the unincorporated areas of the County and 17 cities under contract, including the City of Rancho Mirage (City). As such, the Project Site is located within the service boundaries of the Sheriff's Department. The Sheriff's Department provides emergency and nonemergency police response, routine police patrols, investigative services, traffic enforcement, and traffic investigation services. The station that serves as the headquarters for responding law enforcement officers to the City and surrounding jurisdictions is the Palm Desert Station, located at 73705 Gerald Ford Drive in Palm Desert, as shown previously in **Figure 5.8-1: Fire, Emergency, and Police Stations Servicing the Project Site**. The Palm Desert Station is approximately 3.8 miles northeast of the Project Site. This station serves an area of approximately 26 square miles in the cities of Palm Desert and Rancho Mirage, and receives over approximately 47,600 calls for service each year.¹ The Sheriff's Department received approximately 18,454 calls for service in 2019.²

As of 2020, there are approximately 30 personnel assigned to include patrol and specialty teams located at the Palm Desert Sheriff's Station (**Appendix G.2**).³ The Sheriff's Department currently receives 1,015.6 calls per 1,000 residents per full time population and 615.8 calls per 1,000 residents per day time

1 Palm Desert Police, Police Organization, <https://www.cityofpalmdesert.org/departments/police-department/police-organization>, Accessed April 2020.

2 City of Rancho Mirage, Police Divisions, <https://ranchomirageca.gov/our-city/city-departments/police/divisions/>, Accessed April 2020.

3 Jennifer Benoit, Community Service Officer, Rancho Mirage Crime Prevention Division, Email Correspondence, May 14, 2020.

population.^{4,5} The Sheriff's Department ranks calls for services with a four-level priority system based on the urgency and need for prompt emergency service.

Police response times can vary significantly and are generally dependent upon various factors such as call type and the availability and location of the nearest patrol unit. The current average response time for emergency calls and nonemergency calls are 5 minutes and 30 minutes, respectively. The Sheriff's Department is fully operating and doing so with adequate facilities and personnel.⁶

Regulatory Setting

Local

Rancho Mirage General Plan

Chapter 9: Public Services and Facilities of the City's General Plan includes policies related to the police protection services that are needed to support the City.⁷ It identifies the formulation of the City's police protection services, the station that services the City, general statistics of the police force, programs that are currently in place and the plans to expand existing police services based on the City's continued growth and development. This chapter also expands on factors that affect the effectiveness of police protection in the City.

Rancho Mirage Municipal Code

New construction within the City is subject to Title 3, Chapter 28 of the Rancho Mirage Municipal Code (RMMC), which sets policy for the requirement of an imposed tax on new construction to support the increased demand for public services and infrastructure improvements, such as police protection services.⁸ Additionally, RMMC Section 17.26.120 lists development standards for lighting to provide adequate illumination for security and safety.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have significant impacts on public services, including law enforcement services, if it would:

-
- 4 Jennifer Benoit, Community Service Officer, Rancho Mirage Crime Prevention Division, Email Correspondence, May 14, 2020.
 - 5 Day time population consists of permanent residents full time population consists of temporary residents and/or tourists.
 - 6 Jennifer Benoit, Community Service Officer, Rancho Mirage Crime Prevention Division, Email Correspondence, May 14, 2020.
 - 7 *City of Rancho Mirage General Plan*, "Chapter 9: Public Services and Facilities," 104, adopted November 15, 2017.
 - 8 *City of Rancho Mirage Municipal Code*, Title 3 (Revenue and Finance), "Chapter 28 (License tax on New Construction)."

Threshold 5.8.2-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services.**

Methodology

Analysis of law enforcement services incorporates a review of current response times and review of the proposed Project by the Sheriff's Department. Response times to an area influence the ability for law enforcement to serve a population, city, or other populated area in a timely and efficient manner. Law enforcement officers are typically mobile, which allows them to respond more quickly than if they were stationed at one particular place.

Project Impacts

Threshold 5.8.2-1: **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 law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services?**

Construction

Construction activities and staging would occur within the existing shopping center. The proposed Project would connect to existing utilities and therefore no trenching along Highway 111 or Magnesia Falls Drive would be required. The only construction traffic would be associated with moving construction equipment, trips associated with hauling debris and soil, and workers traveling to and from the site. These trips would be negligible and wouldn't impact traffic along nearby roadways. Emergency access to the Project Site would remain clear and unhindered during construction of the Project pursuant to requirements established by the City's Public Works and Engineering Department and/or the Sheriff's Department. Thus, emergency access impacts from construction activities associated with the Project would be less than significant.

Operation

A significant environmental impact would result if implementation of the proposed Project would increase demands for police protection services to the extent that the construction of new or physically altered police facilities would be needed.

Given that the proposed Project does not include any residential uses, it would not directly affect the existing officer-to-resident ratio or the crimes-per-resident ratio Citywide or within the 24 Beat, Reporting District C7 service area. The proposed Project would be developed on an infill site; however, the proposed Project would likely increase demand for police protection services as it would be an added use to the area. Correspondence with the Sheriff's Department has confirmed that future development allowed by the proposed Project would not, by itself, contribute to the need for expansion or addition of facilities and is not expected to significantly affect the current services.⁹ Based on the assessment of the Sheriff's Department, the proposed Project would have a less-than-significant impact with respect to the need for new or physically altered police protection facilities.

Additionally, the proposed Project would be required to adhere to Title 3, Chapter 28 of the City's Municipal Code, which requires a tax payment on all new construction, in order to maintain acceptable levels of law enforcement services in the area to the extent that the construction of new or physically altered police facilities would be needed. Accordingly, with adherence to the existing regulations, impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on law enforcement services provided by the Sheriff's Department are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

Related projects near the proposed Project could contribute to a potentially significant adverse cumulative impact on the Sheriff's Department emergency and nonemergency services and their ability to provide

9 Jennifer Benoit, Community Service Officer, Rancho Mirage Crime Prevention Division, Email Correspondence, May 14, 2020.

acceptable response times. These impacts would include increased numbers of requests for law enforcement services due to the increased presence of structures, traffic volume, and people within the area. This cumulative growth would increase the future service population of the Sheriff's Department. These future development projects would undergo environmental review by the City and relevant lead agency pursuant to CEQA to address potential impacts. The nearest related project is the Chase Bank which is less than 0.25 miles north of the proposed Project which may also impact the proposed Project. However, development projects within the City would be reviewed by the City and the Sheriff's Department and payment of the City's tax on new construction in accordance with the Title 3, Chapter 28 of the City's Municipal Code to minimize impacts to local police services. Further, development within the City and Palm Desert would be reviewed by the Sheriff's Department to determine if public service needs demanded by new development can be effectively accommodated.¹⁰ Therefore, implementation of related projects would not adversely impact future demand on law enforcement services provided by the Sheriff's Department. Accordingly, cumulative impacts would be less than significant.

C. MITIGATION MEASURES

With adherence to the City's Municipal Code impacts to law enforcement services would be less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE OF MITIGATION

No mitigation measures are required; impacts related to law enforcement services would remain less than significant.

¹⁰ *The City of Rancho Mirage Municipal Code, Title 3, "Chapter 28."*

5.9 TRANSPORTATION

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to result in transportation impacts within the City of Rancho Mirage (City) and surrounding communities. Prior to the preparation of this Draft EIR, a Notice of Preparation was prepared and circulated on May 4, 2020 (**Appendix A.1**) for public input on the proposed Project's potential transportation impacts. As of July 1, 2020, vehicle miles traveled (VMT) is the metric used to measure transportation environmental impacts in accordance with the California Environmental Quality Act (CEQA). In accordance with City policy, this section of the Draft EIR evaluates the proposed Project's potential impacts on both the future capacities of area roadways, highways, and the transit system and on VMT within the City and surrounding communities. Information from the following study of the Project Site and surrounding area is incorporated into this section:

- *Traffic Impact Analysis Report Rancho Las Palmas In-N-Out, Linscott, Law & Greenspan, Engineers, September 2020.*

Complete copies of this study are included in the Appendices to this Draft EIR (**Appendix H**). Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Regional Access

The Project Site is centrally located within the Coachella Valley, which is separated from the Greater Los Angeles Area to the northwest by the San Geronio Pass, through which Interstate 10 (I-10) and the Union Pacific Railroad are the major transportation corridors. The Project Site is situated between the desert resort cities of Palm Springs and Cathedral City on the west and Palm Desert on the east.

Regional access in the Coachella Valley is provided by the I-10 Freeway, which provides access through the valley from the northwest to the southeast. I-10 extends from western Los Angeles County, through San Bernardino County and Riverside County (County) to the east across Arizona.

Regional access to the Project Site is currently available from I-10 via the interchange at Bob Hope Drive. Motorists can access I-10 in both directions through the Bob Hope Drive Interchange, which includes an eight-lane overcrossing at I-10 and ramps configured as a spread diamond interchange. Motorists from Palm Springs, Cathedral City, Rancho Mirage, and Thousand Palms to the east can also access I-10 from Ramon Road through the eastbound on-ramp located east of Bob Hope Drive and the Union Pacific Railroad.

Additional regional access to the Project Site includes Highway 111. Highway 111 extends from its juncture with I-10, several miles west of Palm Springs and southeast to Brawley, in the Imperial Valley. The Rancho Las Palmas Shopping Center is located to the east of Highway 111 south of Bob Hope Drive.

Highways and Local Streets

Highways

Highway 111 is generally a north-south, six-lane divided roadway in the vicinity of the Project. Highway 111 borders the Project Site on the west. Parking is not permitted along either side of the roadway within the immediate vicinity of the Project. Highway 111 has a posted speed limit of 45 mph in the immediate vicinity of the Project. The intersections of Highway 111 and Rancho Las Palmas Drive, Bob Hope Drive, Magnesia Falls Drive, Painters Path/Park View Drive, and Fred Waring Drive are controlled by traffic signals. The intersection of Highway 111 and Rancho Las Palmas Center Driveway, midway between Bob Hope Drive and Magnesia Falls Drive to the west of the Project, is stop-controlled (i.e., side-street stop).

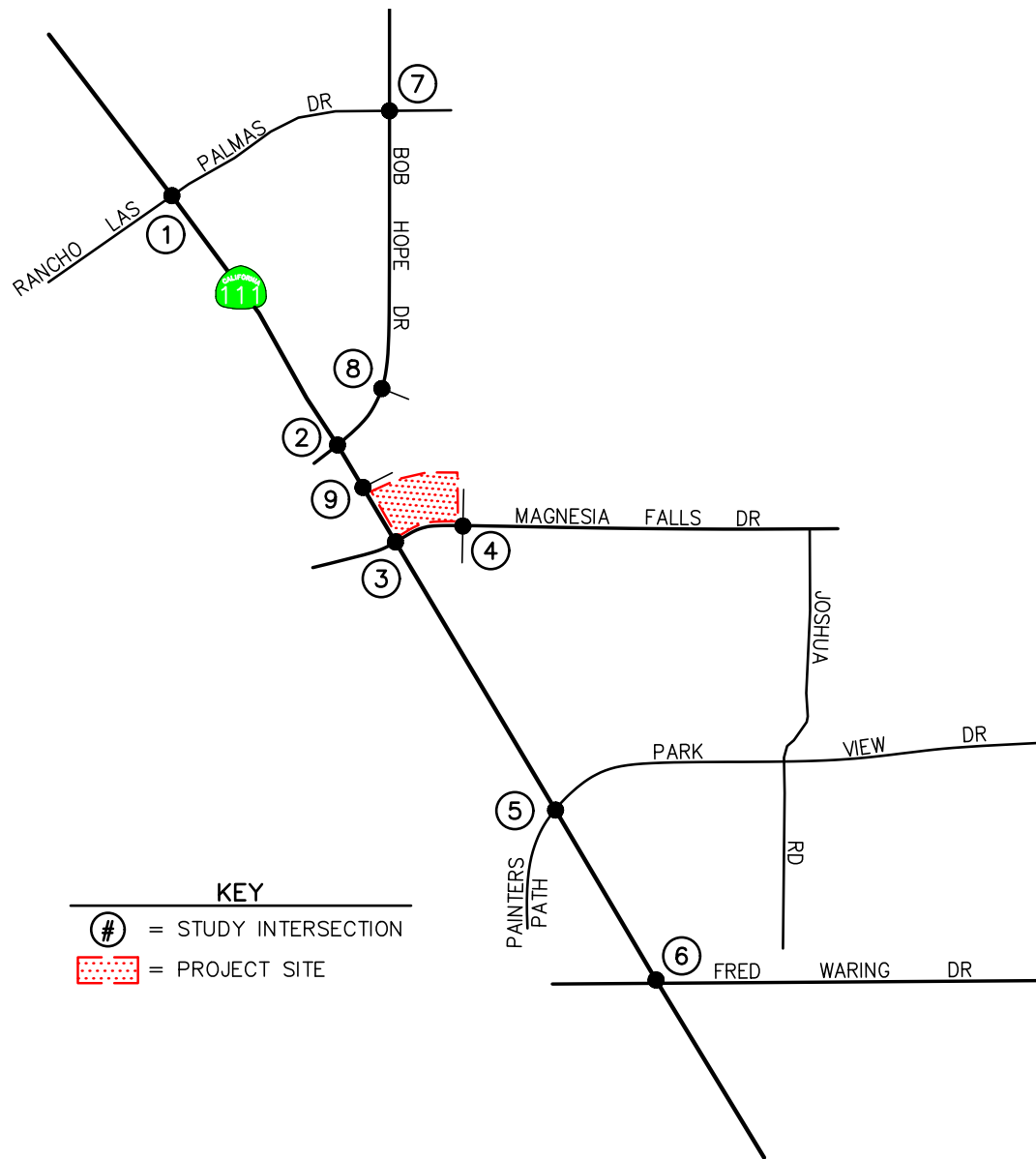
Local Streets

Bob Hope Drive is a north-south, four-lane divided roadway located north of the Project Site. Bob Hope Drive has a posted speed limit of 45 mph in the immediate vicinity of the Project. Parking is not permitted along either side of the roadway within the immediate vicinity of the Project. The intersection of Bob Hope Drive and Rancho Las Palmas Drive is controlled by a traffic signal. The intersection of Bob Hope Drive and Rancho Las Palmas Center Driveway, midway between Highway 111 and Avenida Las Palmas to the north of the Project, is stop-controlled (i.e., side-street stop). Direct access to the Project Site is provided by Bob Hope Drive.

Magnesia Falls Drive is an east-west, two-lane undivided roadway bordering the Project Site to the south. Magnesia Falls Drive has a posted speed limit of 30 mph. Parking is not permitted along either side of the roadway within the immediate vicinity of the Project, except on the south side of Magnesia Falls Drive, east of Rancho Las Palmas Center Driveway. The intersection of Magnesia Falls Drive and Highway 111 is controlled by a traffic signal. The intersection of Magnesia Falls Drive and Rancho Las Palmas Center Driveway, approximately 240 feet east of Highway 111 to the south of the Project, is a stop-sign controlled intersection (i.e., side-street stop).

Site Access

Access to the Project Site is provided via the full-ingress/ right-turn out only driveway from Magnesia Falls Drive, providing right and left turn entry into the center and right turn out only exit; the driveway from Bob Hope Drive providing right and left turn entry into the center and right turn out only exit; and the driveway from Highway 111 providing right turn in entry and right turn out exit from the center, as shown in **Figure 5.9-1: Study Area Intersections and Private Driveways**.



SOURCE: Traffic Impact Analysis Report Rancho Las Palmas In-N-Out, Linscott, Law & Greenspan, Engineers - 2020

FIGURE 5.9-1

Traffic Study Intersections

The Project Site is bounded by four of the roadways described above: Highway 111, Bob Hope Drive, and Magnesia Falls Drive. At the intersection of Highway 111 and Bob Hope Drive, a CVS Pharmacy is located at the southeast corner, Center for Orthodontics at the southwest corner, Union Bank at the northeast corner, and a Chase Bank at the northwest corner. To the east, the Project Site is bordered by the Rancho Las Palmas Golf Course and village resort. At the intersection of Highway 111 and Magnesia Falls Drive, a Goodwill and residential uses occupy the southeast corner, residential uses occupy the southwest corner, the Project Site at the northeast corner, and Provident Bank at the northwest corner.

Nine (9) intersections and private driveways were evaluated to determine the impacts of the Project on traffic and transportation conditions in the area. The jurisdiction where each key study intersection is located is also identified.

The locations of the study intersections and private driveways are shown on **Figure 5.9-1**. It should be noted that the intersections and driveways are separated for analysis because the private driveways represent a minor arterial approach. It is not uncommon for unsignalized private driveways that have direct access to primary arterials, such as Highway 111, to operate at an unacceptable LOS due to the limited gaps in traffic and the high volume of traffic on the major street, but technically do not operate as a congested facility similar to a public street intersection since there is no traffic impact to the transportation network. The following six intersections were evaluated:

1. Highway 111 at Rancho Las Palmas Drive (City of Rancho Mirage)
2. Highway 111 at Bob Hope Drive (City of Rancho Mirage)
3. Highway 111 at Magnesia Falls Drive (City of Rancho Mirage)
5. Highway 111 at Painters Path/Park View Drive (City of Palm Desert)
6. Highway 111 at Fred Waring Drive (City of Palm Desert)
7. Bob Hope Drive at Rancho Las Palmas Drive (City of Rancho Mirage)

The following three private driveways were also evaluated:

4. Rancho Las Palmas Center Driveway No. 1 at Magnesia Falls Drive (City of Rancho Mirage)
8. Bob Hope Drive at Rancho Las Palmas Center Driveway No. 2 (City of Rancho Mirage)
9. Highway 111 at Rancho Las Palmas Center Driveway No. 3 (City of Rancho Mirage)

Existing Multimodal Circulation

Pedestrian Circulation

Pedestrian circulation is provided via existing public sidewalks along Highway 111, Magnesia Falls Drive, and Bob Hope Drive. The existing sidewalk system connects to the adjacent existing residential community, commercial development, and public transit along Highway 111.

Bike Lanes

Bob Hope Drive is designated with proposed Class II bike lanes (on-road bike lanes delineated by painted strips and other features) adjacent to the Project Site based on the City's General Plan.

Public Transportation

SunLine Transit Agency provides local transit service throughout Coachella Valley, including the Cities of Rancho Mirage and Palm Desert. Bus transit services are available in the city through fixed-route and demand-response services. Bus routes that run through the city connect to the neighboring cities of Palm Springs, Cathedral City, Coachella, and Indio. The routes serve major destinations in the region as well as connecting Coachella Valley to Beaumont, Banning, Cabazon, Moreno Valley, and Riverside. Within Rancho Mirage, bus routes run on major roadways, including Highway 111, Bob Hope Drive, and Fred Waring Drive. This service also provides access to Metrolink. The bus stops nearest to the Project Site are located along Highway 111, just north of Magnesia Falls Drive on the east side of the road, and just south of Magnesia Falls Drive on the west side of the road. The following transit services are within the vicinity of the Project Site:

- **Route 20 Express:** Route 20 provides service from Desert Hot Springs to Palm Desert; via West and Pierson, Palm and Two Bunch, Cook and University, and Town Center and Hahn during weekdays only. The route traverses the cities of Desert Hot Springs, Indian Wells, and Palm Desert. During the weekday AM and PM peak periods, Route 20 has approximate headways of 60 minutes in the northbound and southbound directions.
- **Route 21:** Route 21 provides service from Indian Wells to Palm Desert; via Gerald Ford and Cook, Cook and Fred Smith, and Town Center and Hahn during weekdays only. The route traverses the cities of Indian Wells and Palm Desert. Route 21 provides service outside of the weekday AM and PM peak periods, between approximately 11am and 4pm. During this period, Route 21 has approximate headways of 60 minutes in the northbound and southbound directions.
- **Route 32:** Route 32 provides express service from Palm Springs to Palm Desert; via Ramon & San Luis Rey, Vista Chino & Gene Autry, Ramon & Date Palm, Ramon & Monterey, Country Club & John L Sinn, and Town Center & Hahn with service every day of the week. The route traverses the cities of Palm Desert, Rancho Mirage, Thousand Palms, Cathedral City, and Palm Springs. During the weekday AM and PM peak periods, Route 32 has approximate headways of 50 minutes in the eastbound and

westbound directions. During the weekend midday peak period, Route 32 has approximate headways of 60 minutes in the eastbound and westbound directions.

- City Route 54: Route 54 provides service from Indio to Palm Desert; via Highway 111 & Flower, Fred Waring & Washington, and Town Center & Hahn during weekdays only. The route traverses the cities of Indio, La Quinta, Indian Wells, and Palm Desert. During the weekday AM and PM peak periods, Route 54 has approximate headways of 45 minutes in the eastbound and westbound directions.
- City Route 111: Route 111 provides express service from Palm Springs to Coachella; via palm Canyon & Stevens, Palm Canyon & Ramon, B Street & Buddy Rogers, Town Center & Hahn, Highway 111 & Adams, Highway 111 & Flower, and 5th Street & Vine with service every day of the week. The route traverses the cities of Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, and Coachella. During the weekday AM, weekday PM, and weekend midday peak periods, Route 111 has approximate headways of 20 minutes in the eastbound and westbound directions.

Existing Traffic Conditions

Existing weekday PM and Saturday midday peak hour traffic volumes for the six intersections studied were collected on Tuesday, March 17th, 2020, and Saturday, March 14th, 2020, respectively. While the traffic counts were conducted prior to the State of California “Stay at Home” order, March 19, 2020, as a result of the COVID-19 Coronavirus Pandemic, the weekday PM and Saturday Midday peak hour traffic volumes were increased by 50 and 25 percent, respectively, to provide for a conservative baseline condition. These adjusted existing traffic volumes were compared against historical traffic data collected during the peak season in order to create a conservative baseline condition compared to other historical traffic count data in the area.

Table 5.9-1: Existing Peak Hour Levels of Service summarizes the existing peak hour service level calculations for the six intersections studied based on existing traffic volumes and current street geometry. As shown in **Table 5.9-1**, all of the existing key study intersections currently operate at an acceptable level of service, LOS D or better, during the weekday PM and Saturday Midday peak hours. Five of these intersections operate at LOS A or B. The intersection of Highway 111 at Fred Waring Drive currently operates at LOS C at midday on Saturdays and LOS D in the evening peak hour.

Existing weekday PM and Saturday midday peak hour traffic volumes for the three private driveway intersections, were also collected on Tuesday, March 17th, 2020, and Saturday, March 14th, 2020, respectively. These driveway volumes were also further adjusted upward to account for the COVID-19 Coronavirus Pandemic and historical data. As shown in **Table 5.9-2: Project Driveway Peak Hour Levels of Service**, all of the existing private driveways currently operate at an acceptable level of service, LOS D or better, during the weekday PM and Saturday Midday peak hours.

Table 5.9-1
Existing Peak Hour Levels of Service

Key Intersections		Existing Traffic Conditions				V/C
		Jurisdiction	Time Period	Delay (Sec./Veh.)	LOS	
1.	Highway 111 at Rancho Las Palmas Drive	Rancho Mirage	PM	12.3 s/v	B	0.487
			Sat. MD	9.7 s/v	A	0.466
2.	Highway 111 at Bob Hope Drive	Rancho Mirage	PM	16.7 s/v	B	0.558
			Sat. MD	18.2 s/v	B	0.583
3.	Highway 111 at Magnesia Falls Drive	Rancho Mirage	PM	13.2 s/v	B	0.570
			Sat. MD	13.3 s/v	B	0.575
5.	Highway 111 at Painters Path/Park View Drive	Palm Desert	PM	10.9 s/v	B	0.595
			Sat. MD	9.7 s/v	A	0.609
6.	Highway 111 at Fred Waring Drive	Palm Desert	PM	39.1 s/v	D	0.632
			Sat. MD	30.9 s/v	C	0.678
7.	Bob Hope Drive at Rancho Las Palmas Drive	Rancho Mirage	PM	11.7 s/v	B	0.417
			Sat. MD	8.5 s/v	A	0.320

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

V/C = volume to capacity ratio

Source: **Appendix H: Traffic Impact Analysis Report Rancho Las Palmas In-N-Out**, Linscott, Law & Greenspan, Engineers, September 2020.

Table 5.9-2
Project Driveway Peak Hour Levels of Service

Key Intersections		Existing Traffic Conditions				V/C
		Jurisdiction	Time Period	Delay (Sec./Veh.)	LOS	
4.	Rancho Las Palmas Center Driveway No. 1 at Magnesia Falls Drive	Rancho Mirage	PM	9.8 s/v	A	0.010
			Sat. MD	10.8 s/v	B	0.039
8.	Bob Hope Drive at Rancho Las Palmas Center Driveway No. 2	Rancho Mirage	PM	10.9 s/v	B	0.184
			Sat. MD	11.4 s/v	B	0.240
9.	Highway 111 at Rancho Las Palmas Center Driveway No. 3	Rancho Mirage	PM	26.3 s/v	D	0.183
			Sat. MD	29.4 s/v	D	0.307

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

V/C = volume to capacity ratio

Source: **Appendix H.**

As shown, the driveway intersections with Magnesia Falls Drive and Bob Hope Drive currently operate at LOS A or B and the driveway on Highway 111 operates at LOS D at midday on Saturdays and in the evening peak hour.

Regulatory Setting

State

On December 28, 2018, the California Natural Resources Agency adopted revised CEQA Guidelines. Among the changes to the guidelines was the removal of vehicle delay and LOS from consideration for transportation impacts under CEQA. Beginning July 1, 2020, as required in CEQA section 15064.3, transportation impacts are to be evaluated based on the vehicle miles of travel associated with a project.

Regional and Local Setting

Regional Transportation Improvement Plan

The Regional Transportation Plan (RTP) is a multimodal long-range planning document prepared by the Southern California Association of Governments (SCAG) in coordination with federal, State, and other regional, sub-regional, and local agencies in southern California. The RTP, prepared every three years, addresses future needs based on a 20-year projection. It includes programs and policies for congestion management, transit, bicycles, pedestrians, roadways, freight, and finances. It is used as a long-range plan for federally funded transportation projects.

The Capital Improvement Program (CIP) is a 7-year program including all regional and local capital improvement projects that maintain or improve the LOS for traffic and transit and conform to transportation-related emission air quality mitigation measures. Currently, regional projects are programmed in the County Transportation Improvement Plan (TIP), while locally funded projects (off the State Highway System) are identified in local agency CIPs. To comply with Congestion Management Plan (CMP) Statutes, CIP requirements are identified through the RCTC TIP development process. Projects in the CIP may be incorporated into the Regional Transportation Improvement Program (RTIP) for the programming of Flexible Congestion Relief (FCR) and Urban and Commuter Rail funds.

Congestion Management Program

The CMP is intended to link land use, transportation, and air quality with reasonable growth management methods, strategies and programs that effectively utilize new transportation funds to alleviate traffic congestion and related impacts. The County Transportation Commission (RCTC) is the designated Congestion Management Agency (CMA) that prepares CMP updates in consultation with local agencies,

the County, transit agencies and sub-regional agencies like the Coachella Valley Association of Governments (CVAG).

The RCTC has designated a system of highways and roadways to include (at a minimum) all State Highway facilities within the County and a system of principal arterials as the Congestion Management System (CMS). All State Highways within the County have been designated as part of the CMP System of Highways and Roadways. The following facilities are designated as part of the Riverside CMP System of Highways and Roadways in the Coachella Valley:

- I-10 (San Bernardino County line to State line)
- SR 111 (I-10 to Imperial County line)
- Ramon Road (I-10 to SR 111)
- Monterey Avenue (I-10 to SR 111)

Coachella Valley Regional Arterial Program

The CVAG administers the Coachella Valley Regional Arterial Program, which allocates Measure A and Transportation Uniform Mitigation Fee (TUMF) funds for necessary improvements to the regional transportation system.

Measure A, approved by County voters in 1988, approved a half-cent increase in sales tax over a 20-year period to be used for transportation purposes. In November 2002, County voters approved a 30-year extension of Measure “A” (2009–2039). Measure A funds contribute a portion of the cost of transportation system improvements projected to be needed over the next 25 years.

The TUMF program was developed to generate additional funds to fund improvements to the regional arterial roadway system. The TUMF is a development impact assessment that provides funding for transportation improvements required to support new development based on the number of vehicle trips new development will generate. Approximately 55 percent of the funding provided by CVAG consists of TUMF funds with the remainder consisting of Measure A funds. CVAG prepares the Transportation Project Priority Study (TPPS) every 5 five years to determine funding availability for improvements to regional arterials by prioritizing the eligible study segments based on an assessment of the need for improvement.

Available TUMF and Measure A revenues are applied to the TPPS projects in order of priority. Because a project’s priorities set out in the TPPS control the order of funding, it also generally controls the approximate timeframe for each project.

To conform to CVAG policies, all CVAG member agencies require the construction of adopted road construction standard improvements for missing regional roads segments located adjacent to land development projects.

City of Rancho Mirage General Plan

The City of Rancho Mirage General Plan contains the following policy addressing the desired operating conditions for intersections in the City:

While LOS C has long been considered the desirable and optimal level of traffic volume on any given roadway, it represents a standard that is progressively more difficult and less cost-effective to achieve in urban areas. For peak operating periods, LOS D or a maximum volume to capacity ratio of 0.90 is now considered the generally acceptable service level.

City of Palm Desert

According to the City of Palm Desert Comprehensive General Plan Circulation Element:

The Circulation Element establishes and directs actions to maintain acceptable levels of service on all community roadways. The City traffic engineers and transportation planners strive to provide optimum roadway operating conditions while controlling the costs of building and maintaining infrastructure to assure those conditions. For many years, LOS C was considered the desirable and optimal level of traffic volume on any given roadway and continues to be the goal in Palm Desert. However, as traffic volumes increase, LOS C represents a standard that is progressively more difficult and costly to achieve in urban areas. For peak operating periods, LOS D and/or a maximum volume to capacity ratio of 0.90 is provisionally considered the generally acceptable service level. With the planned roadway improvements set forth in the Circulation Element and the General Plan EIR and associated traffic study, buildout of the City General Plan is not expected to result in any intersections operating at levels worse than LOS D. Exceedance of the City's LOS C goal is only acceptable where maximum feasible intersection improvements have been implemented.

Caltrans

The Caltrans' Guide for the Preparation of Traffic Impact Studies (December 2002) states "Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D. However, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with

Caltrans to determine the appropriate target LOS. LOS D was assumed to be the minimum acceptable standard for Caltrans facilities.¹

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to transportation if it would:

- Threshold 5.9-1:** Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Threshold 5.9-2:** Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).
- Threshold 5.9-3:** Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- Threshold 5.9-4:** Result in inadequate emergency access?

Methodology

In order to determine the potential for the Project to result in significant transportation impacts, a multistep process was completed. The first step involves estimating the amount of traffic generated on a peak hour and daily basis. The traffic generation potential is forecast by applying the appropriate vehicle trip generation equations and/or rates to the Project development tabulation.

The second step is to determine the distribution of this traffic on the surrounding roadway network, based on the origin and destination of traffic generated by the Project, based on demographics and existing/expected future travel patterns in the study area.

The third step is traffic assignment, which involves the allocation of Project traffic to streets and intersections. Traffic assignment is typically based on minimization of travel time, which may or may not involve the shortest route, depending on prevailing operating conditions and travel speeds.

Traffic distribution patterns are indicated by general percentage orientation, while traffic assignment allocates specific volume forecasts to individual roadway segments and intersection turning movements throughout the study area.

¹ Caltrans, *Guide for The Preparation of Traffic Impact Studies (December 2002)*, https://nacto.org/docs/usdg/guide_preparation_traffic_impact_studies_caltrans.pdf, accessed May 2020.

With the forecasting process complete and Project traffic assignments developed, the impact of the Project is isolated by comparing operational (LOS) conditions at selected key intersections using expected future traffic volumes with and without forecast Project traffic. If necessary, the need for site-specific and/or cumulative local area improvements can then be evaluated.

Project Trip Generation Forecast

Traffic generation is expressed in vehicle trip ends, defined as one-way vehicular movements, either entering or exiting the generating land use. Generation equations and/or rates used in the traffic forecasting procedure are found in the 10th Edition of Trip Generation.²

Table 5.9-3: Project Trip Generation Forecast summarizes the trip generation rates used in forecasting the vehicular trips generated by the proposed Project and also presents the Project's forecast peak hour and daily traffic volumes. As indicated in **Table 5.9-3**, the proposed Project is forecast to generate 2,284 weekday daily trips, with 75 trips during the PM peak hour on a "typical" weekday and 2,766 Saturday daily trips, with 186 trips produced in the Midday peak hour on a "typical" Saturday.

**Table 5.9-3
Project Trip Generation Forecast**

ITE Land Use Code / Project Description	Weekday				Saturday			
	Daily 2-Way	PM Peak Hour			Daily 2-Way	Midday Peak Hour		
		Enter	Exit	Total		Enter	Exit	Total
Generation Factors								
934: Fast-Food Restaurant with Drive-Through Window (TE/Seat)	19.52	53%	47%	0.97	23.64	51%	49%	2.39
Generation Forecasts								
Proposed In-N-Out Restaurant (156 Seats)	3,045	80	71	151	3,688	190	183	373
Pass-By (Weekday Daily: 25%, Weekday PM: 50%, Saturday Daily: 25%, Saturday Midday: 50%)	<u>-761</u>	<u>-40</u>	<u>-36</u>	<u>-76</u>	<u>-922</u>	<u>-95</u>	<u>-92</u>	<u>-187</u>
Total Project Trip Generation	2,284	40	35	75	2,766	95	91	186

Source: **Appendix H.**

Notes: Includes 74 indoor seats and 82 outdoor patio seats.

TE/Seat: Trip end per seat.

2 Institute of Transportation Engineers (ITE), 10th Edition of Trip Generation (2017).

Project Trip Distribution and Assignment

Figure 5.9-2: Project Traffic Distribution Pattern illustrates the general, directional traffic distribution pattern for the proposed Project. Project traffic volumes both entering and exiting the Project Site have been distributed and assigned to the adjacent street system based on the following considerations:

- The site's proximity to major traffic routes, including Highway 111 and Bob Hope Drive,
- Expected localized traffic flow patterns based on adjacent street channelization and presence of traffic signals, and
- Ingress/egress availability at the Project Site.

Analysis Years and Scenarios

The following scenarios were analyzed for the key intersections and private driveways for existing and near-term traffic conditions:

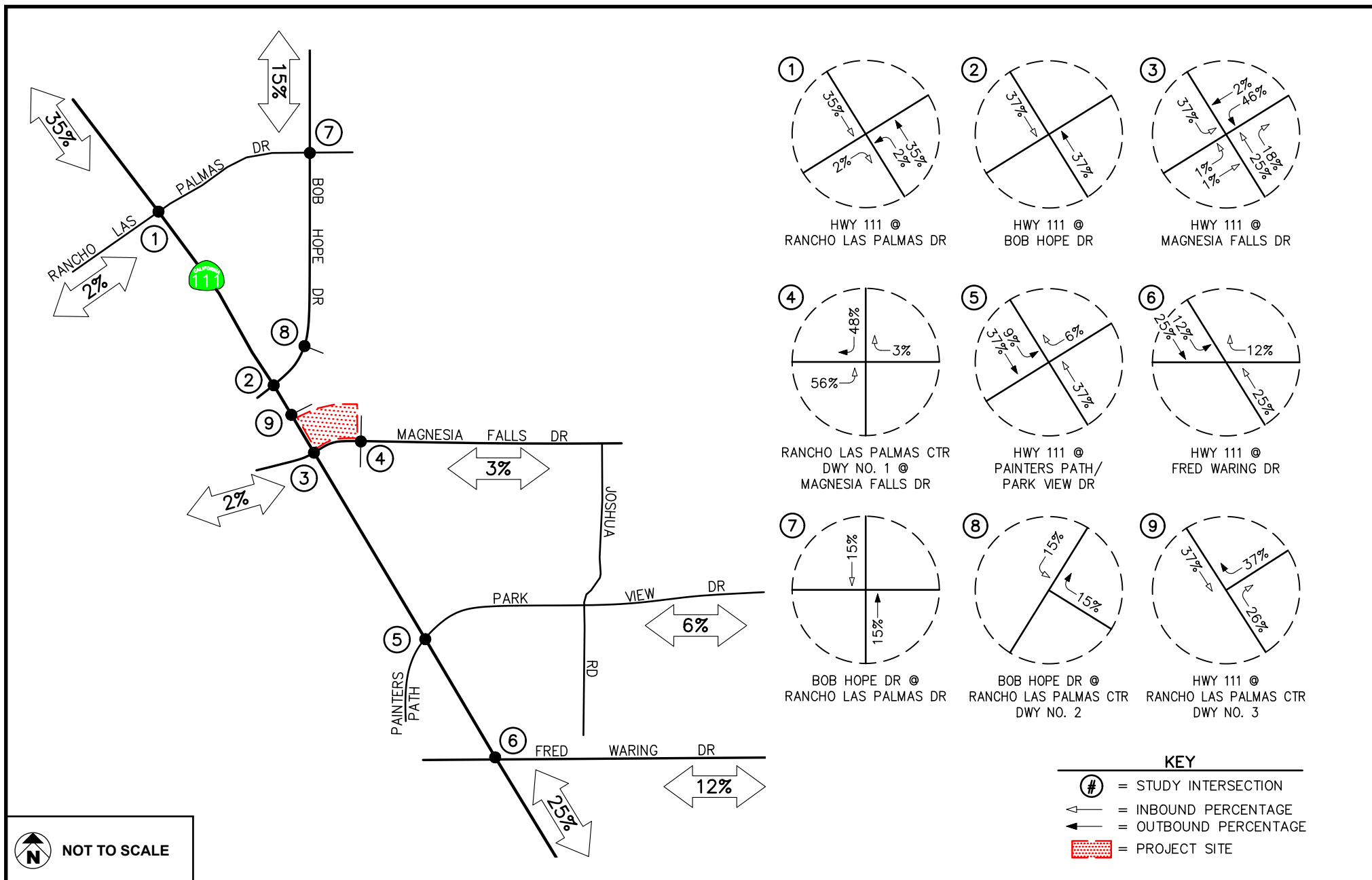
- Existing (2020) Traffic Conditions;
- Existing (2020) Plus Project Traffic Conditions;
- Existing (2020) Plus Project Traffic Conditions with Recommended Improvements, if any;
- Year 2022 Cumulative Traffic Conditions;
- Year 2022 Cumulative Plus Project Traffic Conditions; and
- Year 2022 Cumulative Plus Project Traffic Conditions With Recommended Improvements, if any.

Level of Service (LOS) Analysis Methodologies

Weekday PM and Saturday Midday peak hour operating conditions for the intersections and private driveways were evaluated using the methodology outlined in *Chapter 19 of the Highway Capacity Manual 6 (HCM 6)* for signalized intersections, the methodology outlined in *Chapter 20 of the HCM 6* for two-way stop-controlled intersections, and the methodology outlined in *Chapter 21 of the HCM 6* for all-way stop-controlled intersections.

Highway Capacity Manual 6 (HCM 6) Method of Analysis (Signalized Intersections)

Based on the HCM operations method of analysis, level of service for signalized intersections and approaches is defined in terms of control delay, which is a measure of the increase in travel time due to traffic signal control, driver discomfort, and fuel consumption. Control delay includes the delay associated with vehicles slowing in advance of an intersection, the time spent stopped on an intersection approach, the time spent as vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed. LOS criteria for traffic signals are stated in terms of the control delay in seconds per vehicle.



SOURCE: Traffic Impact Analysis Report Rancho Las Palmas In-N-Out, Linscott, Law & Greenspan, Engineers - 2020

FIGURE 5.9-2

The LOS thresholds established for the automobile mode at a signalized intersection are shown in **Table 5.9-4: Intersection Level of Service Definitions**.

Table 5.9-4
Intersection Level of Service Definition

LOS	Average Total Delay per Vehicle (Seconds)		Description
	Signalized	Unsignalized	
A	< 10.0	< 10.0	Operations with very low delay occurring with favorable progression and/or short cycle length.
B	> 10.0 to 20.0	> 10.0 to ≤ 15.0	Operations with low delay occurring with good progression and/or short cycle lengths.
C	> 20.0 to 35.0	> 15.0 to 25.0	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.
D	> 35.0 to 55.0	> 25.0 to 35.0	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.
E	> 55.0 to 80.0	> 35.0 to 50.0	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.
F	> 80.0	> 50.0	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.

Source: *Highway Capacity Manual*, Transportation Research Board, 2017.

Highway Capacity Manual 6 (HCM 6) Method of Analysis (Unsignalized Intersections)

The HCM unsignalized methodology for stop-controlled intersections was utilized for the analysis of the unsignalized intersections. LOS criteria for unsignalized intersections differ from LOS criteria for signalized intersections as signalized intersections are designed for heavier traffic and therefore a greater delay. Unsignalized intersections are also associated with more uncertainty for users, as delays are less predictable, which can reduce users' delay tolerance.

Two-Way Stop-Controlled Intersections

Two-way stop-controlled intersections are comprised of a major street, which is uncontrolled, and a minor street, which is controlled by stop signs. Level of service for a two-way stop-controlled intersection is determined by the computed or measured control delay. The control delay by movement, by approach, and for the intersection as a whole is estimated by the computed capacity for each movement. LOS is determined for each minor-street movement (or shared movement) as well as major-street left turns. The worst side street approach delay is reported. LOS is not defined for the intersection as a whole or for

major-street approaches, as it is assumed that major-street through vehicles experience zero delay. The HCM control delay value ranges for two-way stop-controlled intersections are shown in **Table 5.9-5: Level of Service Criteria for Unsignalized Intersections (HCM 6 Methodology)**.

Table 5.9-5
Level of Service Criteria for Unsignalized Intersections (HCM 6 Methodology)

Level of Service (LOS)	Highway Capacity Manual (HCM) Delay Per Vehicle (seconds/vehicle)	Level of Service Description
A	≤ 10.0	Little or no delay
B	> 10.0 to ≤ 15.0	Short traffic delays
C	> 15.0 to ≤ 25.0	Average traffic delays
D	> 25.0 to ≤ 35.0	Long traffic delays
E	> 35.0 to ≤ 50.0	Very long traffic delays
F	> 50.0	Severe congestion

Source: Highway Capacity Manual, Transportation Research Board, 2017.

Highway Capacity Manual 6, Chapter 20: Two-Way Stop-Controlled Intersections. The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.

Highway Capacity Manual 6, Chapter 21: All-Way Stop-Controlled Intersections. For approaches and intersection-wide assessment, LOS is defined solely by control delay.

All-Way Stop-Controlled Intersections

All-way stop-controlled intersections require every vehicle to stop at the intersection before proceeding. Because each driver must stop, the decision to proceed into the intersection is a function of traffic conditions on the other approaches. The time between subsequent vehicle departures depends on the degree of conflict that results between the vehicles and vehicles on the other approaches. This methodology determines the control delay for each lane on the approach, computes a weighted average for the whole approach, and computes a weighted average for the intersection as a whole. LOS at the approach and intersection levels is based solely on control delay. The HCM control delay value ranges for all-way stop-controlled intersections are shown in **Table 5.9-5**.

Vehicle Miles Traveled (VMT)

For VMT screening analysis, the Project was analyzed using the screening criteria identified in the City's *Transportation Analysis Policy* dated June 18, 2020.³ Given that the proposed Project is considered a local serving retail use, the Project can be evaluated against the City's screening criteria.

³ City of Rancho Mirage, Staff Report for a *Resolution Adopting a Transportation Analysis Policy Pursuant to Senate Bill 743*, June 18, 2020.

Analysis of the LOS of intersections is also provided to determine the consistency of a project with the City's General Plan.

Project Impacts

Threshold 5.9-1: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Existing Plus Project Conditions

Table 5.9-6: Existing Plus Project Conditions Peak Hour Intersection Capacity Analysis Summary summarizes the peak hour level of service results at the six intersections studied for the Existing Plus Project conditions. As shown, the six key study intersections are forecast to continue to operate an acceptable LOS during the weekday PM and Saturday Midday peak hours with the addition of Project generated traffic.

Table 5.9-6
Existing Plus Project Conditions Peak Hour Intersection Capacity Analysis Summary

Key Intersections and Private Driveways	Time Period	(1) Existing Traffic Conditions			(2) Existing Plus Project Traffic Conditions			(3) Significant Impact
		HCM	LOS	V/C	HCM	LOS	V/C	Yes/No
1. Highway 111 at Rancho Las Palmas Drive	PM	12.3 s/v	B	0.487	12.3 s/v	B	0.490	No
	Sat. MD	9.7 s/v	A	0.466	9.8 s/v	A	0.474	No
2. Highway 111 at Bob Hope Drive	PM	16.7 s/v	B	0.558	16.7 s/v	B	0.553	No
	Sat. MD	18.2 s/v	B	0.583	18.2 s/v	B	0.574	No
3. Highway 111 at Magnesia Falls Drive	PM	13.2 s/v	B	0.570	14.6 s/v	B	0.609	No
	Sat. MD	13.3 s/v	B	0.575	17.3 s/v	B	0.671	No
5. Highway 111 at Painters Path/Park View Drive	PM	10.9 s/v	B	0.595	11.0 s/v	B	0.602	No
	Sat. MD	9.7 s/v	A	0.609	10.2 s/v	B	0.619	No
6. Highway 111 at Fred Waring Drive	PM	39.1 s/v	D	0.632	39.6 s/v	D	0.636	No
	Sat. MD	30.9 s/v	C	0.678	31.9 s/v	C	0.687	No
7. Bob Hope Drive at Rancho Las Palmas Drive	PM	11.7 s/v	B	0.417	11.7 s/v	B	0.418	No
	Sat. MD	8.5 s/v	A	0.320	8.8 s/v	A	0.323	No

Source: refer to **Appendix H**.

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

v/c = volume to capacity ratio

Site Access

Access to the Project is currently provided and will continue to be provided via the full-ingress/ right-turn out only driveway from Magnesia Falls Drive, providing right and left turn entry into the center and right turn out only exit (Private Driveway Intersection #4); the driveway from Bob Hope Drive providing right and left turn entry into the center and right turn out only exit (Private Driveway Intersection #8), and the driveway from Highway 111 providing right turn in entry and right turn out exit from the center (Private Driveway Intersection #9).

As shown in **Table 5.9-7: Existing Plus Project Conditions Peak Hour Private Driveway Capacity Analysis Summary**, two of the three private driveways are forecast to operate at acceptable LOS D or better during the weekday PM peak hour and Saturday Midday peak hour under Existing Plus Project traffic conditions.

Table 5.9-7
Existing Plus Project Conditions Peak Hour Private Driveway Capacity Analysis Summary

Key Intersections and Private Driveways	Time Period	(1) Existing Traffic Conditions			(2) Existing Plus Project Traffic Conditions			(3) Significant Impact
		HCM	LOS	V/C	HCM	LOS	V/C	Yes/No
4. Rancho Las Palmas Center Driveway No. 1 at Magnesia Falls Drive	PM	9.8 s/v	A	0.010	10.6 s/v	B	0.040	No
	Sat. MD	10.8 s/v	B	0.039	14.1 s/v	B	0.061	No
8. Bob Hope Drive at Rancho Las Palmas Center Driveway No. 2	PM	10.9 s/v	B	0.184	11.0 s/v	B	0.196	No
	Sat. MD	11.4 s/v	B	0.240	11.6 s/v	B	0.277	No
9. Highway 111 at Rancho Las Palmas Center Driveway No. 3	PM	26.3 s/v	D	0.183	29.1 s/v	D	0.291	No
	Sat. MD	29.4 s/v	D	0.307	41.1 s/v	E	0.565	No

Source: refer to **Appendix H**.

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

v/c = volume to capacity ratio

The intersection of Highway 111 at Rancho Las Palmas Center Driveway is forecast to operate at LOS E during the Saturday Midday peak hour which is below the City's desired LOS D standard. Although the private driveway of Highway 111 at Rancho Las Palmas Center Driveway is forecast to operate below the City's desired LOS D standard during the Saturday Midday peak hours under Existing Plus Project traffic conditions, it is not uncommon for unsignalized private driveways that have direct access to primary

arterials, such as Highway 111, to operate at a lower LOS due to the limited gaps in traffic and the high volume of traffic on the major street.

Furthermore, the delay occurs to the right-out movement, and the peak driveway queue can be accommodated entirely within the driveway throat without impacting the internal circulation system of the shopping center. Additionally, given the potential delay exiting the private driveway of Highway 111 at Rancho Las Palmas Center Driveway, some of the traffic leaving the Project site may utilize other driveways within the Rancho Las Palmas Shopping Center to travel northerly from the site. Based on these considerations, the lower level of service of these driveway intersections will not affect traffic conditions on Hwy 111 and is not significant for this reason. As such, Project access will be adequate. Motorists entering and exiting the Project Site will be able to do so comfortably, safely, and without undue congestion.

CMP Assessment

The RCTC is designated as the CMA to oversee the CMP. Recently, the RCTC has approved modification of the CMP Land Use Coordination Element, which includes the elimination of the Traffic Impact Assessment (TIA) report process and replaced it with an Enhanced Traffic Monitoring System. Therefore, a TIA report is no longer required, but local jurisdictions are required to report deficient facilities (Circulation Element roadway intersections that cannot be mitigated to LOS E or better) along the CMP network, which are identified in traffic impact studies prepared for local agencies. Review of **Table 5.9-6** in this report indicates that all six key study Circulation Roadway intersections are forecast to operate at an acceptable LOS during the weekday PM and Saturday Midday peak hours under Existing Plus Project traffic conditions.

The proposed Project will not result in any significant impacts at any of the relevant CMP study locations and the proposed Project does not conflict with the CMP.

Multimodal Circulation

The Project would protect the existing sidewalk along project frontage and if necessary, repair or reconstruct sidewalks along the Project frontage per the City's request. The existing sidewalk system within the Project vicinity provides direct connectivity to the adjacent existing residential community, commercial development and public transit along Highway 111. In addition, bicycle parking facilities would be provided within the Project site consistent with City requirements.

The proposed Project would also not interfere with the existing bus stops or bike lanes. Therefore, there would be no impact to transit, bicycle, or pedestrian facilities.

Summary

In summary, the Project would not conflict with any program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts from an increase in traffic are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.9-2: Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

The Project was analyzed using the screening criteria identified in the City's *Transportation Analysis Policy* dated June 18, 2020. The City adopted the VMT CEQA Transportation Analysis Policy in June 2020 to be consistent with the CEQA revisions required under Senate Bill 743. Because the proposed Project is considered a local serving retail use, the Project can be evaluated against the City's screening criteria. According to *Section I.A Project Screening Criteria*, projects that are local serving retail developments less than 50,000 square feet generally may be assumed to create a less-than-significant transportation impact because the proposed use generally improves options for shopping close to home, thereby reducing vehicle travel.

Therefore, since the proposed In-N-Out Burger fast-food restaurant is primarily local-serving and proposes a 3,885 square foot building, significantly less than 50,000 square foot screening criteria, VMT impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts due to inconsistency with CEQA Guidelines Section 15064.3, subdivision (b) are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-through restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.9-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project would not introduce any new sharp curves or intersections that would conflict with existing land uses in the surrounding area. Access to the Project Site would be provided via existing driveways along Bob Hope Drive to the North, Highway 111 to the west, and Magnesia Falls Drive to the south. The main entrance would be along Highway 111 at Rancho Las Palmas Shopping Center, and the secondary driveway would be Magnesia Falls Drive at Rancho Las Palmas Shopping Center.

The proposed Project improvements would be designed to provide adequate sight distance for drivers entering and exiting the Project Site. The proposed Project would not introduce any new design features that would create hazards to traffic.

Evaluation of the on-site circulation layout of the proposed In-N-Out Burger Restaurant Project on an overall basis is adequate. Curb return radii have been confirmed and are adequate for service/delivery trucks and trash trucks. Ingress and egress for the drive-through pick-up lane is not impeded by any on-site vehicular queueing and any potential overflow of the drive-through pick-up lane will not impact on-site circulation of the shopping center. Furthermore, based on the internal circulation pattern of the existing Rancho Las Palmas Center, Project traffic will be able to access Bob Hope Drive, Highway 111, and/or Magnesia Falls via primary drive aisles without circulating through the parking areas, except for the approximately 36-foot wide portion along the quick-serve food shops near Bob Hope Drive.

Queuing Analysis for Project Access Locations

Queuing analysis for Project access locations analyzed weekday PM and Saturday Midday peak hour stacking/storage lengths for the following three (3) private driveway intersection:

- No. 4 – Rancho Las Palmas Center Driveway Number 1 at Magnesia Falls Drive
- No. 8 – Bob Hope Drive at Rancho Las Palmas Center Driveway Number 2
- No. 9 – Highway 111 at Rancho Las Palmas Center Driveway Number 3

A queuing evaluation was prepared for the inbound and outbound turn pockets at the three private driveways. The queuing evaluation was conducted based on projected Existing Plus Project peak hour traffic volumes and the HCM methodology. **Table 5.9-8: Project Driveway Peak Hour Queuing Analysis** presents the 95th percentile queuing analysis results for the three Project driveways. As shown in **Table 5.9-8**, adequate storage is provided at all three Project driveways under Existing Plus Project traffic conditions.

Drive-Through Queuing Analysis

Existing queuing observations were performed at the following three existing In-N-Out sites on Thursday June 27, 2019 and Saturday June 22, 2019 between 11:00 AM and 11:00 PM:

- Site #1 = 72265 Varner Road, Thousand Palms
- Site #2 = 82043 State Highway 111, Indio
- Site #3 = 78611 State Highway 111, La Quinta

The vehicular queues observed at the three sites were recorded at 5-minute intervals. Weekday and weekend drive-through lane queuing analysis, found in (**Appendix H**), summarizes the Queue Frequency that was observed at the three existing In- N-Out locations for weekday (Thursday) and weekend (Saturday) peak periods, respectively. Evaluation of this data indicates that on average during the weekday (Thursday) peak periods, an average queue of 12 vehicles in the drive-through lane can be expected, with an 85th percentile queue of approximately 17 vehicles, a 95th percentile queue of approximately 19 vehicles and a max queue of approximately 23 vehicles. Similarly, the evaluation of this data also indicates that on average during the weekend (Saturday) peak periods, an average queue of 12 vehicles in the drive-through lane can be expected, with an 85th percentile queue of approximately 16 vehicles, a 95th percentile queue of approximately 19 vehicles and a max queue of approximately 24 vehicles.

The 85th percentile queue represents the number of vehicles that can be expected in the drive-through lane during the peak period, and indicates that 85 percent of the drive-through customers will wait in a line no longer than 17 vehicles; 15 percent of the customers will wait in a queue of 18 cars or more. Whereas the 95th percentile queue indicates that 95 percent of the drive-through customers will wait in a line no longer than 19 vehicles; 5 percent of the customers will wait in a queue of 20 cars or more. The 85th percentile “criteria” is the design standard typically used.

The proposed Project would accommodate 23 queuing spaces in the driveway. The results of the queuing study indicate that the 23 queuing spaces is a sufficient length and can accommodate the peak stacking requirements of the proposed fast-food restaurant. Therefore, the drive-through lane storage capacity is

adequate to accommodate the projected queues for the 85th percentile (i.e. 17 vehicles) and 95th percentile (i.e. 19 vehicles) needs for the site. It should be noted that the maximum queue of 24 vehicles, which only occurred one time and only at one site throughout the survey days, can be safely accommodated on-site within the drive aisles. Therefore, circulation inside the shopping center and on the adjacent streets, will not be impacted.

Table 5.9-8
Project Driveway Peak Hour Queuing Analysis Existing Plus Project

Private Driveways	Estimated Storage Provided (feet)	Weekday PM Peak Hour		Saturday Midday Peak Hour	
		Max. Queue/Min. Storage Required ¹	Adequate Storage (Yes/No)	Max. Queue/Min. Storage Required ¹	Adequate Storage (Yes/No)
4. Rancho Las Palmas Center Driveway No. 1 at Magnesia Falls Drive					
Southbound Right-Turn	120'	13'	Yes	22'	Yes
Eastbound Left-Turn	75'	5'	Yes	9'	Yes
8. Bob Hope Drive at Rancho Las Palmas Center Driveway No. 2					
Southbound Left-Turn	135'	11'	Yes	21'	Yes
Westbound Right -Turn	125'	19'	Yes	29'	Yes
9. Highway 111 at Rancho Las Palmas Center Driveway No. 3					
Westbound Right-Turn	190'	30'	Yes	78'	Yes

Source: refer to **Appendix H**.

Note:

¹ Queue is based on the 95th Percentile Queue and is reported in total queue length (feet).

Therefore, the proposed Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts due to an increase in hazards are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-through restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.9-4: Result in inadequate emergency access?***Construction***

Construction activities and staging would occur within the existing shopping center. The proposed Project would connect to existing utilities and therefore no trenching along Highway 111 or Magnesia Falls Drive would be required. The only construction traffic would be associated with moving construction equipment on and off the site, trips associated with hauling debris and soil, delivery of materials, and workers traveling to and from the site. These trips would be negligible and wouldn't impact traffic along nearby roadways and wouldn't result in inadequate emergency access. Thus, emergency access impacts from construction activities associated with the Project would be less than significant.

Operation

Long-term emergency access would continue to be provided similar to existing conditions. Future driveway and the configuration of the building would comply with applicable fire code requirements for emergency evacuation, including proper emergency exits for patrons, employees, and potential residents. Project Site access and circulation plans would be subject to review and approval by the City. As such, impacts related to emergency access would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts due to inadequate emergency access are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-through restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts***Year 2022 Without Project Traffic Volumes***

Traffic growth estimates were calculated using an ambient growth factor of 2.0 percent per year. The ambient growth factor accounts for future related projects area, as well as accounting for regular growth in traffic volumes due to growth in the area. Applied to the Year 2020 existing traffic volumes, this factor results in a 4.0 percent growth in existing volumes to the Year 2022.

In addition to this growth factor, the Cities of Rancho Mirage and Palm Desert identified nine related projects in the area as shown in **Figure 4.0-1: Project Site Photographs. Table 4.0-1: Location and Description of Cumulative Projects** identifies the jurisdiction and describes each project. Related projects, as defined by Section 15355 of the CEQA Guidelines, are "closely related past, present and reasonably

foreseeable probable future projects.” The TIA assumes these related projects will be developed and occupied when the proposed Project is operational. This is the most conservative, worst-case approach since the exact timing of each related project is uncertain. In addition, each of these related projects has undergone separate review and mitigation for any transportation impacts identified and required as needed Under this analysis; however, those mitigation measures are not considered.

Table 5.9-9: Year 2022 Conditions Peak Hour Intersection Capacity Analysis Summary presents the peak hour level of service results at the six intersections studied for the Year 2022 Cumulative Plus Project conditions. As shown, all six intersections will continue to operate at an acceptable LOS during the weekday PM and Saturday Midday peak hours with the addition of traffic from the Project and other projected growth.

Site Access

Access to the Project is currently provided and will continue to be provided via the full-ingress/right-turn out only driveway from Magnesia Falls Drive, providing right and left turn entry into the center and right turn out only exit (Private Driveway Intersection #4); the driveway from Bob Hope Drive providing right and left turn entry into the center and right turn out only exit (Private Driveway Intersection #8), and the driveway from Highway 111 providing right turn in entry and right turn out exit from the center (Private Driveway Intersection #9).

As shown in **Table 5.9-10: Year 2022 Project Conditions Peak Hour Private Driveway Capacity Analysis Summary**, and as mentioned previously, with the additional projected growth in traffic volumes on Highway 111, there is adequate queuing capacity and access points within the shopping for proposed Project related traffic to remain within the shopping center. Thus, the proposed Project would not impact the operating conditions on Highway 111. As such, project access would be adequate. Motorists entering and exiting the Project Site would be able to do so comfortably, safely, and without undue congestion.

**Table 5.9-9
Year 2022 Conditions Peak Hour Intersection Capacity Analysis Summary**

Key Intersections and Private Driveways	Time Period	(1) Existing Traffic Conditions			(2) Year 2022 Cumulative Traffic Conditions			(3) Year 2022 Cumulative Plus Project Traffic Conditions			(4) Significant Impact
		HCM	LOS	V/C	HCM	LOS	V/C	HCM	LOS	V/C	Yes/No
1. Highway 111 at Rancho Las Palmas Drive	PM	12.3 s/v	B	0.487	12.6 s/v	B	0.511	12.7 s/v	B	0.514	No
	Sat. MD	9.7 s/v	A	0.466	9.7 s/v	A	0.498	9.7 s/v	A	0.510	No
2. Highway 111 at Bob Hope Drive	PM	16.7 s/v	B	0.558	19.0 s/v	B	0.603	19.0 s/v	B	0.592	No
	Sat. MD	18.2 s/v	B	0.583	20.4 s/v	C	0.634	20.4 s/v	C	0.619	No
3. Highway 111 at Magnesia Falls Drive	PM	13.2 s/v	B	0.570	13.2 s/v	B	0.583	14.9 s/v	B	0.622	No
	Sat. MD	13.3 s/v	B	0.575	13.7 s/v	B	0.601	18.0 s/v	B	0.695	No
5. Highway 111 at Painters Path/Park View Drive	PM	10.9 s/v	B	0.595	11.3 s/v	B	0.626	11.5 s/v	B	0.633	No
	Sat. MD	9.7 s/v	A	0.609	10.1 s/v	B	0.646	10.5 s/v	B	0.656	No
6. Highway 111 at Fred Waring Drive	PM	39.1 s/v	D	0.632	46.9 s/v	D	0.664	47.5 s/v	D	0.668	No
	Sat. MD	30.9 s/v	C	0.678	35.9 s/v	D	0.713	37.2 s/v	D	0.722	No
7. Bob Hope Drive at Rancho Las Palmas Drive	PM	11.7 s/v	B	0.417	11.9 s/v	B	0.437	11.9 s/v	B	0.439	No
	Sat. MD	8.5 s/v	A	0.320	8.5 s/v	A	0.339	8.5 s/v	A	0.344	No

Source: refer to **Appendix H**.

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

v/c = volume to capacity ratio

Table 5.9-10
Year 2022 Project Conditions Peak Hour Private Driveway Capacity Analysis Summary

Key Intersections and Private Driveways	Time Period	(1) Existing Traffic Conditions			(2) Year 2022 Cumulative Traffic Conditions			(3) Year 2022 Cumulative Plus Project Traffic Conditions			(4) Significant Impact
		HCM	LOS	V/C	HCM	LOS	V/C	HCM	LOS	V/C	Yes/No
4. Rancho Las Palmas Center Driveway No. 1 at	PM	9.8 s/v	A	0.010	9.8 s/v	A	0.034	10.7 s/v	B	0.042	No
Magnesia Falls Drive	Sat. MD	10.8 s/v	B	0.039	10.9 s/v	B	0.041	14.3 s/v	B	0.065	No
8. Bob Hope Drive at	PM	10.9 s/v	B	0.184	11.1 s/v	B	0.195	11.2 s/v	B	0.209	No
Rancho Las Palmas Center Driveway No. 2	Sat. MD	11.4 s/v	B	0.240	11.7 s/v	B	0.256	12.0 s/v	B	0.295	No
9. Highway 111 at	PM	26.3 s/v	D	0.183	30.3 s/v	D	0.215	32.4 s/v	D	0.323	No
Rancho Las Palmas Center Driveway No. 3	Sat. MD	29.4 s/v	D	0.307	36.6 s/v	E	0.377	50.0 s/v	F	0.634	No

Source: refer to **Appendix H**.

Note:

s/v = seconds per vehicle (delay)

LOS = Level of Service

v/c = volume to capacity ratio

Queuing Analysis for Driveways

A queuing evaluation was prepared for the inbound and outbound turn pockets at the three Project driveways. The queuing evaluation was conducted based on projected Year 2022 Cumulative Plus Project peak hour traffic volumes and the Highway Capacity Manual (HCM) methodology. **Table 5.9-11: Project Driveway Peak Hour Queuing Analysis** presents the 95th percentile queuing analysis results for the three Project driveways. As shown in **Table 5.9-11** adequate storage is provided at all three Project driveways under Year 2022 Cumulative Plus Project traffic conditions.

**Table 5.9-11
Project Driveway Peak Hour Queuing Analysis Year 2022**

Private Driveways	Estimated Storage Provided (feet)	Weekday PM Peak Hour		Saturday Midday Peak Hour	
		Max. Queue/ Min. Storage Required ¹	Adequate Storage (Yes/No)	Max. Queue/ Min. Storage Required ¹	Adequate Storage (Yes/No)
4. Rancho Las Palmas Center Driveway No. 1 at Magnesia Falls Drive					
Southbound Right-Turn	120'	14'	Yes	23'	Yes
Eastbound Left-Turn	75'	5'	Yes	10'	Yes
8. Bob Hope Drive at Rancho Las Palmas Center Driveway No. 2					
Southbound Left-Turn	135'	11'	Yes	23'	Yes
Westbound Right-Turn	125'	20'	Yes	31'	Yes
9. Highway 111 at Rancho Las Palmas Center Driveway No. 3					
Westbound Right-Turn	190'	34'	Yes	93'	Yes

Source: refer to **Appendix H**.

Note:

¹ Queue is based on the 95th Percentile Queue and is reported in total queue length (feet).

CMP Assessment

The RCTC is designated as the CMA to oversee the CMP. Recently, the RCTC has approved modification of the CMP Land Use Coordination Element, which includes the elimination of the TIA report process and replaced it with an Enhanced Traffic Monitoring System. Therefore, a TIA report is no longer required, but local jurisdictions are required to report deficient facilities (Circulation Element roadway intersections that cannot be mitigated to LOS E or better) along the CMP network, which are identified in traffic impact studies prepared for local agencies. Review of **Table 5.9-9** in this report indicates that all six key study

Circulation Roadway intersections are forecast to operate at an acceptable LOS during the weekday PM and Saturday Midday peak hours under Year 2022 Cumulative Plus Project traffic conditions.

As such, the traffic study does not have any significant impacts at any of the relevant CMP study locations and therefore the proposed Project does not conflict with the CMP.

Summary

In summary, the Project would not contribute to any significant cumulative impacts.

C. MITIGATION MEASURES

All intersections and private driveways would operate at an acceptable LOS during Existing Plus Project and Year 2022 Cumulative Plus Project conditions. Additionally, potential VMT impacts would be less than significant. As such, no mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to transportation would remain less than significant.

5.10 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) evaluates the proposed In-N-Out Burger Restaurant Project's (proposed Project) potential impacts on tribal cultural resources (TCRs). Information is provided on the historical development of the Project site and surrounding area. Applicable state and local policies related to TCRs are discussed and potential impacts to TCRs are based on coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the INO Burger Restaurant Project Site (Project Site). The consultation process was conducted pursuant to Public Resources Code (PRC) Section 21080.3.

A. ENVIRONMENTAL SETTING

Existing Conditions

In accordance with Section 15063(a) of the CEQA Guidelines, the City prepared a Notice of Preparation (dated May 4, 2020) that identified the topics to be analyzed in the EIR. In compliance with Assembly Bill (AB) 52 (2014), the City provided formal notification of the proposed Project on May 6, 2020 via United States Postal Service (USPS) certified mail to each representative of eleven Native American groups and individuals who may have knowledge of cultural resources in the Project area. The letters can be seen in **Appendix K: AB 52 Tribal Consultation**. On May 12, 2020, the Jamul Indian Village of California indicated that it did not want to consult on the proposed Project.¹ On June 1, 2020, the Quechan Indian Tribe indicated they do not wish to comment.² On July 16, 2020, the Agua Caliente Band of Cahuilla Indians (ACBCI) indicated that the project area is not located within the boundaries of the ACBCI Reservation; however, it lies within the ACBCI's Traditional Use Area. In compliance with AB 52, the City initiated the tribal consultation process with the ACBCI for the Project soon thereafter.

Regulatory Framework

State

Assembly Bill 52

AB 52 was approved by California State Governor Jerry Brown, Jr. on September 25, 2014. The legislation amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 was to include California Native American tribes early in the environmental review process and to establish a new category of resources related to

1 Electronic communication between the Tribal Historic and Cultural Preservation Officer of the Jamul Indian Village of California and the City of Rancho Mirage (May 12, 2020).

2 Electronic communication between the Quechan Indian Tribe Historic Preservation Officer and the City of Rancho Mirage (June 1, 2020).

Native Americans, known as tribal cultural resources, that require consideration under the California Environmental Quality Act (CEQA). PRC Sections 21074(a)(1) and (2) define tribal cultural resources as either (1) “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either” included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be a significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 (i.e., criteria for listing a resource in the California Register). On July 30, 2016, the California Natural Resources Agency adopted the final text for the tribal cultural resources update to Appendix G of the CEQA Guidelines, which was approved by the Office of Administrative Law on September 27, 2016.

AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration of Mitigated Negative Declaration (MND) was filed after July 1, 2015. PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete or a public agency decides to undertake a project, the lead agency shall provide formal notification for consultation to the designated contact, or a tribal representative, of California Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed project and who have requested in writing to be informed by the lead agency. Tribes interested in consultation must respond in writing within 30 days from the receipt of the lead agency’s formal written notification, and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; and project alternatives or appropriate measures for preservation or mitigation that the tribe(s) may recommend to the lead agency. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, the information shall be published in a confidential appendix to the environmental document unless the tribe that

provided the information consents, in writing, to the disclosure of some or all of the information to the public.

In addition, PRC Section 21082.3(d) states that if a California Native American tribe has requested consultation pursuant to PRC Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND for a project with a significant impact on an identified TCR.

Health and Safety Code (Section 7050.5)

If human remains are encountered unexpectedly during implementation of a project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the following procedures must be observed:

- a. The immediate vicinity must be secured according to generally accepted cultural or archaeological standards or practices.
- b. The coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- c. The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the project applicant, inspect the site of the discovery of the Native American remains and may recommend means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods.
- d. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the project applicant to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The area must not be damaged or disturbed by further development activity until the applicant has discussed and conferred with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.
- e. If the project applicant or his or her authorized representative rejects the recommendation of the MLD, the project applicant or MLD may request mediation per subdivision (k) of PRC Section 5097.94.
- f. If the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the mediation provided for in subdivision (k) of PRC Section 5097.94, if invoked, fails to provide reasonable treatment, then the human remains and items associated with Native American human remains must be interred with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

Public Resources Code (Section 5097.98)

Section 5097.98 of the PRC stipulates that whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, those persons believed to be most likely descended from the deceased Native American must be notified. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Local

City of Rancho Mirage Historic Preservation Commission

The Historic Preservation Commission was established in 2003 by Municipal Ordinance No. 831, and modernized in 2017 by Municipal Ordinance No. 1118, to develop a program to provide a way to identify certain structures and sites which represent eras, events or persons important in the City's cultural, archaeological, social, economic, architectural and/or political history for the purpose of encouraging the preservation, improvement and promotion of our City's treasured properties. The Commission designates eligible properties for listing on the Rancho Mirage Register of Historic Places (RMRHP). The local registry includes 70 sites as of September 2020.³

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to tribal cultural resources, if it would:

Threshold 5.16-1: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 cultural value to a California Native American tribe, and that is:

3 City of Rancho Mirage, Historic Preservation Commission, Register of Historic Resources, <https://ranchomirageca.gov/our-city/city-boards-commissions/historic-preservation-commission/register-of-historic-resources/>. Accessed September 10, 2020.

- (i): 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 § 5020.1(k), or
- (ii): 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Methodology

PRC Sections 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the NAHC to identify potential significant impacts to TCRs, as further defined in PRC Section 21074 as part of CEQA. In accordance with PRC Section 21080.3.1(d), the City formally notified the California Native American tribes associated with the Project area to address potential impacts associated with California Native American resources.

Project Impacts

- Threshold 5.16-1:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 cultural value to a California Native American tribe, and that is:
- (i): 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 § 5020.1(k), or
 - (ii) 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Review of the City's Register of Historic Resources did not identify historical resources within the Project Site or the Rancho Las Palmas Shopping Center. Additionally, the Project Site was previously graded and

disturbed as part of recent renovations to the Las Palmas Shopping Center, and no historical resources were located on the site. Thus, impacts to historical resources would be less than significant.

As previously discussed, the City prepared a NOP dated May 4, 2020, and sent out tribal notifications to each representative of eleven Native American groups and individuals who may have knowledge of cultural resources in the Project area on May 6, 2020, pursuant to AB 52 (**Appendix K**). On May 12, 2020, the Jamul Indian Village of California indicated that it did not want to consult on the proposed Project.⁴ On June 1, 2020, the Quechan Indian Tribe indicated they do not wish to comment.⁵ On July 16, 2020, the ACBCI indicated that the project area is not located within the boundaries of the ACBCI Reservation; however, it lies within the ACBCI's Traditional Use Area. In compliance with AB 52, the City initiated the tribal consultation process for the Project soon thereafter.

Based on the responses from the tribes, the City has determined there are no known tribal cultural resources within the Project Site. However, there is the potential that ground-disturbing activities could reveal the presence of previously unknown resources, including those of historical value to the ACBCI. Thus, **Mitigation Measure MM 5.10-1** outlines the protocol to be followed in the event resources are unearthed during excavation activities at the Project Site. Construction related impacts would be less than significant with mitigation. The ACBCI and the City concluded consultation on September 8, 2020. Thus, the City has complied with AB 52 regarding Native American consultation.

Cumulative Impacts

The Project Site does not contain any TCRs listed in the California Register or known to a California Native American tribe. However, there is the potential for unknown resources to be discovered as part of excavation activities associated with the proposed Project. With implementation of **MM 5.10-1**, the Project's cumulative impacts to unknown TCRs would be less than significant.

Due to the location of the related projects and a similar level of sensitivity for cultural resources to occur within the developed areas of the City and the City of Palm Desert, there is the potential that unknown TCRs could occur at one or more of the related project sites. The potential destruction of unknown TCRs associated with ground-disturbing activities at the Project Site and related project sites could be cumulatively considerable, due to the collective loss of California Native American artifacts and knowledge regarding the culture of the people who lived at the respective sites.

4 Electronic communication between the Tribal Historic and Cultural Preservation Officer of the Jamul Indian Village of California and the City of Rancho Mirage (May 12, 2020).

5 Electronic communication between the Quechan Indian Tribe Historic Preservation Officer and the City of Rancho Mirage (June 1, 2020).

However, individual projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to TCRs and historical/archeological resources. Further, each project would be required to comply with AB 52 for the purposes of identifying potential TCRs. With adherence to State laws, as well as Project-specific mitigation, cumulative impacts to TCRs would be less than significant. With implementation of similar mitigation for each individual project, the cumulative impacts on TCRs would be less than significant.

C. MITIGATION MEASURES

Implementation of the following recommended mitigation measure would reduce potential Project-related impacts to less than significant.

MM 5.10-1 Prior to the commencement of any ground disturbing activities, the Project Applicant shall coordinate with the Agua Caliente Band of Cahuilla Indians (Tribe) to allow representatives of the Tribe to monitor the excavation of native, undisturbed soils on the Project Site for tribal cultural resources. During disturbance of any native, undisturbed soils, by excavation or other activities, if buried tribal cultural resources are encountered, then the Tribe Monitor shall request that construction activities be modified to investigate and notify a qualified archeologist that meets the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738–39). If activities are modified, based on the recommendation of the qualified archaeologist, then procedures for temporary stop and redirection of work to permit sampling, identification, and evaluation of possible resources, and procedures for additional analysis and resource protection shall be documented and then submitted to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of **MM 5.10-1**, Project construction related impacts on TCRs would be less than significant. The Project's cumulative impacts would also result in less than significant impacts to TCRs.

5.11 UTILITIES AND SERVICE SYSTEMS

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential impacts of the proposed In-N-Out Burger Restaurant Project (proposed Project) on water service, sewer service, dry utilities, and solid waste. The information provided in this section is based on information from the Coachella Valley Water District (CVWD), Southern California Edison (SCE), and the Southern California Gas Company (SoCalGas), and the Riverside County Department of Waste Resources. Each of the following subsections includes an introduction, followed by discussions of existing conditions, regulatory framework, methodology, environmental impacts, cumulative impacts, mitigation measures, and level of significance after mitigation.

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential impact of the proposed In-N-Out Burger Restaurant Project (proposed Project) on water services within the City of Rancho Mirage (City). More specifically, this section evaluates impacts associated with the proposed Project that may potentially affect the regional and local water supply and water service system. Various federal, State of California (State), regional, and local programs and regulations related to anticipated water supply and demand impacts are also discussed in this section. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Public Water Supply

Coachella Valley Water District (CVWD) is the Public Water System (PWS) for the area in which the Project is located. CVWD provides service for domestic water, irrigation water, sanitation sewer collection, wastewater reclamation and recycling, imported water, stormwater management, agricultural drainage, and flood control and water conservation. Some of the services provided by CVWD include the following:

- CVWD provides domestic water for approximately 108,000 homes and business in the Coachella Valley. The distribution system includes 63 reservoirs, 2,015 miles of pipelines, and 95 active wells.¹
- CVWD began recharging the groundwater basin in the Upper Valley in 1919, first with local water and later with imported water.²
- Sanitation Services were provided by CVWD in 1968, when it acquired the Palm Desert Country Club Water Reclamation Plant and domestic water system. Currently, there are five water reclamation plants (WRP) providing wastewater treatment as well as recycled water supply in the CVWD service area.³

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

Primary Water Source

The primary source of water supply in the Coachella Valley, is the Coachella Valley Groundwater Basin. The groundwater basin is recharged by various sources of water including water from the Colorado River,

1 Coachella Valley Water District (CVWD), "Domestic Water," <https://cvwd.org/161/Domestic-Water>, accessed May 2020.

2 CVWD, 2015 *Urban Water Management Plan (UWMP)* (July 1, 2016).

3 CVWD, 2015 *UWMP* (July 1, 2016).

reclaimed water, State Water Project (SWP) supplies, and desalinated brackish groundwater/agricultural drain water. Colorado River water is also available for potential domestic use if treated. Colorado River water via the Coachella Branch of the All-American Canal supplies water for irrigation of the eastern valley. The Mid-Valley Pipeline Project delivers Colorado River Water via the Coachella Canal irrigation to the western/central portion of the Coachella Valley to the Whitewater River (Indio) Subbasin.

CVWD and the Desert Water Agency (DWA) contracts with the State of California to ensure that SWP water would be available for use. DWA serves the Palm Springs area, a portion of Cathedral City, and imports water for these areas and the Desert Hot Springs area. Because a direct pipeline from the SWP system to the Coachella Valley does not exist, CVWD and DWA entered into an exchange agreement with the Metropolitan Water District of Southern California (MWD) to receive water from the MWD Colorado River Aqueduct, which crosses the upper portion of the Coachella Valley near Whitewater. In exchange, CVWD and DWA have their SWP water allotment delivered to MWD. In exchange for their SWP water, CVWD and DWA have been receiving Colorado River water from MWD's Colorado River Aqueduct turnout located at Whitewater Canyon to replenish groundwater in the Coachella Valley.

The Coachella Valley Groundwater Basin can be described as a giant tilted bathtub full of sand, with the high end at the northwest edge of the Coachella Valley near the community of Whitewater and the low end at the Salton Sea. The Coachella Valley Groundwater Basin underlies the cities of Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, and Coachella, and the unincorporated communities of Thousand Palms, Thermal, Bermuda Dunes, Oasis, and Mecca. The Subbasins present in the Coachella Valley are Mission Creek, Desert Hot Springs, and Whitewater River (also known as Indio). The Whitewater Subbasin includes five subareas: Palm Springs, Garnet Hill, Thermal, Thousand Palms and Oasis.

The Sustainable Groundwater Management Act (SGMA) requires the development of groundwater sustainability plans (GSPs) for all basins designated medium- and high-priority by the California Department of Water Resources (DWR), mandates the creation of local groundwater sustainability agencies (GSAs) to develop and implement the plans, and outlines the guidelines and schedule for complying with the SGMA.

The DWR has designated the Whitewater Subbasin, for which the City overlies, as a medium-priority subbasin not in critical overdraft.⁴ CVWD is the exclusive GSA over the Whitewater Subbasin. CVWD collaborated with DWA, Indio Water Authority (IWA), and Coachella Water Authority as GSAs to submit the 2010 Coachella Valley Water Management Plan (CVWMP) Update as an Alternate Plan for the Whitewater River Subbasin. This plan was approved by DWR on July 17, 2019. CVWD has initiated the first five-year update mandated by DWR.

4 CVWD, 2020-2021 *Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020).

Status of the Groundwater Basin

Groundwater overdraft is manifested not only as a prolonged decline in groundwater storage, but also through secondary adverse effects, including decreased well yields, increased energy costs, water quality degradation, and land subsidence. Continued groundwater replenishment will be necessary to eliminate or reduce overdraft in the future. The Coachella Valley Groundwater Basin (and its subbasins) has been historically in a state of overdraft condition. With maximum SWP Table A allocations, recharge in the Whitewater River Subbasin would offset the current annual overdraft. Although, overdraft in future years is virtually unpredictable due to the difficulty of projecting long-term growth and the reliability of SWP supplies.

CVWD and Desert Water Agency (DWA) request their full amount of Table A amounts each year, for a combined total of 194,100 acre-feet (AF), and continue to exchange their SWP for Colorado River Water.⁵ Given that water demand and groundwater extraction are expected to increase in the future, the current groundwater replenishment program will need to be continued and increased in the future to eliminate overdraft. Cumulative replenishment water deliveries between the Mission Creek Subbasin and Whitewater River Subbasin will be balanced as determined by CVWD, DWA, and Mission Springs Water District Management Committee, but no later than 20 years from December 7, 2004.⁶

Over the past 10 years, the basin has been balanced; however, during the past 20 years, about 45,000 acre-feet per year (AFY) of storage has been lost to overdraft.⁷ Projected water requirements through 2040 for the Whitewater River Subbasin are based in the water balance model utilized in the *2010 Coachella Valley Water Management Plan (CVWMP) Update* and the *2016 Status Report* for the *2010 CVWMP Update*. The projected water requirements are largely offset by potable supplies; however, on a long-term basis, water requirements are likely to continue to place demands on groundwater storage. Implementation of the programs recommended in the 2010 CVWMP update is expected to result in elimination of storage losses by about 2022, assuming average hydrologic conditions.⁸ It should be noted that the ten-year average change in groundwater levels remains positive across most of the Whitewater River Subbasin. This is evidence that implementation of the groundwater replenishment program (GRP), which permits CVWD to levy and collect water replenishment assessments from groundwater producers

5 Coachella Valley Water District, *2020-2021 Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020) <https://www.cvwd.org/Archive.aspx?ADID=664>, accessed May 2020.

6 Coachella Valley Water District, *2020-2021 Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020) <https://www.cvwd.org/Archive.aspx?ADID=664>, accessed May 2020.

7 Coachella Valley Water District, *Coachella Valley Water Management Plan 2016 Status Report*, <https://www.cvwd.org/DocumentCenter/View/4045/2016-Coachella-Valley-Water-Management-Plan-Status-Report>, accessed May 2020.

8 Coachella Valley Water District, *Coachella Valley Water Management Plan 2016 Status Report*, <https://www.cvwd.org/DocumentCenter/View/4045/2016-Coachella-Valley-Water-Management-Plan-Status-Report>, accessed May 2020.

and groundwater pumpers that produce more than 25 AFY, that benefit from the GRP has effectively abated the conditions of overdraft that preceded it. Continued artificial replenishment is necessary to maintain these positive trends and prevent a return to overdraft in the future.⁹

Additional Water Sources

Groundwater provides the main water supply for the Coachella Valley. Additional water sources are considered as a supplement to groundwater in that they are used to recharge the groundwater basin, serve as a source substitution for groundwater, or are used for irrigation in other locations in the subbasin.

Historically, CVWD has received approximately 330,000 AFY of Priority 3A Colorado River water, delivered via the Coachella Canal. The 2003 Quantification Settlement Agreement (QSA), among some of the California Colorado River contactors, provides contractual obligation for the supply to CVWD.

CVWD and DWA are State Water Project contractors for the Whitewater River basin. The SWP includes 660 miles of aqueduct and conveyance facilities extending from Lake Oroville in the north, to Lake Perris in the south. The SWP has contracts to deliver 4.1 million AFY to 29 contracting agencies. CVWD's total SWP water right (Table A amount) for CVWD and DWA is 194,100 AFY, with CVWD's portion equal to 138,350 AFY. SWP contractors make annual requests to the DWR for water allocations and DWR makes an initial SWP Table A allocation for planning purposes, typically in the last month before the next water delivery year. Throughout the year, as additional information regarding water availability becomes available to DWR, its allocation/delivery estimates are updated. The initial and current Table A amount for 2020 is 15 percent, and increased to 20 percent for the final allocation of 2020.¹⁰ CVWD considers purchases of additional Table A Amounts from SWP contractors as they become available.

CVWD does not currently use or intend to use any local surface water (nonimported surface water) as part of its urban water supply. Local runoff is captured and used for groundwater recharge.

Wastewater that has been highly treated and disinfected can be reused for landscape irrigation and other purposes; however, treated wastewater is not suitable for direct potable use. Recycled wastewater has historically been used for irrigation of golf courses and municipal landscaping in the Coachella Valley since the 1960s. As growth occurs in the East Valley, the supply of recycled water is expected to increase, creating an additional opportunity to maximize local water supply.

9 Coachella Valley Water District, *2020-2021 Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020) <https://www.cvwd.org/Archive.aspx?ADID=664>, accessed May 2020.

10 State Water Project Historical Table A Allocations Years 1996-2020, <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-Contractors/Files/SWP-Allocation-Progression-96-20-031920.pdf?la=en&hash=90CD4B9B2CF82B9F40FA21A13CE7807043C002F6>.

The 2015 CVWD UWMP identifies CVWD's plan to use treated agricultural drainage water for irrigation purposes. The amount of drain water that would be treated and recycled depends on supply availability (the amount of drain flow occurring), the overall supply mix (the amount of additional water needed), and the cost of treatment and brine disposal. According to the 2010 CVWMP Update, the amount of water recovered through drain water desalination will range from 55,000 AFY to 85,000 AFY by 2045.

Water Supply and Demand

The 2015 UWMP projects that the percentage of water from each of the current water supply sources will change significantly by 2040, relative to 2015 conditions, as shown in **Table 5.10.1-1: Projected Average Urban Water Supply (AFY)**.

Table 5.10.1-1
Projected Average Urban Water Supply (AFY)

Water Supply	Additional Detail on Water Supply	Projected Water Supply (AF)				
		2020	2025	2030	2035	2040 (opt)
Groundwater	Potable urban use	113,400	102,100	112,700	106,600	101,000
Purchased or Imported Water	Treated Canal water for potable urban use in East Valley ^a	0	18,000	18,000	31,000	40,000
Urban Potable Subtotal		113,400	120,100	130,700	137,600	141,000
Purchased or Imported Water	Untreated Canal water for nonpotable urban use in East Valley ^a	1,200	11,000	17,000	26,300	33,300
Desalinated Water	Desalinated drain water for nonpotable urban use	0	5,000	10,000	15,000	20,000
Urban Nonpotable Subtotal		1,200	16,000	27,000	41,300	53,300
Recycled Water	WRP-7 ^b	3,400	3,700	4,000	4,300	4,600
Recycled Water	WRP-10 ^b	10,900	11,300	11,700	12,100	12,500
Recycled Water	WRP-4 ^{b,c}	0	12,700	15,100	17,500	19,200
Recycled Water Subtotal		14,300	27,700	30,800	33,900	36,300
Total Retail Supply		128,900	163,800	188,500	212,800	230,600
Purchased or Imported Water	Sale of Canal water to IWA for potable use	5,000	10,000	20,000	20,000	20,000
Total Wholesale Supply		5,000	10,000	20,000	20,000	20,000

Source: Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016). Table ES-3.

Note: IWA = Indio Water Authority

^a Total Colorado River allotment will increase from 397,000 AF in 2016 to 459,000 AF in 2026. Colorado River water supply does not sum in total right because of nonurban supply not shown on this table and projected wholesale to other agencies.

^b Recycled water safe yield is based on total projected flows at each WWTP; surface discharge and percolated wastewater effluent is not included in the reasonably available supply estimates.

^c Assumes tertiary treatment is not available until after 2020 at WRP-4.

Groundwater production is driven by demand, therefore, CVWD assumes that supplies are equal to demand. Additionally, CVWD does not currently utilize recycled water for its supply. CVWD adopted an Urban Water Management Plan (UWMP) in July 2016¹¹ which serves as a master plan for water supply and resources management consistent with CVWD goals and policy objectives. The UWMP forecasts expected cumulative growth in water demand and identifies matching water supplies. According to the UWMP, CVWD's actual service area urban water supply and demand for a normal, single dry year, and multiple dry years for retail is 114,600 AFY in 2020 and would be 194,300 AFY for 2040.¹² The UWMP projects adequate water supplies to meet cumulative forecasted demand through 2040, the planning horizon for the current UWMP.

CVWD's supply and demand for a normal year are presented in **Table 5.10.1-2: Normal Year Supply and Demand Comparison—Urban Supply Only**.

Table 5.10.1-2
Normal Year Supply and Demand Comparison—Urban Supply Only

		2020	2025	2030	2035	2040 (opt)
	Supply (AF)	114,600	136,100	157,700	178,900	194,300
Retail	Demand Totals (AF)	114,600	136,100	157,700	178,900	194,300
	Difference (AF)	0	0	0	0	0
	Supply (AF)	5,000	10,000	20,000	20,000	20,000
Wholesale	Demand Totals (AF)	5,000	10,000	20,000	20,000	20,000
	Difference (AF)	0	0	0	0	0

Source: Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016). Table 7-4.

Note: AF = Acre-Feet

Table 5.10.1-3: Supply and Demand Comparison Urban Use Only—Single Dry Year (AFY) presents the urban supply and demand during a single dry year. Similar to the single dry year, the multiple dry year urban water supply reliability is 100 percent. **Table 5.10.1-4: Supply and Demand Comparison—Multiple Dry Years (AFY)** summarizes the multiple dry year supply and demand comparison.

11 Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016).

12 Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016).

**Table 5.10.1-3
Supply and Demand Comparison Urban Use Only—Single Dry Year (AFY)**

		2020	2025	2030	2035	2040 (opt)
Retail	Supply (AF)	114,600	136,100	157,700	178,900	194,300
	Demand Totals (AF)	114,600	136,100	157,700	178,900	194,300
	Difference (AF)	0	0	0	0	0
Wholesale	Supply (AF)	5,000	10,000	20,000	20,000	20,000
	Demand Totals (AF)	5,000	10,000	20,000	20,000	20,000
	Difference (AF)	0	0	0	0	0

Source: Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016). Table 7-6.

Note: AF = Acre-Feet

**Table 5.10.1-4
Supply and Demand Comparison—Multiple Dry Years (AFY)**

			2020	2025	2030	2035	2040 (opt)
Retail	1st Year	Supply (AF)	128,900	163,800	188,500	212,800	230,600
		Demand Totals (AF)	128,900	163,800	188,500	212,800	230,600
		Difference (AF)	0	0	0	0	0
	2nd Year	Supply (AF)	128,900	163,800	188,500	212,800	230,600
		Demand Totals (AF)	128,900	163,800	188,500	212,800	230,600
		Difference (AF)	0	0	0	0	0
	3rd Year	Supply (AF)	128,900	163,800	188,500	212,800	230,600
		Demand Totals (AF)	128,900	163,800	188,500	212,800	230,600
		Difference (AF)	0	0	0	0	0
Wholesale	1st Year	Supply (AF)	5,000	10,000	20,000	20,000	20,000
		Demand Totals (AF)	5,000	10,000	20,000	20,000	20,000
		Difference (AF)	0	0	0	0	0
	2nd Year	Supply (AF)	5,000	10,000	20,000	20,000	20,000
		Demand Totals (AF)	5,000	10,000	20,000	20,000	20,000
		Difference (AF)	0	0	0	0	0
	3rd Year	Supply (AF)	5,000	10,000	20,000	20,000	20,000
		Demand Totals (AF)	5,000	10,000	20,000	20,000	20,000
		Difference (AF)	0	0	0	0	0

Project Site

The Project Site is currently vacant and undeveloped; however, a pad was prepared as part of the Las Palmas Shopping Center renovations. Therefore, no water demand is generated on-site.

The Project Site is surrounded by existing water lines. An existing 16-inch water line occurs on the south side of Magnesia Falls Drive and an existing 12-inch line runs along Magnesia Falls Drive.¹³ An existing 12-inch water line runs through the parking lot east of the Project Site.

Regulatory Setting

Federal

Clean Water Act and Safe Drinking Water Act

In 1972, the Federal Water Pollution Control Act (Clean Water Act) was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA focused on tracking point sources, primarily from wastewater treatment plants and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges. Under the CWA, the United States Environmental Protection Agency (USEPA) has implemented pollution control programs such as setting wastewater standards for industry. USEPA has also developed national water quality criteria recommendations for pollutants in surface waters.

The Safe Drinking Water Act (SDWA) was established in 1974 to protect the quality of drinking water in the US. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The SDWA authorizes USEPA to establish minimum standards to protect water systems to comply with these primary (health related) standards. Under the Act, USEPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection fluids.

State

California Water Boards

California's Water Boards consist of the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (RWQCB). The mission of the Water Boards is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the

13 *City of Rancho Mirage 2017 General Plan*, "Chapter 9: Public Services and Facilities," Exhibit 29, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_9_Public_Services_and_Facilities.pdf.

environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations. Together they are authorized to implement the federal Clean Water Act in California. The Project Site is located in Region 7, the Colorado River Region.

Sustainable Groundwater Management Act of 2014¹⁴

The Sustainable Groundwater Management Act of 2014 (SGMA), passed in September 2014, is a comprehensive three-bill package that provides a framework for the sustainable management of groundwater supplies by local authorities.¹⁵ The SGMA requires the formation of local groundwater sustainability agencies (GSAs) to assess local water basin conditions and adopt locally based management plans. Local GSAs must be formed by June 30, 2017. The SGMA provides 20 years for GSAs to implement plans and achieve long-term groundwater sustainability, and protect existing surface water and groundwater rights. The SGMA provides local GSAs the authority to (1) require registration of groundwater wells; (2) measure and manage extractions; (3) require reports and assess fees; and (4) request revisions of basin boundaries, including establishing new subbasins. Furthermore, under the SGMA, GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans within 5 to 7 years of 2015, depending on whether the basin is in critical overdraft. The DWR has designated the Whitewater Subbasin, for which the City overlies, as a medium-priority subbasin not in critical overdraft.¹⁶

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act established the principal State program for water quality control. The Porter-Cologne Water Quality Control Act also authorized the SWRCB to implement the provisions of the federal Clean Water Act. The act divided the State into nine RWQCB areas. Each RWQCB implements and enforces provisions of the Porter-Cologne Act and the CWA subject to policy guidance and review by the SWRCB. The Porter-Cologne Act requires each RWQCB to develop a Basin Plan for all areas within its region. The Basin Plan is the basis for each RWQCB's regulatory programs.

CALGreen

In 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24), commonly referred to as CALGreen, establish voluntary and mandatory standards pertaining to the planning and design of sustainable site

14 Association of California Water Agencies, Sustainable Groundwater Management Act of 2014 Frequently Asked Questions, October 2014.

15 Sustainable Groundwater Management Act, 2015 Amendments (effective January 1, 2016). California Government Code Section 65350.5, 65352, and 65352.5; California Water Code Section 10735.2 and 10735.8; and California Water Code Sections 10927, 10933, 12924, 113, 10750.1, and Part 2.74 (commencing with Section 10720) to Division 6.

16 CVWD, 2020-2021 *Engineer's Report on Water Supply and Replenishment Assessment*, (April 2020).

development, energy efficiency, water conservation, material conservation, and interior air quality. Specifically, CALGreen requires the use of low-flow toilets and sinks. CALGreen is periodically amended; the most recent 2019 standards became effective on January 1, 2020.

Regional and Local

2010 Coachella Valley Water Management Plan Update

The *2010 Coachella Valley Water Management Plan* (CVWMP) is an update to the 2002 CVWMP, which notes the changes in internal and external factors that mandate new activities and increased levels of current activities to eliminate overdraft and assure reliable long-term water supplies to the Valley. New features in the areas of water conservation, source substitution, new supplies, and groundwater recharge, are included in the 2010 CVWMP Update. In order to achieve their goal to reliably meet current and future water demands in a cost-effective and sustainable manner, the 2010 CVWMP Update provides five key elements within the Update. These elements include water conservation, increasing surface water supplies for the Valley from outside sources, substitution of surface water supplies for groundwater (source substitution), groundwater recharge, and monitoring and evaluation of subsidence and groundwater levels and quality to provide the information needed to manage the Valley's groundwater resources.

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

The 2010 CVWMP Update recognizes that groundwater storage makes up the difference between demand and supply. Other than canal water for irrigation, groundwater recharge, and recycled water, all water delivered to the end users is obtained from the Coachella Valley groundwater basin. The Coachella Valley groundwater basin has a capacity of approximately 39.2 million AF. It is capable of meeting the water demands of the Coachella Valley for extended periods.

The 2010 CVWMP Update and CVWD's Replenishment Assessment Program establishes a comprehensive and managed effort to eliminate overdraft. These programs allow CVWD to maintain the groundwater basin as its primary water supply and to recharge the groundwater basin as other supplies become available.

2015 Urban Water Management Plan

CVWD prepared the *2015 Urban Water Management Plan* (UWMP) in response to the requirements of the Urban Water Management Planning Act, California Water Codes Sections 10610 through 10656. The Urban Water Management Planning Act was established in 1983 and most recently updated by Senate Bill x7-7 (SBx7-7), which requires a 20 percent reduction in per-capita water use by 2020. This report has been prepared to comply with the requirements of the UWMP Act and is based on the recommended organization in the California Department of Water Resources (DWR). CVWD's 2015 UWMP supports long-term water resources planning and ensures adequate water supplies are available to meet existing and future urban water demands. The UWMP accomplishes water supply planning over a 25-year period in five-year increments; identifies and quantifies adequate water supplies, including recycled water for existing and future demands in normal, single-dry, and multiple-dry years; and implements conservation and efficient use of urban water supplies.

CVWD currently implements the following consumption reduction methods in each respective water shortage contingency stage. The primary method for implementing water use reduction is through the water budget-based tiered rates and structures and drought penalty charges for use in excess of the required reductions.

Landscape Water Conservation Ordinance No. 1302.4

On February 12, 2009, the Board of Directors of the CVWD passed and adopted Ordinance No. 1302.4 due to ongoing drought conditions, establishing updated landscape and irrigation system design criteria. In accordance with Ordinance 1302.4 and as codified in Title 3, Water, Chapter 3.15 Landscape and Irrigation System Design Criteria of the CVWD District Code, the provisions for new or rehabilitated landscapes apply to all new and rehabilitated landscaping for private, public, recreational, commercial, and governmental development projects that require a permit and developer-installed landscaping in single-family tracts, five or more infill lots and multifamily projects.

The purpose of the landscape and irrigation system design criteria is to conserve water by establishing effective water efficient landscape requirements for newly installed and rehabilitated landscapes. It is also the intent of these criteria to implement the requirements of the State of California Water Conservation in Landscaping Act, Government Code Section 65591, et seq. It is the intent of CVWD to promote water conservation through climate appropriate plant material, efficient irrigation systems and to create a "Lush and Efficient" landscape theme through enhancing and improving the physical and natural environment.

As outlined in Ordinance 1302.4, project applicants are required to submit a landscape documentation package, which is required to include a water conservation concept statement; calculation of the maximum applied water allowance; calculation of the estimated applied water use; calculation of the estimated total water use; a landscape design plan; an irrigation design plan; and grading design plan.

City of Rancho Mirage

The City of Rancho Mirage has complied with AB 1881¹⁷ and with CVWD Ordinance No. 1302.1 with its water-efficient Landscape Ordinance in Section 17.20.025 (Valley-wide Water-efficient Landscaping) of the City of Rancho Mirage's Municipal Code. Chapter 17.24 of the City's Municipal Code requires project applicants to submit a landscape documentation package, which is required to include a water conservation concept statement, calculation of maximum allowed water allowance (MAWA), calculation of the estimated applied water use, calculation of the estimated total water use, a landscape design plan, an irrigation design plan, a grading design plan, and a soil analysis (optional).

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to water services, if it would:

Threshold 5.10.1-1: Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

Threshold 5.10.1-2: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Methodology

The available water supplies and water demands within CVWD's service area were analyzed to assess the region's ability to satisfy demands during three scenarios: a normal water year, a single dry year, and multiple dry years.

The analysis of water supply is based upon the understanding of projected water supplies, including estimates of available groundwater, Colorado River water, and SWP sources.

Analysis relies on the water supply and demand planning considerations established in the 2010 CVWMP Update, the 2014 CVWMP Status Report, and the CVWD 2015 UWMP. Because groundwater production is driven by demand, CVWD assumes that supplies are equal to demand. This supply is considered reliable and does not vary in dry or multiple dry water years.

¹⁷ Approved September 28, 2006 in order to conserve water used for landscaping.

The analysis of supplies and demand for the Project is based on the 2015 UWMP and the 2010 CVWMP Update. In accordance with SBx7-7, CVWD's 2010 UWMP sets interim and final urban water use targets for complying with California's 2020 conservation program based on DWRs defined Target Method No. 1, which provides for an agency goal of 80 percent of baseline demands. The 2015 UWMP relies on and summarizes the water supplies and water supply program details in the 2010 CVWMP Update.

The Project's water supply analysis included in this Draft EIR is based upon the 2015 Urban Water Management Plan. The analysis for the Project focuses on the adequacy of groundwater and other alternative water sources to supply amounts of water sufficient to meet the water demands of the Project. Additional water sources are considered as a supplement to groundwater in that they are used to recharge the groundwater basin, serve as a source substitution for groundwater, or are used for irrigation.

Project Impacts

Threshold 5.10.1-1: Would the project require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?

Water in the City is supplied and maintained by the CVWD which also provides water to the Project Site. As previously described, the Project Site is located within the Ranchos Las Palmas Shopping Center and is also surrounded by existing water lines. An existing 16-inch water line occurs on the south side of Magnesia Falls Drive and an existing 12-inch line runs along Magnesia Falls Drive. As previously mentioned, an existing 12-inch water line runs through the parking lot east of the Project Site.

The proposed Project would tie into this existing line with a 2-inch water line at the northeast portion of the Project building. Construction impacts associated with domestic water infrastructure would primarily be confined to trenching for miscellaneous utility lines and connections to public infrastructure, as discussed above. Installation of domestic water and fire infrastructure would be limited to on-site connections. Overall, when considering impacts resulting from the installation of any required domestic water infrastructure, all impacts are of a relatively short-term duration (i.e., months) and would cease to occur once the installation is complete.

Furthermore, connections to existing water lines and facilities within the Rancho Las Palmas Shopping Center would be similar to previous and projected uses on the Project Site. As such, water lines and facilities would be sufficient for the water use on site and no expansion would be needed.

All improvements related to water service would be completed in accordance with City and CVWD standards which would preclude any interruptions in existing service of the surrounding properties. Therefore, impacts to City's existing facilities would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on water services and infrastructure are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.10.1-2: Would the project result in insufficient water supplies available to serve and project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Construction

Water service on the Project Site is provided by CVWD. Water usage during construction would occur on an as-needed basis and may include water use for dust control, concrete curing, waterproof testing, cleaning, and human activities. Water demand would be temporary in nature, would be conveyed using the existing water infrastructure at the Project Site, and no major off-site infrastructure improvements would be needed. As discussed below, CVWD has the ability to provide water during construction. Water demand from proposed Project construction activities is not anticipated to cause any substantial increase in water demand. Therefore, construction impacts to City's available water supply would be less than significant.

Operation

As indicated in **Table 5.10.1-5: Project Water Demand**, indoor water demand would be approximately 3.95 AFY and outdoor water demand would be approximately 1.3 AFY.

**Table 5.10.1-5
Project Water Demand**

Use	Building Area (SF)	Demand Factor (GPUD)	Demand (GPD)	Demand (AFY)
Indoor Water Demand				
Restaurant	3,885	0.907 ^a	3,523.69	3.95
Outdoor Water Demand				
Landscape				1.3 ^b
Total				5.25

Notes:

^a Restaurant domestic demand is established using prior accepted reference rate of 331 gallons/year/square foot of restaurant space as obtained from Commercial and Institutional End Uses of Water, AWWA Research Foundation Table 6.16.

^b See **Appendix I: Landscape Irrigation Demand Calculation**.

SF: square feet; GPUD: gallons per unit per day; GPD: gallons per day; AFY: acre-feet per year.

Total Operational Water Demand

As shown in **Table 5.10.1-5**, total buildout water demand of the Project is estimated to be approximately 5.25 AFY, which represents approximately less than 1 percent of the total anticipated urban supply and demand of 114,600 AFY in CVWD's urban water system projected for 2020 and future years. As discussed in **Section 7.1: Effects Not Found to Be Significant** of this Draft EIR, the proposed uses for the Project would be consistent with the growth projections outlined in the City's General Plan which was used to calculate water demand projections in the UWMP.

With almost 30 million AF of combined storage followed by groundwater management planning adopted in the 2015 UWMP and 2010 CVWMP Update, the Whitewater River Subbasin has sufficient available water to supply the Project and other present and anticipated needs for normal year, as well as one or more multiple dry years, over the next 20 years. Additionally, CVWD will be able to meet current and future urban water demand needs through groundwater pumping, recharge with Colorado River water, and distribution of treated Colorado River water during normal, single dry, and multiple dry years over at least the next 20 years. Furthermore, projected water demand would increase by 3,985 AFY year over year till 2040. As such, Project net water demand would still be approximately less than one percent of the annual increase in water use by UWMP. Additionally, the proposed Project would be required to adhere to federal, State, and local requirements related to water use, including CALGreen which requires the use of low flow toilets and sinks. CVWD would have sufficient water supplies available to serve the Project. Impacts to CVWD's available water supply during normal, dry, and multiple dry years would be less than significant.

Zone Text Amendment Analysis

As discussed for the proposed Project, the amount of water that would be required from CVWD would represent less than one percent of the supply and demand for CVWD in 2020. Accordingly, there would be adequate supply to accommodate the proposed Project's water needs. Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts on water demand are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

Regional development of residential, commercial, and industrial sites will result in an increased demand on the potable water supply. The entire Coachella Valley utilizes an underground aquifer for its water supply needs. Therefore, cooperation between regional communities and CVWD is required to prevent depletion of this water supply, as identified in the 2010 CVWMP Update.

The population of the CVWD service area is projected to increase up to 527,100 people by 2040.¹⁸ This population increase will result in a substantial increase in water deliveries.

Furthermore, through CVWD's 2015 UWMP process, the City will meet all new demand for water due to projected population growth to the year 2040, through a combination of water conservation and recycling. Based on the above information and the analysis contained in this section, CVWD would be able to supply the water demand of the Project, as well as future growth associated with the buildout of the City's General Plan. Cumulative impacts on water supply would be less than significant.

The geographic context for the cumulative impact analysis on water infrastructure is the vicinity of the Project Site (i.e., the water infrastructure that would serve both the Project and related projects). Development of the Project and related projects in the vicinity of the Project Site would cumulatively increase demands on the existing water infrastructure system. However, similar to the Project, new development projects would be subject to CVWD and City review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to CVWD and City review requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements, etc. Therefore, cumulative impacts on the water infrastructure system would be less than significant.

18 Coachella Valley Water District, *2015 Urban Water Management Plan* (July 1, 2016), Table 3-3.

C. MITIGATION MEASURES

With adherence to and implementation of State and local water quality permits and regulations, impacts to water services and supply are less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to water services and supply would remain less than significant.

5.11.2 Wastewater Collection and Treatment

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact wastewater and stormwater drainage systems operated and maintained by the Coachella Valley Water District (CVWD) and the local storm drain system maintained by the City of Rancho Mirage (City) Public Works Department. Information from the following study and plan for the INO Burger Restaurant Project Site (Project Site) are incorporated into this section:

- Hydrology Study and WQMP Compliance, MSL Engineering, October 21, 2019.
- Storm Water Pollution Prevention Plan, MSL Engineering, October 21, 2019.

Complete copies of this study are included in the **Appendix E: Hydrology Reports** to this Draft EIR as **Appendix E.1: Hydrology Study and WQMP Compliance** and **Appendix E.2: Storm Water Pollution Prevention Plan**.

Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Wastewater Service System

The Project Site is located in the City within the service boundary of CVWD for wastewater conveyance and treatment. Five water reclamation plants (WRPs) provide, receive, and treat wastewater within the CVWD service area.^{1,2} Most of the communities within the CVWD service area receive sanitation service from one of these plants. Of the five WRPs, three are equipped to treat wastewater to meet the State of California (State) standards for nonpotable water for irrigation purposes. The nonpotable water is primarily used at golf courses and large landscaped areas. The five wastewater treatment plants receive a combined average of 13.99 million gallons per day (mgd) of wastewater. A summary of CVWD's WRPs is summarized in **Table 5.10.2-1: CVWD WRP Summary**.

As shown in **Table 5.10.2-1**, between the five WRPs, there is an approximate remaining capacity of 19.24 mgd. The CVWD WRP that would accept wastewater from the Project Site would be WRP-10. WRP-10 consists of an activated sludge treatment plant, a tertiary wastewater treatment plant, lined holding basin,

1 Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016).

2 WRP-9 was taken offline on July 15, 2015.

6 storage basins, and 21 infiltration basins. The combined secondary wastewater treatment design capacity of the WRP-10 is 18 mgd. As of 2015, WRP-10 treats an average flow of 7.9 mgd.

Table 5.10.2-1
CVWD WRP Summary

Treatment Plant Name	Location Name	Plant Capacity (mgd)	Volume of Wastewater Collected in 2015 (mgd)	Volume of Wastewater Collected in 2015 (AF)
WRP-1	Bombay Beach	0.15	0.013	18
WRP-2	North Shore	0.18	0.010	14
WRP-4	Thermal	9.9	3.825	5,145
WRP-7	North Indio	5.0	2.243	3,018
WRP-10	City of Palm Desert	18	7.899	10,627
Total		33.23	13.99	18,822

Source: Coachella Valley Water District, 2015 Urban Water Management Plan (July 1, 2016) and Development Design Manual, Coachella Valley Water District, November 2019, <https://www.cvwd.org/DocumentCenter/View/4206/Development-Design-Manual-PDF?bidId=>.

Storm Drainage System

Within the Coachella Valley, storm drain infrastructure is maintained by CVWD and the Riverside County Flood Control and Water Conservation District. Within CVWD's boundaries there are 16 stormwater protection channels; the entire system includes approximately 135 miles of channels built along the natural alignment of dry creeks that flow from the surrounding mountains into the Whitewater River. Within the City, local off-street storm drain systems are maintained by the Public Works Department.

Project Site

Wastewater Infrastructure

Existing sewer lines surround the Project Site. Six-to-ten-inch lines exist within Bob Hope Drive, Highway 111, and Magnesia Falls Drive. An existing six-inch sewer line enters the Project Site near the southeast corner.

Storm Drain Infrastructure

Topographically, the Project Site generally slopes downward from southwest to northeast with a general slope of 2 percent to 3 percent. Surface elevations range from approximately 231 feet to approximately 225 feet above mean sea level (amsl), with the highest point located along the southwest of the Project Site. Based on surface topography, drainage across the Project Site generally travels from southwest to northeast. The runoff drains into the existing storm drain and dry well system which corresponds with the Rancho Las Palmas development drainage area. Surface runoff that lands within the Project limits sheets

flows to multiple on-site drain inlets that contain underground drywells.³ Therefore, on-site runoff is contained without connection to off-site public storm drains and would be infiltrated into the local groundwater.

Regulatory Setting

Federal

Clean Water Act

The federal Clean Water Act (CWA) Section 401 regulates the discharges of pollutants into “waters of the US” from any point or nonpoint source.

In 1972, the CWA was amended to prohibit the discharge of pollutants to waters of the US, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA focused on tracking point sources, primarily from wastewater treatment facilities and industrial waste dischargers, and required implementation of control measures to minimize pollutant discharges. The CWA was amended again in 1987 to provide a framework for regulating municipal and industrial stormwater discharges. In November 1990, the US Environmental Protection Agency (USEPA) published final regulations that establish application requirements for specific categories of industries, including construction projects that encompass greater than or equal to 5 acres of land. The Phase II Rule became final in December 1999, thus expanding regulated construction sites to those greater than or equal to one acre. The regulations require that stormwater and nonstormwater runoff associated with construction activity which discharges either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4s) must be regulated by an NPDES permit.

In the State of California, the program is administered by the local Regional Water Quality Control Board (RWQCB).

State

California Water Quality Laws

Under State law, the State Water Resources Control Board (SWRCB) and nine RWQCBs are responsible for implementing the federal CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act), discussed below.⁴ The Project Site is located within the purview of the Colorado River RWQCB (Region 7).

3 Dry wells are low impact development practices that are located below the surface of development sites. They consist of shallow excavations, typically filled with stone, that are designed to intercept and temporarily store post-construction stormwater runoff until it infiltrates into the underlying and surrounding soils.

4 California Water Code, (1969, as amended), Porter-Cologne Water Quality Control Act.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act established the principal State program for water quality control.⁵ The Porter-Cologne Water Quality Control Act also authorized the SWRCB to implement the provisions of the federal Clean Water Act. The act divided the State into nine RWQCB areas. Each RWQCB implements and enforces provisions of the Porter-Cologne Act and the CWA subject to policy guidance and review by the SWRCB. The Porter-Cologne Act requires each RWQCB to develop a Basin Plan for all areas within its region. The Colorado River Basin Plan is the basis for each RWQCB's regulatory programs.

State Water Quality Control Board Waste Discharge Requirements

Order No. 2006-0003-DWQ was adopted by the State Water Resources Control Board on May 2, 2006. This order provides federal and State agencies, municipalities, counties, districts, and other public entities waste discharge requirements for sanitary sewer systems. This order was revised August 6, 2013, with Order No. WQ 2013-0058-EXEC, which amends the monitoring and reporting program.

California Water Code, Title 22

The California Water Code requires the Department of Health Services (DHS) to establish water reclamation criteria. In 1975, the DHS prepared Title 22 to fulfill this requirement. Title 22 regulates production and use of recycled water in California by establishing three categories of recycled water:

- Primary effluent, which typically includes grit removal and initial sedimentation or settling tanks;
- Adequately disinfected, oxidized effluent (secondary effluent), which typically involves aeration and additional settling basins; and
- Adequately disinfected, oxidized, coagulated, clarified, filtered effluent (tertiary effluent), which typically involves filtration and chlorination.

In addition to defining recycled water uses, Title 22 also defines requirements for sampling and analysis of effluent and requires specific design requirements for plants.

Regional and Local

Coachella Valley Water District

Sanitary Sewer Management Plan

The Sanitary Sewer Management Plan (SSMP) describes the management of CVWD's sewer collection system and minimizes the number of sanitary sewer overflows. The SSMP is required by the State Water

⁵ California Water Code, Sections 13000 et seq., Porter-Cologne Act.

Resources Control Board Order No. 2006-0003, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (WDR 2006-0003) enacted May 2, 2006. The purpose of WDR 2006-0003 is to reduce sanitary sewer overflows. CVWD's sanitary sewer overflows is not unusual or above average compared to other agencies in the State.

The SSMP will provide for a properly managed, operated and maintained sanitary sewer system. All portions of CVWD's wastewater collection systems will be managed, operated and maintained to provide adequate capacity to convey the peak wastewater flows, to minimize the frequency of Sanitary Sewer Overflows (SSOs), mitigate the impacts that are associated with any SSO that may occur, meet all applicable regulatory notifications and reporting requirements, provide exceptional customer service to the residents and businesses served.

The SSMP is organized in ten chapters that covers items such as operation and maintenance programs, design and performance provisions, Overflow Emergency Response Plan, Fats, Oils and Grease (FOG) Control Plan, System Evaluation and Capacity Assurance Plan, monitoring, measurement and program modification, audits, and communications programs.

CVWD Standards and Guidelines

CVWD developed standards and design guidelines, which include the CVWD Development Design Manual (DDM). The DDM provides comprehensive procedural and technical requirements for the planning, design, and construction of CVWD service infrastructure required for new development. CVWD Sanitation and Irrigation and Drainage Rules and Regulations are incorporated into the DDM, and they provide general provisions and standards for the development of wastewater systems in CVWD. CVWD Standard Specifications for the Construction of Sanitary Sewer Systems are also incorporated into the DDM; these provide specification standards for the development of new wastewater systems within the CVWD service area. Additionally, construction methods, materials and disposal of products would also be subject to current standards established by the South Coast Air Quality Management District, Regional Water Quality Control Board and any other local, State, or federal agencies having authority in their respective jurisdictions.

CVWD Sanitation Fees

CVWD Ordinance No. 1373 requires new developments to pay for capital construction costs for new sanitation facilities through the Sanitation Capacity Rate (SCR). Wastewater flows are calculated on a case-by-case basis and are expressed in terms relative to the discharge of an Equivalent Dwelling Unit (EDU). The SCR was created as a funding mechanism for the construction of wastewater collection system and wastewater treatment infrastructure.

Rancho Mirage General Plan Update

The *Rancho Mirage 2017 General Plan Update Public Services and Facilities Element* addresses water, sewer and utility facilities that are utilized by the City. The purpose of the *Public Services and Facilities Element* is to establish City policy that provides for a coordinated system of the services to adequately serve Rancho Mirage at full buildout. The *Public Services and Facilities Element* also identifies standards for infrastructure relative to population or land use intensity and identifies courses of action and programs that provide the means to implement the goals and policies of the element.

The *Public Services and Facilities Element* lists goals, policies, and programs regarding public utilities in the City. Goals include the conservation of the quality and quantity of the water basin by working with CVWD and the RWQCB; the installation of a City-wide sewer system that serves all residences and businesses; lower electricity rates; and placing all utility lines underground.

City of Rancho Mirage Municipal Code

New construction within the City is subject to Title 3, Chapter 28 and Title 13, Chapter 13.05, Section 13.05.010 of the Rancho Mirage Municipal Code (RMMC), which set policies, respectively, for the requirement of an imposed license tax on new construction to support the increased demand for public services and infrastructure improvements related to local drainage facilities, as well as provisions for sufficient on-site stormwater retention.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether the Project would have a significant effect on the environment, the City utilized the following CEQA Guidelines thresholds related to wastewater service and storm drain facilities:

- Threshold 5.10.2-1:** **Would the project require or result in the relocation or construction of new or expanded wastewater treatment, or storm water drainage facilities, the construction or relocation of which could cause significant environmental effects?**
- Threshold 5.10.2-2:** **Would the project 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?**

Methodology

Analysis was conducted using wastewater flows provided in the *CVWD Waster Management Plan* and the *CVWD Development Design Manual*. These flows were used to determine the amount of wastewater that would be generated by the Project. An impact may occur if the wastewater generated by the Project exceeds the capacity of existing wastewater facilities.

A preliminary hydrology report was used to determine the existing and proposed drainage for stormwater on the site.

Project Impacts

Threshold 5.10.2-1: Would the project result in the relocation or construction of new or expanded wastewater treatment or storm water drainage facilities, the construction or relocation of which could cause significant environmental impacts?

The Project Site is located in the City within the service boundary of CVWD for wastewater conveyance and treatment. The CVWD WRP that would accept wastewater from the Project Site would be WRP-10.

Wastewater Generation

Construction

Construction activities for the Project would not result in wastewater generation as construction workers would typically utilize portable restrooms, which would not contribute to wastewater flows to the City's wastewater system. The portable restrooms would contribute to the overall wastewater generation in the City; however, the construction period would be short and temporary. Thus, wastewater generation from Project construction activities would be minimal and would not cause a measurable increase in wastewater flows. Therefore, Project impacts associated with construction period wastewater generation would be less than significant.

Operation

CVWD's sewage flow was used to determine the wastewater generation for the Project. Based on the number of Equivalent Dwelling Units (EDUs) determined for the Project, it is expected to generate 0.003 mgd of wastewater, as identified in **Table 5.10.2-2: Wastewater Generation of the Project**.

WRP-10's existing secondary wastewater treatment capacity is 18 mgd with an average daily treatment of 7.9 mgd. The remaining treatment capacity of WRP-10 would be approximately 10.1 mgd. The Project's wastewater flow would increase the average treatment at WRP to 7.903 mgd, or approximately 0.03 percent of the remaining treatment capacity. This increase is within WRP-10's treatment capacity and

represents a small portion of the WRP remaining capacity. Thus, the proposed Project would not affect the treatment capacity of the WRP-10 and impacts would be less than significant.

Table 5.10.2-2
Wastewater Generation of the Project

Building Type	Equivalent Dwelling Units (EDUs)	Rate (gpd)	Peak Flow Factor (WRP-10)	Daily Wastewater (mgd)
Commercial Uses	6.5 ^a	200	2.4	0.003
Total				0.003

Source: **Section 5.10.1: Water Demand and Supply** and Coachella Valley Water District, *Development Design Manual*, Table 6.2: Sewage Flow Criteria, August 2018.

Abbreviations: EDU = equivalent dwelling units; gpd = gallons per day; WRP = water reclamation facility; mgd = million gallons per day.

Note: $EDUs \times Rate (gpd) \times Peak Flow Factor = Daily Wastewater (gpd)$. $Daily Wastewater (gpd) / 1,000,000 = Daily Wastewater (mgd)$.

^a 5.25 AFY water demand (see Section 5.10.1) = 4,683.8 gpd / 720 gpd (CVWD average daily demand per EDU) = 6.5 EDUs.

The Project would connect to the existing 8-inch sewer line within Highway 111, through the extension of a 6 inch sewer line from the southeast corner of the Project Site. The Project Site was redeveloped in 2014 to accommodate a 7,000-square-foot building and the 6-inch sewer line was designed to accommodate this structure. The proposed Project would provide a 3,885-square foot building, and as such, the existing 6-inch sewer line would have adequate capacity to convey wastewater from the Project Site and, ultimately, to WRP-10.

Therefore, existing wastewater conveyance facilities would have sufficient capacity to convey wastewater generated by the Project. The Project would not require or result in the construction of new wastewater conveyance facilities or expansion of existing facilities. Impacts would be less than significant.

Storm Drain Facilities

As discussed in **Section 5.5: Hydrology and Water Quality**, the proposed Project would require the submission of a site drainage plan for review and approval by the City prior to the issuance of a building permit. This submittal must include BMPs to limit discharge of sediment and pollutants during long-term operation in accordance with the MS4 Permit requirements, which are included in the Storm Water Pollution Prevention Plan (SWPPP). Thus, a SWPPP was prepared to comply with State Water Resources Control Board (SWRCB), Order No. 2009-009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements (WDRs) for Discharges of Stormwater Associated with Construction Activity. The General Permit No. CAS000002 also identified as the Construction General Permit (CGP) was adopted by the State Water Resources Control Board (SWRCB) on September 2, 2009 as Order No. 2009-009-DWQ and was enforced on July 1, 2010. As construction

progresses, any on-site proposed storm drain-inlets that become operational would require temporary protection to prevent sediment or pollutants from entering the on-site storm drain system. The SWPPP for the Project identified measures that would include good site management (housekeeping), nonstormwater management, erosion control, sediment controls, run-on and runoff controls, along with inspection, maintenance, and repair measures. Other relevant requirements of the SWPPP include proper waste management, proper material handling, and storage within the allowable construction limits. As construction progresses, any on-site proposed storm drain-inlets that become operational would require temporary protection to prevent sediment or pollutants from entering the on-site storm drain system. Accordingly, any potential surface water runoff entering the local storm drain system during construction would be temporary and impacts would be less than significant.

Post-construction stormwater management measures are satisfied through the local MS4 permit with an approved Stormwater Management Plan. During operation of the proposed Project, surface drainage would be collected via a series of existing on-site drain box inlets that are connected to drywell units, which treat the runoff through drainage filters and infiltration into the native soils.⁶ All on-site stormwater runoff would be collected within the Project boundaries in compliance with the Rancho Mirage Municipal Code, routed through the drywell units, and runoff would not enter the off-site public storm drains and would filter into the groundwater basin. Therefore, impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on wastewater services and infrastructure are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

6 *Storm Water Pollution Prevention Plan*, MSL Engineering, October 21, 2019.

Threshold 5.10.2-2: Would the project result in 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 providers existing commitments?

As previously discussed, during proposed Project construction, workers would utilize portable restrooms on site, which would not directly contribute to wastewater flows to the CVWD wastewater system adjacent to the Project Site. Due to the limited amount of wastewater generated by this source on a daily basis, the wastewater attributed to construction workers would result in a negligible impact on sewer facilities, and no increase in wastewater flows beyond the available capacity of the existing treatment systems would occur. Therefore, the proposed Project's construction impacts to wastewater treatment capacity at WRP-10 would be less than significant.

The Project's wastewater flow would increase the treatment at WRP-10 from 7.9 mgd to 7.903 mgd, an additional 0.003 mgd. As discussed above, the Project's increase in wastewater treatment at WRP-10 would account for 0.03 percent of the remaining treatment capacity of WRP-10. Thus, there is adequate capacity to treat wastewater flows associated with the Project and impacts would be less than significant.

The Project has been designed to accommodate gravity sewer throughout the site. The Project would connect to the existing 8-inch sewer line within Highway 111 through the extension of a 6 inch sewer line from the southeast corner of the Project Site. The Project Site was redeveloped in 2014 to accommodate a 7,000-square-foot building and the 6-inch sewer line was designed to accommodate this structure. The proposed Project would provide a 3,885-square foot building, and as such, the existing 6-inch sewer line would have adequate capacity to convey wastewater from the Project Site and, ultimately, to WRP-10. Therefore, existing wastewater conveyance facilities would have sufficient capacity to convey wastewater generated by the Project.

Zone Text Amendment Analysis

As discussed for the proposed Project, there is adequate capacity at WRP-10 to treat wastewater generated by the proposed Project. Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts on wastewater treatment facilities are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

The *Coachella Valley Water Management Plan 2010 Update* projects wastewater flows at the WRP-10 to increase to 15.53 mgd in year 2045.⁷ The treatment design capacity of WRP-10 is approximately 18 mgd. As such, the Project's net wastewater generation of 0.003 mgd would account for approximately less than one percent of the remaining available treatment capacity in 2045.⁸ As cumulative development would represent less than one percent of the remaining treatment capacity, the proposed Project's cumulative impact would be less than significant.

Cumulative impacts related to wastewater conveyance and/or treatment would occur when new development would require the use of the same existing facilities as the Project. A cumulative increase in wastewater flow could cause significant impacts to the existing off-site conveyance systems and to WRP-10. Proposed projects within the City and other local jurisdictions would be required to undergo environmental review to determine if:

1. The existing CVWD wastewater infrastructure system would have adequate capacity to provide service to the related projects; and
2. The related project would need to develop a wastewater infrastructure conveyance system or wastewater treatment plants within that project's boundaries to provide adequate service to its inhabitants.

The Project would connect to existing sewer lines in the vicinity of the Project Site. As previously mentioned, the existing 6-inch sewer line has existing capacity to accommodate the Project. In accordance with the City Municipal Code, the related projects would require approval of a sewer permit prior to connection to the sewer system. Additionally, to connect to the sewer system, related projects would be reviewed, permitted, and inspected by the City and subject to payment to the CVWD. Payment of such fees would help to offset the costs associated with infrastructure improvements that would be needed to accommodate wastewater generated by overall future growth. Therefore, cumulative impacts on wastewater conveyance systems would be less than significant.

Cumulative impacts related to stormwater drainage facilities would occur when new development would require the use of the same existing facilities as the Project. New development would be required to adequately retain and convey stormwater runoff such that flooding does not occur. Compliance with local standards and specifications would result in less than significant cumulative impacts. Accordingly, cumulative impacts related to stormwater would be less than significant.

7 *Coachella Valley Water Management Plan Update*, "Final Report," January 2012, Table 4-7 <https://www.cvwd.org/DocumentCenter/View/1321/Coachella-Valley-Water-Management-Plan-Final-Report-PDF?bidId=>.

8 15.53 mgd (projected increase in wastewater by 2045) – 7.9 mgd (existing wastewater generation) = 7.63 mgd (available wastewater capacity by 2045). $(0.003 \text{ (Project's projected wastewater generation)} / 7.63) * 100 = 0.039 \text{ percent}$

C. MITIGATION MEASURES

No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to wastewater and stormwater would remain less than significant.

5.11.3 Dry Utilities (Electricity, Natural Gas, and Telecommunications)

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential for the proposed In-N-Out Burger Restaurant Project (proposed Project) to impact the local dry utilities (electricity, natural gas, and telecommunications). Dry utilities in this discussion are identified by agency facility maps and would require field verification upon implementation of the Project. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

Section 5.2: Air Quality and **Section 5.4 Greenhouse Gas Emissions** of this Draft EIR provide greater detail for estimated utility usage associated environmental impacts. This section provides focused summaries of information found throughout this Draft EIR associated with the capacities of and anticipated Project-generated demand on electricity, natural gas, and telecommunications infrastructure. Energy use reductions are associated with efficient infrastructure; therefore, this topic is also discussed in this section.

A. ENVIRONMENTAL SETTING

Existing Conditions

Utilities and service systems are made available by a range of private companies, private enterprises acting as public utilities, and public agencies in the City of Rancho Mirage (City). Major utilities and service systems providers in Coachella Valley include the following: Southern California Edison (SCE), the Southern California Gas Company (SoCalGas), and Spectrum for cable and internet and Frontier Communications for telephone service, which were formerly provided by Verizon.

Electricity

SCE is the primary electric service provider to the City and its sphere of influence (SOI), with the Imperial Irrigation District (IID) providing electric service to a portion thereof. These providers are regulated by the California Public Utilities Commission (CPUC) and Federal Energy Regulatory Commission (FERC). Electrical power is generated by a combined system of gas and coal production, oil, hydroelectricity, nuclear production, solar and wind technology, and energy purchase. The INO Burger Restaurant Project Site (Project Site) is within the SCE service area. The Rancho Mirage Energy Authority (RMEA), a locally run power program commissioned by the Rancho Mirage City Council conveys power to the City consumers via SCE infrastructure. According to the California Energy Commission (CEC), which is the State's primary energy policy and planning agency, the County of Riverside (County) consumed approximately 8,295,965,387 kWh of electricity for non-residential uses in 2018.¹

1 California Energy Commission, "Electricity Consumption by County," <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>. Accessed April 2020.

The Project Site is currently surrounded by existing electrical conduits in the surrounding roadway system, including State Highway 111, and through the parking lot on the north and east sides of the Project boundary. A 5-inch line and a 4-to-6-inch line exist under Highway 111. Existing lines also run throughout the parking lot. A 5 inch line runs through the parking lot just east of the proposed Project, and a 2-to-5-inch line runs from east to west along the southern portion of the proposed Project.

Natural Gas

According to the CEC, approximately one third of energy consumed in California is natural gas. Nearly 45 percent of the natural gas burned in California was used for electricity generation, and much of the remainder consumed in the residential (21 percent), industrial (25 percent), and commercial (9 percent) sectors.² Together, CPUC and Federal Energy Regulatory Commission (FERC) regulate SoCalGas' natural gas distribution and conveyance activities. FERC is an independent federal agency that regulates the interstate transmission of electricity, natural gas, and oil. CPUC regulates natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipeline systems, storage, procurement, metering, and billing. The availability of natural gas services is dependent upon current conditions of gas supply and regulatory policies.

SoCalGas, a publicly regulated utility, is the natural gas service provider to the City. SoCalGas has regional and local distribution lines in the City and provides natural gas for space heating, domestic and commercial hot water, cooking, and air conditioning applications. According to the CEC, the County of Riverside consumed approximately 13,916,067,800,000 BTU/year of natural gas in 2018.³

The Project Site is currently surrounded by natural gas lines that serve the Project Site and surrounding area. A high-pressure distribution is located along Highway 111⁴ and 2-inch gas lines travel through the parking lot to the east of the Project Site and south of the Project Site along Magnesia Falls Drive.

Telecommunications

As indicated in the *2017 Rancho Mirage General Plan Update*, telecommunications services in the City of Rancho Mirage are provided by various companies. Spectrum provides cable service and internet and telephone service, is now offered by Frontier Communications. Both companies are regulated by CPUC. A wide array of products and telecommunication services for residential and commercial uses are offered by both, including internet services, wireless services, television technology utilizing digital fiber optic

2 California Energy Commission, *California Energy Almanac*, "Supply and Demand of Natural Gas in California," https://www2.energy.ca.gov/almanac/naturalgas_data/overview.html. Accessed April 2020.

3 California Energy Commission, "Gas by County," <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed April 2020.

4 SoCalGas, *Natural Gas Pipeline Map for Riverside County*, <https://www.socalgas.com/stay-safe/pipeline-and-storage-safety/natural-gas-pipeline-map>, accessed April 2020.

technology, and satellite technology. An existing, underground 5-inch telephone line comes to the site from the northeast corner. An unknown sized cable line runs along Magnesia Falls Drive, south of the Project Site.

Regulatory Setting

Federal

The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. The Energy Policy Act of 2005 gave FERC additional responsibilities in this capacity. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states.

State

Assembly Bill 32 and Related Legislation

AB 32, the Global Warming Solutions Act of 2006, requires a sharp reduction of GHG emissions to 1990 levels by December 31, 2020. These goals are consistent with the California Climate Action Team, which works to coordinate Statewide efforts to implement global warming emission reduction programs and the State's Climate Adaptation Strategy after the passing of AB 32. AB 32 mandates that CARB establish a quantified emissions cap and institute a schedule to meet the cap; implement regulations to reduce Statewide GHG emissions from stationary sources consistent with the California Climate Action Team strategies; and develop tracking, reporting, and enforcement mechanisms to ensure that reductions are achieved. To reach the reduction targets, AB 32 requires CARB to adopt—in an open, public process—rules and regulations that achieve the maximum technologically feasible and cost-effective GHG reductions. These GHG rules and regulations indirectly reduce energy consumption.

Climate Change Scoping Plan

CARB approved a Climate Change Scoping Plan (Scoping Plan) on December 11, 2008, as required by AB 32. The Scoping Plan proposed a “comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health.”⁵ The Scoping Plan had a range of GHG reduction actions, including direct regulations; alternative compliance mechanisms; monetary and nonmonetary incentives; voluntary actions; market-based mechanisms, such as a cap-and-trade system; and an AB 32 implementation regulation to fund the program.

5 California Air Resource Board, *Climate Change Scoping Plan: A Framework for Change* (December 2008), https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

The Scoping Plan called for a “coordinated set of strategies” to address all major categories of GHG emissions.⁶ Transportation emissions were to be addressed through a combination of higher standards for vehicle fuel economy, implementation of the Low Carbon Fuel Standard, and greater consideration to reducing trip length and generation through land use planning and transit-oriented development. Buildings, land use, and industrial operations were encouraged and, sometimes, required to implement energy efficiency practices. Utility energy supplies will change to include more renewable energy sources through implementation of the Renewables Portfolio Standard. Established in 2002 under Senate Bill (SB) 1078, the California Renewables Portfolio Standards (RPS) were accelerated in 2006 under SB 107, which required that, by 2010, at least 20 percent of electricity retail sales come from renewable sources. In April 2016, the California Energy Commission (CEC) updated the RPS pursuant to SB 350, intended to set the new target 50 percent renewables by 2030.⁷ This will be complemented with emphasis on local generation, including rooftop photovoltaics and solar hot water installations. Additionally, the Scoping Plan emphasized opportunities for households and businesses to save energy and money through increasing energy efficiency. It indicated that substantial savings of electricity and natural gas would be accomplished through improving energy efficiency.

Subsequent to the adoption of the Scoping Plan, a lawsuit was filed challenging CARB’s approval of the Scoping Plan Functional Equivalent Document (Supplemental FED). On May 20, 2011 (Case No. CPF-09-509562), the court found that the environmental analysis of the alternatives in the Supplemental FED to the Scoping Plan was not sufficient under CEQA. CARB staff prepared a revised and expanded environmental analysis of the alternatives, and the Supplemental FED to the Scoping Plan was approved on August 24, 2011. The Supplemental FED to the Scoping Plan indicated that the potential exists for adverse environmental impacts associated with implementation of the various GHG emission reduction measures recommended in the Scoping Plan.

CARB updated the Scoping Plan in May 2014 (*2014 Scoping Plan*). The *2014 Scoping Plan*⁸ adjusted the 1990 GHG emissions levels to 431 million metric tons of carbon dioxide equivalents (MMTCO₂e); the updated 2020 GHG emissions forecast is 509 MMTCO₂e, which credited for certain GHG emission reduction measures already in place (e.g., the RPS). The *2014 Scoping Plan* also recommended a 40 percent reduction in GH emissions from 1990 levels by 2030, and a 60 percent reduction in GHG emissions from 1990 levels by 2040.

6 CARB, *Climate Change Scoping Plan*, p. ES-7.

7 California Energy Commission, *Enforcement Procedures for the Renewables Portfolio Standards for Local Publicly Owned Electric Utilities: Amended Regulations* (April 12, 2016), <http://www.energy.ca.gov/2016publications/CEC-300-2016-002/CEC-300-2016-002-CMF.pdf>.

8 CARB, *First Update to the Climate Change Scoping Plan: Building on the Framework* (May 2014).

The *2017 Scoping Plan*,⁹ approved on December 14, 2017, builds on previous programs, and takes aim at the 2030 target established by the 2016 SB 32 (Pavley), which is further discussed below. The *2017 Scoping Plan* outlines options to meet California's aggressive goals to reduce GHGs by 40 percent below 1990 levels by 2030. In addition, the *2017 Scoping Plan* incorporates the State's updated RPS requiring utilities to procure 50 percent of their electricity from renewable energy sources by 2030. It also raises the State's Low Carbon Fuel Standard and aims to reduce emissions of methane and hydrofluorocarbons by 40 percent from 2013 levels by 2030 and emissions of black carbon by 50 percent from 2013 levels.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies, in addition to authorizing video franchises. CPUC is responsible for regulating electric utility rates, electric power procurement and generation, some electric infrastructure, ratepayer-funded energy efficiency programs, and other areas. The CPUC evaluates the necessity for additional power generation by the regulated utilities in California in both the long and short term, accomplished using public input, data provided by the utilities, the California Energy Commission, the California Independent System Operator (CAISO), and following the regulations of the Commission, the Public Utilities Code, and FERC. CPUC has primary ratemaking jurisdiction over the funding of distribution related expenditures generally for power lines of 66 kV (kilovolts) or less. While CPUC does not have ratemaking responsibility for transmission lines, CPUC does have a substantial role in permitting transmission and substation facilities.

CPUC regulates natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipeline systems, storage, procurement, metering, and billing. Additionally, CPUC regulates telecommunications and broadband operations and infrastructure in the State, being responsible for licensing, registration, and the processing of tariffs on local exchange carriers, competitive local carriers, and nondominant interexchange carriers. It is also responsible for registration of wireless service providers and franchising of video service providers, among other duties.

Senate Bill 97

Senate Bill (SB) 97, approved on July 10, 2017, requires the Office of Planning and Research (OPR) to prepare and develop guidelines for the mitigation of GHG emissions or the effects thereof, including but not limited to effects associated with transportation and energy consumption.¹⁰ These guidelines were

9 CARB, *California's 2017 Climate Change Scoping Plan* (November 2017), https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

10 California Legislative Information, Senate Bill No.97 (August 24, 2007), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB97.

required to be transmitted to the Natural Resources Agency by July 1, 2009, to be certified and adopted by January 1, 2010. OPR submitted the Proposed Draft Guideline Amendments for Greenhouse Gas Emissions to the Secretary for Natural Resources on April 13, 2009. The California Natural Resources Agency conducted formal rulemaking in 2009 on December 30 of that year and adopted the Guideline Amendments, which address the specific obligations of public agencies when analyzing GHG emissions under CEQA to determine a project's effects on the environment.

However, neither a threshold of significance nor any specific mitigation measures is included or provided in these *CEQA Guideline Amendments*. The *Guideline Amendments* require a Lead Agency to make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. The *Guideline Amendments* give discretion to the Lead Agency whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use; and/or (2) rely on a qualitative analysis or performance-based standards. Further, the Guideline Amendments identify three factors that should be considered in the evaluation of the significance of GHG emissions:

1. The extent to which a project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
2. Whether the project emissions exceed a threshold of significance that the Lead Agency determines applies to the project; and
3. The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The administrative records of the promulgation of the Guidelines Amendments also clarify "that the effects of greenhouse gas emissions are cumulative and should be analyzed in the context of California Environmental Quality Act's requirements for cumulative impact analysis."¹¹

The Natural Resources Agency is required to periodically update the guidelines to incorporate new information or criteria established by CARB pursuant to AB 32. SB 97 applies retroactively to any environmental impact report, negative declaration, mitigated negative declaration, or other document required by CEQA that has not yet been certified.

Senate Bill 1368

To limit carbon emissions associated with electrical energy consumed in California, SB 1368 prohibits purchase arrangements for energy for periods of longer than 5 years from resources that exceed the

11 Cynthia Bryant, Director of the Office of Planning and Research, letter to Mike Chrisman, Secretary for Natural Resources, April 13, 2009.

emissions of a relatively clean, combined cycle natural gas power plant. A coal-fired plant cannot meet this standard because such plants emit roughly twice as much carbon as combined cycle natural gas power plants. Accordingly, SB 1368 effectively prevents California's utilities from investing in, financially supporting, or purchasing power from new coal plants located in or out of the State. Thus, implementation of SB 1368 is anticipated to reduce GHG emissions associated with California's energy demand by effectively prohibiting California utilities from purchasing power from out-of-state producers that cannot satisfy the required performance standard for GHG emissions.

Regional and Local

Southern California Association of Governments

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

Coachella Valley Association of Governments

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

Valley-Wide Voluntary Green Building Program

The Voluntary Green Building Program, administered by CVAG, was developed to help builders, developers, and homeowners meet and exceed California's Energy Code in terms of energy efficiency. As part of this program, some cities have committed to making it easier for those voluntarily participating in the program to process their plans through the planning and building departments. The Voluntary Program and the California Building Code are based upon standards and measurements; further, the Voluntary Program includes an extensive checklist of specific actions and how they are counted toward a more energy efficient building.

Sustainability Plan

The City completed the *2013 Sustainability Plan: Leadership in Energy Efficiency* (Sustainability Plan) in May 2013. The Sustainability Plan is a framework for the development and implementation of policies and programs that will reduce the City's emissions, working towards the Statewide target of 1990 levels by 2020 set by Assembly Bill (AB) 32. For the City to achieve Statewide target levels, it will have to reduce emissions by 54,272 MTCO₂e by 2020, a 19.8 percent reduction. The set of measures presented in the Sustainability Plan will reduce the City's GHG emissions by 60,411 MTCO₂e, which exceeds State targets by approximately 11 percent. The City approved an Energy Action Plan (ePlan) in March 2013 as part of the Sustainability Plan. The Energy Action Plan brings together the City's goals and objectives to cut energy use in municipal facilities and to attain the highest efficiency levels practical.

Rancho Mirage General Plan Update

The *Rancho Mirage General Plan Update*, Public Services and Facilities Element (Element), addresses utility facilities that are utilized by the City. The purpose of the Element is to establish City policy that provides for a coordinated system of the services to adequately serve Rancho Mirage at full buildout. The Element also identifies standards for infrastructure relative to population or land use intensity and identifies courses of action and programs that provide the means to implement the goals and policies of the Element.

The Element lists goals, policies, and programs regarding public utilities in the City. Goals include the conservation of the quality and quantity of the water basin by working with CVWD and the Regional Water Quality Control Board; the installation of a City-wide sewer system that serves all residences and businesses; lower electricity rates; and placing all utility lines underground. The Public Services and Facilities Element includes the following information related to utilities services in the City.

Electricity

Electricity infrastructure in the City is provided by SCE, and to a limited extent, IID. As mentioned previously, RMEA, a locally run power program commissioned by the Rancho Mirage City Council, conveys power to City consumers via SCE infrastructure. RMEA supplies power to homes and businesses via different plan options, including 50 percent carbon-free, which is comprised of 35 percent renewable energy and 15 percent hydroelectric power; an opportunity to opt up to 100 percent renewable energy; and a 100 percent solar net metering program for solar customers.¹² SCE facilities include 12 kV transmission lines for local distribution. Higher voltage lines for more distant transmission range up to 115 kV and 230 kV. Substations step down voltage for local distribution and use. The following three substations serve the City: one on Highway 111 just east of Thunderbird Cove, one on Clancy Lane at Monterey Avenue, and one on Plumley Road north of Vista Montana Court.¹³ The operational facility located in the city limits of Rancho Mirage is the Santa Rosa Substation (SS1324), which has a highest kV rating of 110kV to 161kV.

Natural Gas

According to the Element, natural gas provides more electricity generation than any energy source in California. Data gathered as of September 10, 2015 by the California Energy Commission indicates that 60 percent of all electric generation in California comes from natural gas.¹⁴ As mentioned previously, SoCalGas provides natural gas service in the City. SoCalGas has regional and local distribution lines in Rancho Mirage and the sphere of influence. Natural gas is commonly used for space heating, domestic and commercial hot water, cooking and air conditioning applications.

Telecommunications

The Element states that multiple companies offer telephone service in Rancho Mirage, indicating that phone service is oftentimes bundled with other services such as internet and television. The Element also indicates that home telephone service has largely been replaced with wireless phones and home telephone service will most likely be offered as an ancillary service.

The City encourages the development of “stealth” facilities to protect Citywide aesthetics and encourages integrating large antenna systems into architectural features of buildings (towers, cupolas, etc.). Monopalms, streetlamps, and/or flagpoles have been used when buildings are not available.¹⁵

12 Rancho Mirage Energy Authority, “About,” <https://ranchomirageenergy.org/about/>.

13 City of Rancho Mirage, 2017 General Plan, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_9_Public_Services_and_Facilities.pdf.

14 City of Rancho Mirage, 2017 General Plan, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_9_Public_Services_and_Facilities.pdf.

15 City of Rancho Mirage, 2017 General Plan, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_9_Public_Services_and_Facilities.pdf.

Fiber networks for high speed broadband require substantial trenching for conduit installation. The City encourages a “dig once” philosophy for construction activities to plan for orderly expansion, and also to help offset the cost of extraction. While a trench is open for any reason, one or more conduits are placed in the trench, either with or without fiber, for the future expansion of wireless facilities, communications, video surveillance, etc.¹⁶

City of Rancho Mirage Municipal Code

New construction within the City is subject to Title 3, Chapter 3.29, Section 13.29.130 of the Rancho Mirage Municipal Code (RMMC), which sets policy for the requirement of an imposed tax on new construction to support utility undergrounding. Utility undergrounding facilities and improvements development impact fees outlined in the RMMC are required to be paid by all applicants for new residential and nonresidential construction. Fees are calculated to include only lines fronting on undeveloped property. Other examples of applicable RMMC items include Wireless Communication Facilities Chapter 17.32 and Electrical Interference and Radioactivity Chapter 17.18.040 which govern telecommunications facilities.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant impact to electrical, natural gas, or telecommunications facilities, if it would:

Threshold 5.10.3-1: Require or result in the relocation or construction of new or expanded power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Methodology

Information regarding the current availability of utilities was gathered to determine if the existing capacity is sufficient to serve the Project.

The California Emissions Estimator Model, known as CalEEMod, is the CARB–approved computer program model recommended by SCAQMD for use in the quantification of air quality emissions. CalEEMod was developed under the auspices of SCAQMD, with input from other California air districts. CalEEMod utilizes

16 City of Rancho Mirage, 2017 General Plan, https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_9_Public_Services_and_Facilities.pdf.

widely accepted models for emissions estimates combined with appropriate data that can be used if site-specific information is not available. For example, CalEEMod incorporates USEPA-developed emission factors; CARB's on-road and off-road equipment emission models, such as EMFAC and OFFROAD;¹⁷ and studies commissioned by other California agencies, such as the California Energy Commission and CalRecycle. CalEEMod version 2016.3.2 was used to quantify the proposed Project's air quality pollutants but also supplies the projected energy usage of the proposed Project. The CalEEMod output can be found in **Appendix D: Greenhouse Gas Emissions Model Output** of this Draft EIR.

Project Impacts

Threshold 5.10.3-1: Would the project require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Electricity and Natural Gas

As discussed above, the Project Site is surrounded by existing electrical and natural gas infrastructure. An additional 5-inch electricity line and a 2-inch gas line would be supplied to the Project Site via lines that would be installed south of the drive-through and run under the western portion of the proposed building to the electrical room. The proposed Project would be equipped with solar ready conduit for future solar powered connections and would provide two electric vehicle (EV) charging stations.

Construction impacts associated with the installation of on-site utility connections would be confined to trenching and related construction activities which would be temporary and limited. During construction of the Project, electricity would be required to serve construction trailers, power tools, tool sheds, work and storage areas, and other facilities associated with development activities. Existing off-site infrastructure would not need to expand or be developed to provide electrical service to the Project during construction. Overall, electricity consumption required during construction would be limited and temporary. Installation would be completed in accordance with City and provider standards. Therefore, the Project would not result in an increase in demand for electricity during construction that would exceed available distribution infrastructure capabilities and result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. As such, impacts would be less than significant.

17 EMFAC is an emissions factor model used to calculate emissions rates from on-road vehicles (e.g., passenger vehicles; haul trucks). OFFROAD is an emissions factor model used to calculate emission rates from off-road mobile sources (e.g., construction equipment). CalEEMod version 2016.3.2 utilizes CARB's 2014 version of EMFAC.

Natural gas is not expected to be used on the Project Site during construction, as construction equipment is generally powered by gasoline, diesel, or electricity. Natural gas used on-site would therefore be limited to the minor amounts of natural gas released during the installation and upgrade of natural gas facilities. SoCalGas currently does not track or report the amount of natural gas released during the installation/upgrades of customer meters. However, the amount of natural gas consumed by such activities would be minimal and is not considered to significantly impact SoCalGas' ability to provide natural gas through its existing infrastructure system and construction-related impacts would be less than significant.

As previously mentioned, the energy usage for the proposed Project (refer to **Appendix D**) is anticipated to consume 189,683 kWh/year, which is approximately 0.001 percent of the 2018 non-residential electricity consumption in the County of Riverside. Additionally, the amount of natural gas the Project is anticipated to consume is 1,092,390 BTU/year, which represents an extremely small portion of the 2018 natural gas consumption for non-residential uses in the County of Riverside.¹⁸ The proposed Project would represent a small amount of electricity and natural gas usage within the County. Further, as discussed throughout this Draft EIR, the design of the Project would incorporate numerous energy efficiency measures that would also meet the nonresidential Title 24 energy requirements. Additionally, the Project would include the installation of two (2) EV charging stations, consistent with the City's ePlan through compliance and adherence to local regulations.

The Project would promote sustainable and energy efficient development by utilizing EnergyStar utilities for energy efficient lighting consistent with CALGreen requirements. The heating, ventilation, and air conditioning (HVAC) system would be sized and designed in compliance with the CALGreen Code to maximize energy efficiency caused by heat loss and heat gain. These appliances and systems use less natural gas and electricity. In addition, the Project would include prominent sustainability features such as less energy-intensive lighting systems, and an energy system designed to minimize peak loads and provide efficient energy storage.

These measures would help to reduce Project-related energy demand and resultant impacts on the existing distribution systems. Additionally, the proposed Project would be required to complete the design review process. Design plans will be approved through the City and with the involvement of appropriate regulatory agencies and utility providers to ensure available capacity. The Project is not anticipated to require or result in the construction of new or expanded electricity or natural gas facilities. Impacts would be less than significant.

18 Estimated project usage = 1,092,390 BTU/year represents 0.0000078 percent of total natural gas consumption for non-residential uses in 2018 (13,916,067,800,000 BTU)

To meet the operational requirements of the Project, installation and extension of additional electricity and natural gas lines would be required in the immediate vicinity of the Project Site. While the Project would require the extension of the electricity and natural gas existing facilities, construction would be minimal and finite, and would be conducted primarily by extending the existing path of electrical and natural gas lines. Design and sizing of all-electricity and natural gas infrastructures would support the Project and meet all relevant engineering requirements to the satisfaction of SCE, SoCalGas and the City. Because SCE and SoCalGas' long-term infrastructure planning takes local and regional general plans into account to plan for redevelopment and new developments, extending electrical and natural gas infrastructure to the Project Site would not result in system capacity problems, or result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. As such, the Project's operational-related impacts on SCE and SoCalGas' ability to provide adequate infrastructure would be less than significant.

Telecommunications

The Project would require connection to internet and telephone services. The City commonly pairs these services together as to minimize disruption of the area. Additionally, Fiber networks for high speed broadband require substantial trenching for conduit installation. The City encourages a "dig once" philosophy for construction activities to plan for orderly expansion, and also to help offset the cost of extraction. While a trench is open for any reason, one or more conduits are placed in the trench, either with or without fiber, for the future expansion of wireless facilities, communications, video surveillance, etc. Due to this, the Project would require minimal effort to hook up to existing telecommunication lines.

Both Spectrum and Frontier Communications, have existing lines located near the site and availability for an additional connection. The proposed Project would connect a 4-inch telephone line to the existing 5-inch telephone line near the northeast corner of the Project Site. A 3-inch cable line would be extended from the existing cable lines south of the Project Site. Both lines would end where the boards are located which is in the northwest of the proposed building.

Additionally, the proposed Project would be required to complete the design review process. Design plans will be approved through the City and with the involvement of appropriate regulatory agencies and utility providers to ensure available capacity. The Project is not anticipated to require or result in the construction of new or expanded telecommunications facilities. Impacts would be less than significant.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts on electricity, natural gas, and telecommunications and infrastructure are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Cumulative Impacts

As discussed above, the Project Site is surrounded by existing electrical, natural gas, and telecommunications infrastructure. The existing infrastructure and the currently available utility capacities are expected to exceed the electricity, natural gas, and telecommunication capacities required by the Project. The Project is not anticipated to require the construction of new or expanded electricity, natural gas, or telecommunication facilities. Any proposed projects or infrastructure upgrades would be required to complete design review and approval which includes the review of electricity, natural gas, and telecommunication plans. Design plans will be approved through the City and with the involvement of appropriate regulatory agencies and utility providers. Related projects would also be required to comply with these established processes and existing regulations. Therefore, cumulative impacts with respect to infrastructure would be less than significant.

C. MITIGATION MEASURES

No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts related to dry utilities including electricity, natural gas, and telecommunications would be less than significant.

This section of the Draft Environmental Impact Report (Draft EIR) addresses the potential impacts of the proposed In-N-Out Burger Restaurant Project (proposed Project) on the capacity of solid waste facilities. This section also discusses the active landfills, transfer stations, and diversion and recycling programs that currently serve regional solid waste disposal service needs. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. ENVIRONMENTAL SETTING

Existing Conditions

Solid Waste Services

The Riverside County (County) Waste Management Department (RCWMD) is responsible for the efficient and effective landfill disposal of nonhazardous county waste. To accomplish this, the RCWMD operates six active landfills and administers per contract 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.

All of the active landfills currently located in the County are rated as Class III landfills, which only accept nonhazardous, municipal solid wastes. The landfills within the County collect commercial and residential waste throughout the unincorporated areas of the County and also receive waste from incorporated cities within County limits. Solid waste not disposed directly into a landfill is deposited temporarily in several transfer stations throughout the County, then transferred to an available landfill. As part of its long-range planning, the RCWMD ensures that the County has a minimum of 15 years of landfill disposal capacity, at any time.

Solid waste services within the City of Rancho Mirage (City) are provided by Burrtec Waste and Recycling Services (Burrtec). Solid waste generated within the City is transported to one of three landfills and/or the Edom Hills Transfer Station, which is located in Cathedral City. The Edom Hills Transfer Station is closed for receiving solid waste but utilized for transferring and processing of solid waste materials. However, the transfer facility has a separate area for composting (construction/demolition and green materials) that has a maximum permitted throughput of 500 tons per day, and a permitted daily capacity of 10,221 cubic yards.¹ The three landfills facilities are further described as follows:

- **El Sobrante Landfill (33-AA-0217):** The local service areas for the El Sobrante Landfill typically include cities/communities within the southwestern section of the County, as well as multiple jurisdictions

¹ City of Rancho Mirage 2017 General Plan.

within the counties of Los Angeles, Orange, San Bernardino, and San Diego. According to Waste Management, Inc., the landfill's operator, it processes approximately 43 percent of the County's annual waste. It is located near the center of the highly populated western third of the County in Corona, California. This landfill is open 311 days out of the year and has a daily tonnage limit of 16,054 tons. This landfill has a current design capacity of 209.91 million tons and has a remaining capacity of 143.98 million tons; with an estimated closure date of 2051.² The daily average tons received for March 2020 was 10,478.05 tons.³

- **Lamb Canyon Sanitary Landfill (33-AA-0007):** This landfill receives waste from the entire Coachella Valley through the Edom Hill and Coachella Valley Transfer Stations. Lamb Canyon is open 311 days per year, has a daily tonnage limit of 5,000 tons, a current design capacity of 39.94 million tons, and a remaining capacity of 19.24 million tons; with an estimated landfill closure date of 2029.⁴ The daily average tons received for March 2020 was 1,785.40 tons.⁵
- **Badlands Sanitary Landfill (33-AA-0006):** As a regional disposal facility, the landfill is also permitted to receive waste from the cities and unincorporated communities of the Coachella Valley in the eastern portion of the County. This landfill is open 310 days per year, has a daily tonnage limit of 4,800 tons, a current design capacity of approximately 17.60 million tons, has an average intake of 1,667 tons per day; with an estimated landfill closure date of 2022.⁶

In 2018, the City generated 26,183 tons of waste.⁷ The INO Burger Restaurant Project Site (Project Site) is currently undeveloped and does not generate solid waste.

Regulatory Setting

Federal

Resource Conservation and Recovery Act (RCRA)

This law was enacted in 1976 and is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. The US Environmental Protection Agency (USEPA) oversees waste management regulation pursuant to Title 40 of the Code of Federal Regulations. Under RCRA, however, states are authorized to carry out many of the functions of the federal law through their own hazardous waste programs and laws if they are at least as stringent (or more so) than the federal regulations. Thus,

2 CalRecycle, SWIS Facility Detail, El Sobrante Landfill 33-AA-0217, Daily Landfilled Tonnage & Total Traffic by Site, <https://www2.calrecycle.ca.gov/swfacilities/Document/GetDocument/356033>.

3 CalRecycle, SWIS Facility Detail, El Sobrante Landfill 33-AA-0217, <https://www2.calrecycle.ca.gov/swfacilities/Directory/33-AA-0217>, Accessed April 2020.

4 CalRecycle, SWIS Facility Detail, Lamb Canyon Sanitary Landfill 33-AA-0007, <https://www2.calrecycle.ca.gov/swfacilities/Directory/33-AA-0007/>, Accessed April 2020.

5 CalRecycle, SWIS Facility Detail, Lamb Canyon Sanitary Landfill 33-AA-0007, Daily Landfilled Tonnage & Total Traffic by Site, <https://www2.calrecycle.ca.gov/swfacilities/Document/GetDocument/356286>, Accessed April 2020.

6 CalRecycle, SWIS Facility Detail, Badlands Sanitary Landfill 33-AA-0006, <https://www2.calrecycle.ca.gov/swfacilities/Directory/33-AA-0006/> Accessed April 2020.

7 CalRecycle, Single-Year Countywide Origin Detail, <https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Origin/CountywideDetail>.

the California Department of Resources Recycling and Recovery (CalRecycle) manages the State of California's solid waste and hazardous materials programs pursuant to USEPA approval.

State

CalRecycle

This State agency performs a variety of regulatory functions pursuant to California Code of Regulations (CCR) Title 27 and other rules. Among other things, CalRecycle sets minimum standards for the handling and disposal of solid waste designed to protect public health and safety, as well as the environment. It is also the lead agency for implementing the State of California municipal solid waste program deemed adequate by USEPA for compliance with RCRA.

Integrated Waste Management Act (AB 939)

The Integrated Waste Management Act (IWMA), introduced as Assembly Bill 939 (AB 939), was passed by the State Legislature in 1989 to reduce dependence on landfills for the disposal of solid waste and to ensure an effective and coordinated system for the safe management of all solid waste generated within California. With its passage, solid waste management practices were redefined to require California State's cities and counties to divert disposal of solid waste by 50 percent by the year 2000. It also required local governments to prepare and implement plans to improve waste resource management by integrating management principles that place importance on first reducing solid waste through source reduction, reuse, recycling, and composting before disposal at environmentally safe landfills or via transformation (e.g., regulated incineration of solid waste materials). These plans must also be updated every five years.

California's 75 Percent Recycling Initiative (AB 341)

On October 6, 2011, Governor Edmund G. Brown signed AB 341 establishing a State recycling goal of 75 percent by the year 2020. AB 341 makes "a legislative declaration that it is the policy goal of the State that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020." AB 341 requires a business, defined to include a commercial or public entity that generates more than 4 cubic yards of commercial solid waste per week or a multifamily residential dwelling of 5 units or more, to arrange for recycling services. Such business/commercial development must (1) source separate recyclable materials from the solid waste they are discarding; (2) either self-haul or arrange for separate collection of the recyclables; and (3) subscribe to a service that includes mixed-waste processing that yields diversion results comparable to source separation.

Construction and Demolition Waste Materials Diversion Requirements (SB 1374)

Construction and Demolition Waste Materials Diversion Requirements, passed in 2002, added Section 42912 to the California Public Resources Code (PRC). SB 1374 requires that jurisdictions include a summary of the progress made in diverting construction and demolition waste in their annual AB 939 report. The legislation also requires that CalRecycle adopt a model ordinance for diverting 50 to 75 percent of all construction and demolition waste from landfills.

Mandatory Commercial Organics Recycling (AB 1826)

In October 2014, Governor Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the State implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

California Green Building Standards Code (CALGreen)

Effective January 1, 2020, the State's Green Building Code, part of Title 24, the California Building Standards Code, requires developers of newly constructed buildings to develop a waste management plan to divert 65 percent of the construction waste generated by project construction.⁸ Builders or developers are required to submit a construction waste management plan to the appropriate jurisdiction's enforcement agency.

Regional and Local

Riverside County Integrated Waste Management Plan

The RCWMD manages and oversees compliance with a variety of permits necessary for the operation of their active landfills in the County. The Countywide Integrated Waste Management Plan (CIWMP) outlines and codifies the goals, policies, and programs the County and its cities are implementing to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates. The CIWMP is composed of the Riverside Countywide Summary Plan and the Riverside Countywide Siting Element, a Source Reduction and Recycling Element (SRRE), a Nondisposal Facility Element (NDFE), and a Household Hazardous Waste Element (HHWE) for the County and cities within the County. Each component provides information regarding solid waste and hazardous waste disposal and recycling.

⁸ California Building Standards Commission, *2019 California Green Building Standards Code Nonresidential*, Section 5.408, "Construction Waste Reduction, Disposal and Recycling" (January 2020).

City of Rancho Mirage General Plan

The City of Rancho Mirage General Plan, “Conservation and Open Space Element,” addresses the City’s solid waste and recycling. The City also offers cash incentives for recycling construction debris based on the percentage of solid waste diversion achieved by contractors building structures in Rancho Mirage. The City’s General Plan contains policies and programs that address and encourage reduction and recycling of solid waste materials within the City. The Project’s consistency with the General Plan is located in **Section 5.6: Land Use and Planning**.

City of Rancho Mirage Sustainability Plan

In March 2013, the City prepared a Sustainability Plan that develops and implements policies and programs that will reduce the City’s greenhouse gas (GHG) emissions. The Sustainability Plan addresses the major sources of emission in seven spheres of daily life including: living, building, governing, working, mobility, recreation, and learning. The Sustainability Plan addresses measures for solid waste including:

- **Solid Waste Diversion:** Increase solid waste diversion rate by an additional 10 percent to 88.8 percent by 2020 potentially through awareness programs, recognition, tiered rates structures, and other financial instruments.
- **Food Waste Composting at Restaurants:** Increase restaurant composting program for food waste to reach all restaurants that serve more than 100 meals per day.
- **Recyclable Take-Out Containers:** Promote/mandate take-out alternative containers to eliminate use of polystyrene packaging.

City of Rancho Mirage Municipal Code

Construction within the City is subject to Title 7, Chapter 7 “Natural Resources and Environmental Protection” of the Rancho Mirage Municipal Code (RMMC), which outlines the City’s requirements related to solid waste practices. These policies include measures requiring project applicants to develop a Project Construction and Demolition Debris Plan and mandating materials reuse and waste diversion to meet the requirements of AB 939, which is diverting 50 percent discarded materials from the landfill by December 31, 2000, and thereafter maintain or exceed that diversion.

B. ENVIRONMENTAL IMPACTS

Thresholds of Significance

To assist in determining whether a project would have a significant effect on the environment, the City utilizes the following CEQA Guidelines thresholds related to solid waste:

Threshold 5.10.4-1: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Threshold 5.10.4-2: Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Methodology

Information regarding the current intake capacity of each facility was gathered to determine if the existing transfer stations and landfills in the County could accommodate solid waste generated by the Project. Solid waste generation rates were estimated utilizing the solid waste generation factors in the California Emissions Estimator Model Version 2016.3.2, known as CalEEMod, the California Air Resources Board (CARB)–approved computer program model recommended by SCAQMD for use in the quantification of air quality emissions. CalEEMod provides estimates for solid waste generation which are calculated based on the square footage of the proposed Project, using default data found in CalEEMod for the proposed land use.

Project Impacts

Threshold 5.10.4-1: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste disposal and recycling services for the City are provided by Burrtec. As indicated in the will serve letter provided for the proposed Project, Burrtec will serve the Project Site (refer to **Appendix J: Burrtec Will Serve Letter**).

Construction

As noted in **Section 3.0: Project Description**, demolition of the existing improvements on the Project Site would occur over three weeks and would include removal of existing curb, gutter, and asphalt, vegetation, and other debris totaling approximately 68,000 square feet of demolition material. Assuming five days per week for demolition, this would assume approximately 13,600 square feet of debris per day over a 15-day period, prior to any recycling. Grading of the Project Site would occur subsequent to demolition activities and would only require 200 cubic yards of export of soil. As discussed above, the City's construction and demolition debris is transported to the Edom Hills Transfer Station, which has a daily permitted capacity of approximately 10,221 cubic yards. The proposed Project would contribute a minimal amount of demolition debris and soil export material over the 15-day demolition period. Further, in accordance with the City's Construction and Demolition Debris Recycling Ordinance 918, a Construction and Demolition

Debris Plan is required prior to the issuance of demolition permits, which would require the reuse, or recycle at least 50 percent of the discarded materials from demolition. This would equate to approximately 6,800 square feet of daily construction and demolition debris generated for the proposed Project.

This increase in solid waste due to demolition would be a one-time disposal and would not substantially impact the Edom Hills Transfer Station's ability to process construction and demolition debris. Therefore, the construction impacts on existing landfill capacities would be less than significant.

Operation

The Project Site is currently undeveloped and does not generate solid waste. The proposed Project would generate solid waste during the lifetime of the Project including organic matter and municipal solid waste. Additionally, the Project has plans for proper storage of solid waste, as well as a program designed to implement the composting of their organic matter.

The Project would include the construction of an approximately a 3,885-square foot building with high-turnover restaurant uses. As discussed in the **Methodology** subsection, the land use assumptions utilized in the air quality emission modeling also estimated solid waste generation. As shown in **Appendix D: Greenhouse Gas Emissions Model Output**, the proposed Project would generate approximately 47.06 tons of solid waste per year or 257.86 pounds per day.

The El Sobrante Landfill accepts a majority of the City's municipal solid waste and in March 2020 received an average of 10,478.05 tons per day. The daily tonnage limit of the El Sobrante Landfill is 16,054 tons, and as such, there is approximately 5,576 tons of available daily tonnage. The increase in solid waste generation would represent less than one-tenth of one percent of the total remaining daily capacity. Accordingly, there would be adequate capacity to accommodate the proposed Project's solid waste needs and would not generate solid waste in excess of State or local standards. Proposed Project development would have less than significant impacts on landfill disposal capacity at proposed Project buildout. Additionally, in future years, it is anticipated that the rate of declining landfill capacity would slow considering the City's current diversion rate and recycling programs undertaken by jurisdictions throughout the County.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For

purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts from solid waste generation are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

Threshold 5.10.4-2: Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Consistent with the City's Municipal Code, the construction and demolition debris generated during development of the proposed Project would require a minimum of 50 percent diversion from disposal at the Edom Hill Transfer Station. The Project would integrate regulatory compliance measures to reduce waste, including composting of organic materials as defined in AB 1826.⁹ As required by the City's Municipal Code, the proposed Project includes a roof covered trash building with a trash compactor. As discussed previously, the proposed Project would be operated in a manner that would be consistent with all source reduction and recycling goals set forth by the City to achieve compliance with the applicable regulatory plans consistent with the City's obligations under AB 939, including but not limited to the County's Solid Waste Integrated Resources Plan, City Code, and the City's Sustainability Plan by reducing solid waste disposal, composting organic waste, and providing alternative packaging for customers. The proposed Project would not have a significant impact on City waste diversion policies and would continue to comply with applicable City waste diversion programs. Therefore, the proposed Project would not conflict with these solid waste policies, objectives, and impacts associated with solid waste policies, and objectives would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts due to compliance with applicable regulations associated with solid waste are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

9 CalRecycle, Assembly Bill 1826, Ch. 727, Statutes of 2014. "<https://www.calrecycle.ca.gov/recycle/commercial/organics>" established 2014.

Cumulative Impacts

The Project and related projects would contribute to the cumulative amount of solid waste that is disposed of within the County landfill system during construction and operation. However, as discussed in **Existing Conditions** above, the RCWMD has accounted for landfill capacity in the County for at least 15 years. Construction waste from the development of the related projects combined with the proposed Project would result in the cumulative increase in inert construction waste, requiring landfill capacity. At least 50 percent of this construction debris would be reduced or recycled under City Ordinance 918. Only approximately 11 percent of construction and demolition debris would contribute to the daily permitted capacity of the Edom Hills Transfer Station over the course of 18 days. As mentioned previously, the three landfills that solid waste would be sent to have available daily capacity, as well as available long term capacity. Additionally, related Projects within the City would also be required to divert at least 50 percent of their construction debris. Related projects outside of the City would be required to divert or recycle construction and demolition debris prior to disposal at a landfill. Thus, cumulative construction impacts would be less than significant.

Cumulative impacts during operation of the Project, along with other related projects within the area, would generate waste that could be accommodated by existing landfills. Between the three landfills that accept solid waste in the County, there is an available daily capacity of approximately 11,924 tons. Based on the information provided above, the cumulative impacts of the Project would not exceed the available capacity at existing landfills. The City and other jurisdictions within the County are required to divert or recycle solid waste in accordance with State regulations to minimize disposal at the three existing landfills. These requirements will further reduce the cumulative impacts of solid waste produced. Therefore, due to available capacity and adherence to AB 939 and AB 341, where regulatory requirements are set to reduce solid waste generation within the State, cumulative impacts would be less than significant. In addition, related projects are also required to comply with applicable municipal codes. As such, foreseeable cumulative impacts to the existing landfills resulting from waste generated by the proposed Project and other related projects would be less than significant.

C. MITIGATION MEASURES

With adherence to and implementation of State and local waste permits, impacts to solid waste are less than significant. No mitigation measures are required.

D. LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required; impacts related to solid waste utilities would remain less than significant.

6.0 ALTERNATIVES

This section of the Draft Environmental Impact Report (Draft EIR) provides a comparative analysis of the environmental effects of alternatives to the In-N-Out Burger Restaurant Project (proposed Project). This analysis has been prepared in accordance with the guidance provided by the California Environmental Quality Act (CEQA). CEQA requires that an environmental impact report (EIR) describe a range of reasonable alternatives to the project, or to the location of the project, that would feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant environmental impacts of the project. An EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. This section identifies and describes alternatives to the proposed Project, evaluates the environmental impacts that would result from each of these alternatives, and compares these with the proposed Project, as required by CEQA.

Key provisions of the State CEQA Guidelines¹ relating to this alternatives analysis are summarized below:

- The discussion of alternatives shall focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be costlier.
- The No Project Alternative shall be evaluated along with its impact. The No Project analysis shall discuss the existing conditions at the time the notice of preparation is published. Additionally, the analysis shall discuss what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.
- If the project is a development project on an identifiable property, the No Project Alternative is the circumstance under which the project does not proceed. Discussion of this alternative shall compare the environmental effects of the property remaining in its existing state to the environmental effects that would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this No Project consequence should be discussed. In certain instances, the No Project Alternative means “no build,” wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical results of not approving the project rather than create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.²

1 California Code of Regulations, tit. 14, CEQA Guidelines, sec. 15126.6.

2 CEQA Guidelines, sec. 15126.6.

- The range of alternatives required in an EIR is governed by a “rule of reason”; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.³
- The range of feasible alternatives to a proposed Project is to be selected and discussed in a manner that fosters meaningful public participation and informed decision-making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternative site.⁴

As described in **Section 3.0: Project Description**, the City of Rancho Mirage (City) is considering an application to develop a 3,885-square-foot restaurant with drive-through on approximately 1.52 acres in the Rancho Las Palmas Shopping Center (Project Site) located in the southeastern portion of Rancho Mirage. Construction for the restaurant would be completed in a single phase and would take approximately 7 months. Implementation of the proposed Project would require the implementation of the following proposed actions:

- Approval of a Zoning Text Amendment which seeks to modify allowable uses in the Neighborhood Commercial and General Commercial Zones in order to consider fast-food restaurants with a Conditional Use Permit in a large-scale shopping center;
- Approval of a zone text amendment to Section 17.90.020, "Definitions of specialized terms and phrases" of Title 17, "Zoning" of the Rancho Mirage Municipal Code be amended to include the definition of a large-scale shopping center, which reads as follows: A "Large Scale Shopping Center" is a comprehensively planned shopping center comprising 15 acres or more;
- Approval of the Conditional Use Permit;
- Approval of a Development Agreement; and
- Approval of Preliminary and Final Development Plans for Project development.

³ CEQA Guidelines, sec. 15126.6(f)(3).

⁴ CEQA Guidelines, sec. 15126.6(f)(1).

Section 5.0: Environmental Impact Analysis of this EIR concludes that all of the potential environmental impacts of the proposed Project will either not be significant or less than significant, except for tribal cultural resources.

A. PROJECT OBJECTIVES

The State CEQA Guidelines require an EIR to include a statement of objectives that addresses the underlying purpose of the proposed Project. Pursuant to the State CEQA Guidelines,⁵ the following objectives have been identified for the proposed Project:

- Develop and revitalize an infill site near major transportation corridors with a restaurant use that is consistent with other drive-through uses consistent with the City's large scale shopping center land use and zoning designation;
- Incorporate a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center;
- Provide a restaurant with a drive-through in compliance with the City's regulations and plans, including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials;
- Provide an iconic restaurant with a drive-through located mid-Valley along Highway 111 that allows the general public living, working, or visiting the City a location more convenient than the other In-N-Out Burger restaurant locations within the Valley; and
- Provide a project that will invigorate the local economy, employment, and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis.

B. ALTERNATIVES CONSIDERED AND ELIMINATED FROM FURTHER CONSIDERATION

The State CEQA Guidelines⁶ requires an EIR to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible and to briefly explain the reasons underlying the Lead Agency's determination. The State CEQA Guidelines states the following:

The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination...Among the factors that may be used to

⁵ CEQA Guidelines, sec. 15124(b).

⁶ CEQA Guidelines, sec. 15126.6(c).

eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Alternate sites were initially considered for further evaluation in this EIR based on the potential to reduce or eliminate the environmental effects identified for the proposed Project. The following alternative sites were considered and rejected from further consideration.

Alternative Sites

The City initially considered alternative sites for the proposed Project in accordance with CEQA. The City has approximately 336 acres zoned for either Neighborhood Commercial (C-N) or General Commercial (CG) uses. A majority of this land is already developed and there are few locations that are completely undeveloped. No other locations within the City that include an already graded pad and parking lot where the proposed Project could be built are readily available. Furthermore, no significant and unavoidable impacts were identified and moving the drive-through restaurant would not result in substantially different impact conclusions of the proposed Project. Other developed locations in the City would require demolition of existing structures which would result in potentially significant new construction impacts. Other areas along Highway 111 could accommodate the proposed Project. However, the commercial uses along Highway 111 are regulated by the Highway 111 Specific Plan which does not permit drive-through restaurants. Additionally, the zone text amendment would not apply to the Highway 111 Specific Plan and the majority of the commercial centers along Highway 111 are less than 15 acres in size. Based on the above, an alternative site is not considered feasible as it would fail to achieve the basic proposed Project objectives and would not reduce the proposed Project's less than significant impacts without or with mitigation. Further, the Project Applicant does not own or control an alternative location within the City or adjacent cities that could accommodate the proposed Project. Thus, an alternative location was considered and rejected.

C. ALTERNATIVES EVALUATED IN DETAIL

Even though the EIR concludes that the proposed Project will not have any significant effects on the environment except for unknown tribal cultural resources, the City identified three alternatives to the proposed Project for analysis in accordance with CEQA requirements. The following alternatives were selected for evaluation in this EIR:

1. Alternative 1—No Project/No Development
2. Alternative 2—Alternative Commercial Development
3. Alternative 3—No Drive-Through

A more detailed description of each of these alternatives is provided below.

D. EVALUATION OF ALTERNATIVES

A comparison of the impacts of the proposed Project and the alternatives selected for further evaluation is provided in this section for each of the environmental topics addressed in the Draft EIR. This comparison of impacts assumes, for each topic, that similar regulations identified in this Draft EIR for the Project would also be incorporated into the alternatives.

- Nonsignificant environmental impacts of the alternative and the proposed Project are compared for each environmental issue area as follows:
 - Less or Reduced: Where the impact of the alternative would be clearly less adverse or more beneficial than the impact of the proposed Project, the comparative impacts is said to be “less or reduced.”
 - Greater: Where the impact of the alternative would clearly be more adverse than that of the proposed Project, the comparative impact is said to be “greater.”
 - Similar: Where the impact of the alternative and proposed Project would be roughly equivalent, the comparative impact is said to be “similar.”

Each alternative is evaluated separately in the following pages. **Table 6.0-1: Summary Comparison of Impacts Associated with the Proposed Project and the Alternatives** provides a summary matrix that compares the impacts associated with the proposed Project with the impacts of each of the analyzed alternatives and is provided at the end of the section to improve readability.

In accordance with the State CEQA Guidelines, the discussion of the environmental effects of the alternatives in an EIR may be less detailed than provided for in the proposed Project but should be sufficiently detailed to allow meaningful evaluation, analysis, and comparison with the proposed Project.⁷

Alternative 1—No Project/No Development

Alternative Description

Section 15126.6(e) of the CEQA Guidelines states: “the No Project/No Build Alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, under the No Project/No Development Alternative (Alternative 1), the Project Site would remain in its current and existing condition. The developed pad would remain and the site would remain underdeveloped and the existing environmental conditions would be maintained.

⁷ California Code of Regulations, tit. 14, CEQA Guidelines sec. 15126.6(d).

However, this Alternative must also consider what would be reasonably expected to occur in the foreseeable future if the proposed Project were not approved. The site previously had a 7,000-square-foot building approved and it's reasonable to expect that absent this project, or denial of the proposed Project, a similar proposal would be made against 15126.6(e)(3)(B) and subsection (C). It is foreseeable that a restaurant like the prior 7,000-square-foot proposal would be proposed again; thus, it is analyzed in the Alternative Commercial Development (Alternative 2) below.

Comparative Impact Evaluation

Aesthetics

Under the No Project/No Development Alternative, the Project Site would remain underdeveloped with a development pad and surface parking. Alternative 1 would not add new lighting to the site and thus would not affect daytime or nighttime views in the area. Alternative 1 would not change the existing characteristics of the Project Site or affect the physical environment of the surrounding area in any way that could degrade visual character or quality. Overall, neither Alternative 1 nor the proposed Project would result in any aesthetics impacts. Therefore, no impacts related to aesthetics would occur under Alternative 1, and impacts would be reduced when compared to those of the proposed Project, which would be less than significant.

Air Quality

Under the Alternative 1, construction would not occur and the Project Site would remain vacant with a development pad and surface parking. Moreover, Alternative 1 would not include development of the restaurant uses; thus no new operational emissions related to vehicular traffic or the consumption of electricity and natural gas that would occur as the Project Site would remain vacant. As such, Alternative 1 would reduce the proposed Project's less than significant regional and localized air quality impacts.

Geology and Soils

Under Alternative 1, no construction or ground disturbance would occur on the Project Site and the temporary impacts associated with construction of the proposed Project would be avoided under this Alternative. Like the proposed Project, Alternative 1 would not exacerbate any seismic or geologic hazards associated with seismicity, erosion, or unstable soils. Overall, neither the proposed Project nor Alternative 1 would create any significant impacts. Therefore, impacts under Alternative 1 would be reduced when compared to the proposed Project's less than significant impacts.

Greenhouse Gas Emissions

No construction activities or construction related vehicle trips would occur with this Alternative, and accordingly greenhouse gas emissions (GHGs) related to temporary construction activities would be

avoided. As the proposed Project would not be built or operated, GHGs from operation of the proposed Project would also be avoided. As Alternative 1 would not result in significant impacts related to GHGs, impacts would be reduced when compared to those of the proposed Project's less than significant impacts.

Hydrology and Water Quality

Under this Alternative, the Project Site would remain in its current condition, and no grading or development would occur. Existing stormwater flows across the Project Site would continue to occur and the existing hydrologic and drainage patterns would remain unchanged. Hydrology and water quality impacts during construction of the Project would not occur.

The Project Site is within the Rancho Las Palmas Shopping Center, which was recently renovated in two phases between 2015 and 2017. The drainage design for the Project Site was designed to conform to the City approved drainage design for the Rancho Las Palmas Shopping Center. Although the proposed Project development would include construction of drainage and water quality improvements on-site that would conform to the approved drainage design for the Rancho Las Palmas Shopping Center to ensure that impacts associated with hydrology during proposed Project operation would be less than significant, impacts under this Alternative would not occur and thus would be less than the proposed Project. While the proposed Project would result in less than significant impacts, impacts under Alternative 1 would be similar to those when compared to those of the proposed Project.

Land Use and Planning

Under the No Project/No Development Alternative, the Project Site would not be developed and therefore would not require a zone text amendment to allow for drive through uses. The Project Site would not be developed in accordance with General Plan and the site would remain vacant and underutilized. Under Alternative 1, there would be no development on the Project Site that might improve the City's economic base, nor would the site complement the existing pattern and scale of development across the City. Impacts under this Alternative would be considered incrementally greater; however, because the Project Site would still have the potential to be developed at a later date, impacts would remain less than significant.

Noise

Under Alternative 1 construction would not occur and potential temporary noise impacts from construction would be avoided. Moreover, no operational noise impacts would occur as the Project Site would remain vacant and there would be no increase in traffic. Therefore, construction and operational impacts associated with Alternative 1 would be reduced when compared to the proposed Project's less than significant impacts.

Public Services (Fire and Emergency Services and Police Services)

Under Alternative 1, the Project Site would not be developed and would remain vacant with an existing development pad and surface parking spaces and no new employees or patrons would be introduced to the Project area. Alternative 1 would not increase demands for fire, emergency, or police facilities and services such that physical facilities for these service providers would need to be expanded. No impacts to public services would occur under this Alternative, and impacts would be reduced when compared to the less than significant impacts of the proposed Project.

Transportation

Under Alternative 1, construction would not occur, and therefore, there would be no short term (construction) or additional long-term (operational) vehicle trips that would be generated on roadways adjacent to the Project Site. Therefore, Alternative 1 would have no construction or operation-related traffic impacts. Thus, transportation impacts would be reduced when compared to the proposed Project's less than significant impacts.

Tribal Cultural Resources

Alternative 1 would not result in significant impacts to tribal cultural resources because no construction or ground disturbance of the Project Site would occur. This alternative would avoid the potential to disturb any potential resources of cultural significance such as Native American archaeological resources or human remains. Therefore, impacts to tribal cultural resources would be reduced when compared to those of the proposed Project, which would be less than significant with mitigation.

Utilities and Services Systems

Under Alternative 1, development of the Project Site would not occur. There would be no increase in demand on water supplies, no increase in demand on wastewater treatment, no demand for electricity, natural gas, and communication services and infrastructure, and no solid waste would be generated under this Alternative. Even though the proposed Project would not have any significant impacts related to utilities and service systems, impacts under this Alternative would be reduced when compared to the less than significant impacts of the proposed Project.

Alternative 2—Alternative Commercial Development

Alternative Description

The shopping center was originally approved in 1978 and was redeveloped in 2015. With the most recent upgrade, the center went through a large amount of demolition, reconstruction, and re-facing. The redevelopment of the Project Site included the demolition of the 5,470-square-foot sit-down restaurant that previously occupied the subject site. The 2014 development package for the center received approval

for a 7,000-square-foot building, known as "Building K," to be built on the subject site. The pad was prepared for development with the revitalization of the rest of the center but the proposed "Building K" was never built. The Alternative Commercial Development (Alternative 2) assumes that the Project Site would be developed with a 7,000-square-foot building occupied by a full-service restaurant. The restaurant may result in a longer amount of time spent on the Project Site and could represent a reduced customer turnover frequency.

Comparative Impact Evaluation

Aesthetics

Under Alternative 2, a restaurant building would be developed on the Project Site that would be nearly twice the size of the proposed Project, but without a drive-through component. This building would be developed to be visually consistent with the City's design guidelines and the surrounding uses. Alternative 2 would also result in a similar landscape designs as the proposed Project. Lighting would be added to the Project Site, but such lights would comply with City lighting regulations similar to the proposed Project. As this Alternative would develop a building that would have a larger footprint and mass on the Project Site, Alternative 2 would result in greater visual impacts when compared to the less than significant impacts of the proposed Project.

Air Quality

Under Alternative 2, a restaurant building would be developed that would be almost twice the size of the proposed Project but would not have a drive-through component. Construction activities under Alternative 2 would be greater in scale compared to the proposed Project due to the increase in floor area that would occur under Alternative 2. As with the proposed Project, construction of this Alternative would generate air emissions through the use of heavy-duty construction equipment as well as from off-site construction worker travel. While the overall amount of building construction would be greater than that of the proposed Project over the entire duration of the construction period, regional and local construction air quality impacts would be similar on days when maximum construction activities occur. As such, construction under Alternative 2, as with the proposed Project, would generate the same level of air quality impacts through the use of heavy-duty construction equipment as well as from off-site worker travel during maximum daily conditions. Thus, construction-related regional and localized daily impacts under Alternative 2 would be similar to the less than significant impacts of the proposed Project during maximum daily conditions, although total emissions associated with full buildout of Alternative 2 would be somewhat increased due to the increase in total floor area under Alternative 2.

Under Alternative 2, no idling of cars would occur and there would also be fewer customers and fewer vehicle trips to the Project Site. As vehicular emissions depend on the number of trips, vehicular sources

would have a decrease in air emissions compared to the proposed Project. With the increase in restaurant square footage, both area sources and stationary sources would generate more on-site operational air emissions as compared to the proposed Project. As regional emissions are primarily generated by vehicle trips, the less than significant regional emissions under Alternative 2 would be reduced when compared to the proposed Project's less than significant impacts.

Alternative 2 impacts with regard to consistency with air quality plans and odors would be similar to those of the proposed Project and less than significant.

Geology and Soils

Under the Alternative Commercial Development, a restaurant building would be developed that would be almost twice the size of the proposed Project but would not have a drive-through component. Alternative 2 would involve comparable construction activities, including grading for the development of the restaurant and would result in similar impacts related to erosion and sedimentation on the Project Site. Any future development within the Project Site would have to comply with the most current California Building Code (CBC) requirements for seismicity, liquefaction, subsidence, and expansive soils. Alternative 2 would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) pertaining to erosion control plans. Similar to the proposed Project, Alternative 2 would not exacerbate any seismic or geologic hazards associated with seismicity, erosion, or unstable soils. For this reason, the geology and soils impacts of this Alternative would be similar to the proposed Project. Overall, neither the proposed Project nor the Alternative Commercial Development Alternative would create any significant impacts. Therefore, the Alternative 2 would be similar to the proposed Project and would result in less than significant impacts.

Greenhouse Gas Emissions

Alternative 2 would involve slightly more building construction due to the larger sized building, which would slightly increase construction GHG emissions. Operational emissions would also be less than the proposed Project because the site would not have a drive-through lane, fewer cars would be idling on-site, and customer turnover would be reduced. Similar to the proposed Project, Alternative 2 would not conflict with any applicable plans and would comply with the current Building Energy Efficiency Standards and CALGreen, would redevelop the site, and would not cause cumulative impacts to GHG emissions. Overall, the Alternative 2 would result in incrementally less impacts to GHG emissions compared to the proposed Project, and impacts would be less than significant.

Hydrology and Water Quality

Construction activities under Alternative 2 would involve temporary surface water runoff and water quality impacts. However, compliance with construction-related water quality regulations, similar to those

of the proposed Project, would minimize surface water runoff from the Project Site and reduce degradation of surface water runoff and water quality impacts in compliance with the National Pollutant Discharge Elimination System (NPDES) Program.

Alternative 2 would develop a larger building on the Project Site. However, Alternative 2 would maintain existing drainage patterns and existing infiltration dry wells that were installed as part of the Rancho Las Palmas project. Thus, Alternative 2 would have similar impacts as the proposed Project to hydrology, drainage, water quality, groundwater, and flood hazards due to the impervious nature of parking lots and design of the existing infiltration dry well system for the shopping center. Overall, Alternative 2 would result in similar less than significant impacts to hydrology and water quality as the proposed Project.

Land Use and Planning

Alternative 2 would develop a building that would be almost twice the size of the proposed Project for sit-down restaurant (no drive-through) uses. The existing zone designation permits restaurant uses. Although the building would be larger under Alternative 2, this Alternative would be consistent with the existing land use designation and zoning for the Project site and would not need a zone text amendment or a conditional use permit. This building would be developed to be visually consistent with the City's design guidelines and the surrounding uses, as well as a similar landscape design as the proposed Project. Additionally, although this Alternative would involve increased development on-site, this development would not divide an established community or conflict with land use policies or a habitat conservation plan. Therefore, the land use and planning impacts would be less than significant and reduced when compared to the proposed Project.

Noise

Total new construction under Alternative 2 would be approximately 44 percent greater than the proposed Project in terms of total floor area. Accordingly, the building footprint and massing would be greater than the proposed Project. As such, the amount and location of on-site grading would be greater under Alternative 2 than the proposed Project. While these changes in construction would occur under Alternative 2, maximum daily construction activities under Alternative 2 would be similar to those of the proposed Project. As such, construction under Alternative 2, as with the proposed Project, would generate similar levels of construction noise and vibration impacts through the use of heavy-duty construction equipment as well as from off-site worker travel. Thus, construction noise impacts under Alternative 2 would be similar to those of the proposed Project and would be less than significant during on-site construction, although, in comparison to the proposed Project, the duration of noise impacts for receptors affected by construction within the Project Site would be increased due to the increase in development that would occur with the proposed Project.

Operational vehicle trips associated with Alternative 2 would result in fewer daily trips when compared to the proposed Project, therefore long-term operational noise generated by traffic under this Alternative would decrease. Impacts related to operational roadway noise would be less than those under the proposed Project, however, impacts would remain less than significant.

Single noise events from parking lots and deliveries could be an annoyance to surrounding residents during certain time periods such as evening and morning hours. Similar to the proposed Project, sound attenuation measures be incorporated into the design of stationary noise sources in accordance with City standards to minimize noise levels which would reduce noise impacts to a less than significant level. Noise impacts under this Alternative from stationary sources would be similar to the proposed Project and impacts would remain less than significant.

Overall, operational noise and vibration impacts under Alternative 2 would be less than significant and less than the proposed Project's less than significant impacts.

Public Services (Fire and Emergency Services and Police Services)

Under Alternative 2, the Project Site would be developed with a 7,000-square-foot building that would be designated for sit-down restaurant uses and would not include a drive-through component. Alternative 2, like the proposed Project, would increase demand on the County Fire Department for fire and emergency services and the County Sheriff's Department for law enforcement services due to the development of a restaurant use on the site. Under this Alternative, the development would comply with the most current adopted fire and building codes and standards and all applicable development impact fees would be paid to the appropriate jurisdiction. Similar to the proposed Project, the Alternative would not increase demands for fire, emergency, or police facilities and services such that physical facilities for these service providers would need to be expanded, and impacts would be less than significant. Thus, impacts under Alternative 2 would be similar to the proposed Project, which would also be less than significant.

Transportation

Under the Alternative Commercial Development, the Project Site would be developed with a building almost twice the size at the proposed Project, without the drive-through component. However, the sit-down restaurant use under this Alternative would result in fewer daily customers and fewer trips to the Project Site. Since impacts to study intersections associated with the proposed Project would be less than significant, the decrease in trips associated with this Alternative would also not significantly impact study intersections. Even though the proposed Project would not have any significant impacts relating to traffic, impacts under this Alternative would be reduced when compared to the proposed Project, which would be less than significant.

Tribal Cultural Resources

Construction of the Project would involve comparable construction activities, including grading for the development of the restaurant similar to the proposed Project. Alternative 2 would result in similar ground disturbing activities compared to the Project as overall excavation depths would be similar. Thus, Alternative 2 would result in similar impacts to unknown tribal cultural resources within the Project Site when compared to the Project. Alternative 2 would also implement comparable mitigation as the proposed Project to prevent adverse effects to any unknown tribal cultural resources. Impacts related to tribal cultural resources would be less than significant under Alternative 2 with implementation of comparable mitigation as the proposed Project. These impacts under Alternative 2 would be similar when compared to those of the proposed Project, which would also be less than significant with implementation of the recommended mitigation measure.

Utilities and Services Systems

Alternative 2 would result in a building that would be approximately 7,000 square feet in size and greater than the proposed Project. Therefore, under this Alternative there would be a greater number of employees and a greater demand on water, generation of wastewater, and generation of solid waste. Compared to the proposed Project, this Alternative would have increased impacts to water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity; and regulations governing solid waste disposal, storm drainage, and energy supplies and infrastructure. Overall, impacts to utilities and service systems under this Alternative would be less than significant, however, they would be potentially greater than those of the proposed Project, which would also be less than significant.

Alternative 3—No Drive-Through

Alternative Description

Under the No Drive-Through Alternative the proposed 3,885-square-foot building would be developed but it would not include a drive-through. Without the drive-through lane, the site plan could be reconfigured to add parking spaces in addition to the 75 spaces included in the proposed Project. Without a drive-through component, all customers would park their cars and enter the restaurant, rather than remaining in their cars and using the drive-through, in a manner akin to a "fast-casual" restaurant. For some customers, this may result in a longer amount of time spent on the Project Site and could represent a reduced customer turnover frequency.

Comparative Impact Evaluation

Aesthetics

Under the No Drive-Through Alternative, the restaurant would be 3,885 square feet in size, similar to proposed Project, but without the drive through component. Alternative 3 would have a similar building façade to the proposed Project; however, there would not be drive-through signage and lighting added to the site. This building would be developed to be visually consistent with the City's design guidelines and the surrounding uses. Alternative 3 would also result in a similar landscape designs as the proposed Project. Lighting would be added to the Project Site, but such lights would comply with City lighting regulations similar to the proposed Project. Overall, neither the proposed Project nor the No Drive-Through Alternative would result in significant aesthetics impact; however, the No Drive-Through Alternative would be incrementally less when compared to the proposed Project.

Air Quality

Under Alternative 3, the building would be developed mostly the same as the proposed Project, but without the drive through component. Construction activities under Alternative 3 would be incrementally less when compared to the proposed Project due to not building the drive through component. As with the proposed Project, construction of this Alternative would generate air emissions through the use of heavy-duty construction equipment as well as from off-site construction worker travel. While the overall amount of building construction would be less than that of the proposed Project over the entire duration of the construction period, regional and local construction air quality impacts would be similar on days when maximum construction activities occur. As such, construction under Alternative 3, as with the proposed Project, would generate the same level of air quality impacts through the use of heavy-duty construction equipment as well as from off-site worker travel during maximum daily conditions. Thus, construction-related regional and localized daily impacts under Alternative 3 would be similar to the less than significant impacts of the proposed Project during maximum daily conditions, although total emissions associated with full buildout of Alternative 3 would be somewhat decreased due to not building the drive through.

Under Alternative 3, operational impacts would be similar to those of the proposed Project. However, no idling of cars would occur and there would also be fewer customers and fewer vehicle trips to the Project Site. As vehicular emissions depend on the number of trips, vehicular sources would have a decrease in air emissions compared to the proposed Project. As regional emissions are primarily generated by vehicle trips, the less than significant regional emissions under Alternative 3 would be reduced when compared to the proposed Project's less than significant impacts.

Alternative 3 impacts with regard to consistency with air quality plans and odors would be similar to those of the proposed Project and less than significant.

Geology and Soils

Under the No Drive Through Alternative, a similarly sized restaurant building would be developed to the proposed Project, but without the drive through component. Alternative 3 would involve comparable construction activities, including grading for the development of the restaurant and would result in similar impacts related to erosion and sedimentation on the Project Site. Any future development within the Project Site occurring would have to comply with the most current CBC requirements for seismicity, liquefaction, subsidence, and expansive soils. Alternative 3 would also be required to develop and implement a SWPPP pertaining to erosion control plans. Similar to the proposed Project, this Alternative would not exacerbate any seismic or geologic hazards associated with seismicity, erosion, or unstable soils. For this reason, the geology and soils impacts of this Alternative would be similar to the proposed Project. Overall, neither the proposed Project nor the No Drive Through Alternative would create any significant impacts. Therefore, the Alternative 3 would be similar to the proposed Project and would result in less than significant impacts.

Greenhouse Gas Emissions

Compared to the proposed Project, the No Drive-Through Alternative would involve slightly less building construction due to the absence of a drive-through lane, which would slightly reduce construction GHG emissions. Operational emissions would also be less than the proposed Project because the site would not have a drive-through lane, fewer cars would be idling on-site, and customer turnover would be reduced. Similar to the proposed Project, the No Drive-Through Alternative would not conflict with any applicable plans and would comply with the current Building Energy Efficiency Standards and CALGreen, would redevelop the site, and would not cause cumulative impacts to GHG Emissions. Overall, the No Drive-Through Alternative would result in incrementally less GHG emissions impacts compared to the proposed Project's less than significant impacts.

Hydrology and Water Quality

Construction activities under this Alternative would involve temporary surface water runoff and water quality impacts. However, compliance with construction-related water quality regulations, similar to those of the proposed Project, would minimize surface water runoff from the Project Site and reduce degradation of surface water runoff and water quality in compliance with the NPDES Program.

Alternative 3 would result in the development of a similarly sized restaurant as the proposed Project on the Project Site. Alternative 3 would also maintain existing drainage patterns and existing infiltration dry wells that were installed as part of the Rancho Las Palmas Shopping Center renovations. Thus, Alternative

3 would have similar impacts as the proposed Project to hydrology, drainage, water quality, groundwater, and flood hazards due to the impervious nature of parking lots and design of the existing infiltration dry well system for the shopping center. Overall, Alternative 3 would result in similar less than significant impacts to hydrology and water quality as the proposed Project.

Land Use and Planning

Alternative 3 would develop a similarly sized restaurant as the proposed Project, but without drive through uses. The No Drive-Through Alternative would replace the drive-through with additional parking spaces. This alternative would involve similar development that would not divide an established community or conflict with land use policies or a habitat conservation plan. Additionally, this alternative would not require a zone text amendment or conditional use permit to allow for drive through fast food restaurant uses within the C-N and C-G zones. Therefore, the land use and planning impacts would be less than significant, albeit slightly reduced when compared to the proposed Project.

Noise

Under the No Drive-Through Alternative, construction timeframes would be shortened because the drive-through would not be included. While these changes in construction would occur under Alternative 3, maximum daily construction activities under Alternative 3 would be similar to those of the proposed Project. As such, construction under Alternative 3, as with the proposed Project, would generate similar levels of construction noise and vibration impacts through the use of heavy-duty construction equipment as well as from off-site worker travel. Thus, construction noise impacts under Alternative 3 would be similar to those of the proposed Project and would be less than significant during on-site construction.

Operational vehicle trips associated with Alternative 3 would result in fewer daily trips when compared to the proposed Project, therefore long-term operational noise generated by traffic under this Alternative would decrease. Impacts related to operational roadway noise would be less than those under the proposed Project, however, impacts would remain less than significant.

Single noise events from parking lots and deliveries could be an annoyance to surrounding residents during certain time periods such as evening and morning hours. Similar to the proposed Project, sound attenuation measures would be incorporated into the design of stationary noise sources in accordance with City standards to minimize noise levels which would reduce noise impacts to a less than significant level. Noise impacts under this Alternative from stationary sources would be similar to the proposed Project and impacts would remain less than significant.

Overall, operational noise and vibration impacts under Alternative 3 would be less than significant and less than the proposed Project's less than significant impacts.

Public Services (Fire and Emergency Services and Police Services)

Under the No Drive-Through Alternative, the Project Site would be developed with a similarly sized restaurant building, but without the drive through component. Alternative 3, like the proposed Project, would increase demand on the County Fire Department for fire and emergency services and the County Sheriff's Department for law enforcement services due to the development of a restaurant use on the site. Under this Alternative, the development would comply with the most current adopted fire and building codes and standards and all applicable development impact fees would be paid to the appropriate jurisdiction. Similar to the proposed Project, the No Drive-Through Alternative would not increase demands for fire, emergency, or police facilities and services such that physical facilities for these service providers would need to be expanded. Overall, impacts related to fire protection, emergency medical services, and police services under Alternative 3 would be less than significant and impacts under Alternative 3 would be similar to the proposed Project, which would also be less than significant.

Transportation

Under the No Drive-Through Alternative, the Project Site would be developed with a similarly sized building as the proposed Project, without the drive-through component. However, without the drive through component, this Alternative would result in fewer daily customers and fewer trips to the Project Site. Since impacts to study intersections associated with the proposed Project would be less than significant, the decrease in trips associated with this Alternative would also not significantly impact study intersections. Even though the proposed Project would not have any significant impacts relating to traffic, impacts under this Alternative would be incrementally reduced than those under the proposed Project, which would be less than significant.

Tribal Cultural Resources

Construction of the Project would involve comparable construction activities, including grading for the development of a similarly sized restaurant as the proposed Project. Alternative 3 would result in similar ground disturbing activities compared to the Project as overall excavation depths would be similar. Thus, Alternative 3 would result in similar impacts to unknown tribal cultural resources within the Project Site when compared to the Project. Alternative 3 would also implement comparable mitigation as the proposed Project to prevent adverse effects to any unknown tribal cultural resources. Impacts related to tribal cultural resources would be less than significant under Alternative 3 with implementation of comparable mitigation as the proposed Project. These impacts under Alternative 3 would be similar when compared to those of the proposed Project, which would also be less than significant with implementation of the recommended mitigation measure.

Utilities and Services Systems

Alternative 3 would result in a similarly sized restaurant building as the proposed Project. However, there would be no drive through component which would ultimately result in slightly fewer customers and a reduced demand on water, generation of wastewater, and generation of solid waste. Compared to the proposed Project, this Alternative would have slightly reduced demand on water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity; and regulations governing solid waste disposal, storm drainage, and energy supplies and infrastructure. Overall, impacts to utilities and service systems under this Alternative would be less than significant, however, they would be reduced than those of the proposed Project, which would also be less than significant.

E. OBJECTIVES ASSESMENT

As previously mentioned and identified in **Section 3.0** of this Draft EIR, the objectives of the proposed Project are as follows:

- Develop and revitalize an infill site near major transportation corridors with a restaurant use that is consistent with other drive-through uses consistent with the City's large scale shopping center land use and zoning designation;
- Incorporate a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center;
- Provide a restaurant with a drive-through in compliance with the City's regulations and plans, including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials;
- Provide an iconic restaurant with a drive-through located mid-Valley along Highway 111 that allows the general public living, working, or visiting the City a location more convenient than the other In-N-Out Burger restaurant locations within the Valley; and
- Provide a project that will invigorate the local economy, employment, and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis.

Alternative 1—No Project/No Development Alternative

The No Project Alternative would result in mostly reduced environmental effects compared to the proposed Project's less than significant impacts. However, Alternative 1 would result in similar hydrology and water quality impacts and greater land use impacts. No new development or land uses would be introduced on the Project Site under Alternative 1, and the existing site would continue to remain with a

development pad and surface parking lot. As such, Alternative 1 would not meet any of the proposed Project's objectives.

The No Project Alternative would not develop and revitalize an infill site, enhance the aesthetic appeal of the Project Site, provide an iconic restaurant with a drive-through, or provide a project that will invigorate the local economy, employment, and business opportunities through project construction and through the substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis. As a result, Alternative 1 would not achieve any of the proposed Project objectives or the underlying purpose which is to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City's large-scale shopping center General Plan land use and zoning designation.

Alternative 2—Alternative Commercial Development

As previously described, implementation of Alternative 2 assumes that the Project Site would be developed with a 7,000-square-foot building occupied by a full-service restaurant. The Alternative Commercial Development Alternative would result in greater impacts to aesthetics and utilities and service systems; similar impacts to geology and soils, hydrology and water quality, public services, and tribal cultural resources; and reduced impacts to air quality, greenhouse gases, land use and planning, noise, and transportation when compared to the proposed Project's less than significant impacts.

While Alternative 2 would develop a full service restaurant consistent with the existing land use and zoning designations at the Project Site, the full service restaurant would not offer a drive-through use consistent with the City's large scale shopping center. Thus, the Alternative would not meet this objective.

Alternative 2 would include developing and revitalizing an infill site and incorporating a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center. Accordingly, the Alternative meets this objective.

The Alternative Commercial Development would not provide a restaurant with a drive-through; however, the alternative would provide a restaurant in compliance with City regulations and plans including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials. Thus, Alternative 2 partially meets this objective.

Alternative 2 would not provide an iconic restaurant with a drive-through along Highway 111 in a location more convenient to City residents than the other In-N-Out Burger restaurant locations within the Valley. Thus, Alternative 2 would not achieve this objective.

Finally, while Alternative 2 would provide a restaurant that would invigorate the local economy, employment, and business opportunities at the Project Site, the reduction in economic benefits on a long-term annual basis would limit the ability of the City to receive substantial long-term economic benefits on an annual basis to the same degree as the proposed Project. As a result, Alternative 2 partially achieves this objective.

In summary, Alternative 2 would meet one proposed Project objective, partially meet two of the proposed Project objectives, and would not achieve two of the proposed Project objectives. Overall, Alternative 2 would not meet the underlying purpose of the proposed Project which is to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City's large-scale shopping center General Plan land use and zoning designation.

Alternative 3—No Drive-Through Alternative

As previously described, implementation of Alternative 3 would eliminate the drive-through associated with the 3,885-square-foot In-N-Out restaurant. Without the drive-through lane, the site plan would be reconfigured to add parking spaces in addition to the 75 spaces included on the Project Site. Without a drive-through component, all customers would park their cars and enter the restaurant, rather than remaining in their cars and using the drive-through, in a manner akin to a "fast-casual" restaurant. The No Drive-Through Alternative would result in similar geology and soils, hydrology and water quality, public services, and tribal cultural resource impacts when compared to the proposed Project. Alternative 3 would result in reduced aesthetic, air quality, greenhouse gas emissions, land use and planning, noise, transportation, and utilities and service system impacts when compared to the proposed Project.

While Alternative 3 would develop and revitalize an infill site near major transportation corridors consistent with the City's large scale shopping center, the elimination of the drive-through that would occur under this Alternative would inhibit the ability of In-N-Out to operate a restaurant use that is consistent with other drive-through uses. As a result, Alternative 3 would not achieve this objective.

Alternative 3 would incorporate a comprehensive development site plan and layout that incorporates a more enhanced environment and architectural style that is reflective of the City and the Rancho Las Palmas Shopping Center. Accordingly, the Alternative meets this objective.

The No Drive-Through Alternative would provide a restaurant but without a drive-through. However, the alternative would provide a restaurant in compliance with City regulations and plans including to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide aesthetically cohesive design through the application of high-quality landscape and hardscape materials but to a lesser degree than the proposed Project. Thus, Alternative 3 partially meets this objective.

Alternative 3 would provide an In-N-Out restaurant along Highway 111 that would allow the general public living, working, or visiting the City a location more convenient than the other In-N-Out Burger restaurant locations within the Valley. However, the In-N-Out restaurant is iconically known for its drive-through capabilities and ultimately without the drive-through the Project would not meet the basic proposed Project objectives of providing a drive-through and a restaurant would not be constructed. Thus, Alternative 3 does not meet this objective.

Finally, while Alternative 3 would provide a restaurant that would invigorate the local economy, employment and business opportunities at the Project Site, the reduction in economic benefits on a long-term annual basis would limit the ability of the City to receive substantial long-term economic benefits on an annual basis to the same degree as the proposed Project. As a result, Alternative 3 partially achieves this objective.

In summary, Alternative 3 would meet one proposed Project objective, partially meet two of the proposed Project objectives, and would not achieve two of the proposed Project objectives. Overall, Alternative 3 would not meet the underlying purpose of the proposed Project which is to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City's large-scale shopping center General Plan land use and zoning designation.

F ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. In addition to the discussion and comparison of impacts of the project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of the project applicant or City.

As shown in **Table 6.0-1**, the first line compares the Alternative's incremental increase, decrease, or results in similar impacts, to the proposed Project's identified impact. The Alternative's significance is identified in parenthesis and compares the level of significance of the Alternative's impact to the level of significance of the proposed Project's impact.

As discussed in **Section 5.0**, there would be no significant and unavoidable impacts as a result of the proposed Project, and each impact identified would be reduced to a less than significant level with or without mitigation. For purposes of this Draft EIR, the environmentally superior alternative is the alternative that meets the City's objectives and would cause the least impact to the natural and physical environment.

The No Project/No Development Alternative would avoid environmental effects that may occur under the proposed Project. In comparison, all of the other alternatives would not fully eliminate any of the proposed Project's less than significant environmental effects with or without mitigation. As such, Alternative 1 would be the environmentally superior alternative. However, as previously discussed, Alternative 1 would not achieve any of the proposed Project objectives or meet the underlying purpose to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center. As Alternative 1 has been determined to be the environmentally superior alternative, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As such, Alternative 3: No Drive-Through Alternative, would reduce the environmental impacts associated with the proposed Project to a greater degree than Alternative 2. Specifically, the reduction in floor area associated with the restaurant occurring under this Alternative would further reduce the less than significant impacts of the proposed Project as identified in **Table 6.0-1**. Therefore, Alternative 3 would be considered the Environmentally Superior Alternative. However, Alternative 3 would not meet two proposed Project objectives including: developing and revitalizing an infill site near major transportation corridors with a restaurant use that is consistent with other drive-through uses consistent with the City's large scale shopping center land use and zoning designation and would not provide an iconic restaurant with a drive-through located mid-Valley along Highway 111 that allows the general public living, working, or visiting the City a location more convenient than the other In-N-Out Burger restaurant locations within the Valley. Alternative 3 would also partially meet two of the proposed Project objectives, providing a restaurant drive-through in compliance with City regulations and plans to reduce greenhouse gas emissions, promote energy efficiency, promote water conservation, and to provide an aesthetically cohesive design through the application of high-quality landscape and hardscape materials. Additionally, Alternative 3 would only partially provide a project that will invigorate the local economy, employment, and business opportunities through project construction and substantial economic benefits provided by the In-N-Out Burger restaurant on a long-term annual basis. Overall, Alternative 3 would not meet the underlying purpose of the proposed Project, which is to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City's large-scale shopping center General Plan land use and zoning designation.

Table 6.0-1
Comparison of Alternatives to Project

Environmental Issue Area	Project	Alternative 1: No Project/ No Development	Alternative 2: Alternative Commercial Development	Alternative 3: No Drive-Through
Aesthetics	Less than Significant	Reduced (Less than Significant)	Greater (Less than Significant)	Reduced (Less than Significant)
Air Quality	Less than Significant	Reduced (Less than Significant)	Reduced (Less than Significant)	Reduced (Less than Significant)
Geology and Soils	Less than Significant	Reduced (Less than Significant)	Similar (Less than Significant)	Similar (Less than Significant)
Greenhouse Gas Emissions	Less than Significant	Reduced (Less than Significant)	Reduced (Less than Significant)	Reduced (Less than Significant)
Hydrology and Water Quality	Less than Significant	Similar (Less than Significant)	Similar (Less than Significant)	Similar (Less than Significant)
Land Use and Planning	Less than Significant	Greater (Less than Significant)	Reduced (Less than Significant)	Reduced (Less than Significant)
Noise	Less than Significant	Reduced (Less than Significant)	Reduced (Less than Significant)	Reduced (Less than Significant)
Public Services (Fire, Emergency, and Police Services)	Less than Significant	Reduced (Less than Significant)	Similar (Less than Significant)	Similar (Less than Significant)
Transportation	Less than Significant	Reduced (Less than Significant)	Reduced (Less than Significant)	Reduced (Less than Significant)
Tribal Cultural Resources	Less than Significant with Mitigation	Reduced (Less than Significant)	Similar (Less than Significant with Mitigation)	Similar (Less than Significant with Mitigation)
Utilities and Service Systems	Less than Significant	Reduced (Less than Significant)	Greater (Less than Significant)	Reduced (Less than Significant)

Source: Meridian Consultants, 2020.

7.0 OTHER ENVIRONMENTAL IMPACTS

This section of the Draft Environmental Impact Report (Draft EIR) provides a brief discussion of the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the Draft EIR. In compliance with the provisions of the California Environmental Quality Act (CEQA) Guidelines,¹ this section also discusses the significant irreversible environmental changes that would be caused by the proposed In-N-Out Burger Restaurant Project (proposed Project), including effects not found to be significant, the use of nonrenewable resources, as well as the primary and secondary (see below) impacts, which generally commit future generations to similar uses. This section also discusses growth-inducing impacts associated with the proposed Project. Please see **Section 8.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

A. SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2(c) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Specifically, Section 15126.2(c) states:

Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

As evaluated in **Section 5.0: Environmental Impact Analysis** of this Draft EIR, all of the proposed Project's construction- and operation-related impacts would be mitigated to less than significant, less than significant or no impact would occur. Comprehensive mitigation, as well as a monitoring and reporting program, have been developed to address potential impacts. The mitigation set forth in this Draft EIR will demonstrably and effectively reduce potentially significant impacts to less than significant. Therefore, there are no unavoidable significant impacts caused by the proposed Project.

1 California Code of Regulations, Title 14, Section 15000 et seq. CEQA Guidelines Section 15127 and 15128.

B. POTENTIAL SECONDARY EFFECTS

Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that:

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.

With regard to this section of the CEQA Guidelines, the analysis of proposed Project impacts in **Section 5.0** of this Draft EIR recommended mitigation for tribal cultural resources. The following provides a discussion of the potential secondary effect with regard to tribal cultural resources that could occur as a result of the implementation of the recommended proposed Project mitigation measure. For the reason stated below, the Project's mitigation measure would result in less than significant secondary impacts.

Mitigation Measure MM 5.10-1 requires the Project use an approved Agua Caliente Band of Cahuilla Indian Native American Cultural Resource Monitor to monitor excavation activities within native, undisturbed soils on the Project Site. The changes to the physical environment that would occur as a result of implementation of this measure would occur within the boundaries of the Project Site and, as such, these physical changes have been discussed in **Section 5.0** of this EIR. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

7.1 EFFECTS NOT FOUND TO BE SIGNIFICANT

As previously discussed in **Section 1.0: Introduction**, the City of Rancho Mirage (City) acting as the Lead Agency for the planning and environmental review of the proposed In-N-Out Burger Restaurant Project (proposed Project), has decided to prepare this Draft Environmental Impact Report (Draft EIR) in compliance with the California Environmental Quality Act (CEQA), including the State CEQA Guidelines. Section 15128 of the CEQA Guidelines requires a brief description of any possible significant effects that were determined not to be significant and were not analyzed in detail within the environmental analysis. Therefore, this section has been included in this Draft EIR as required by CEQA.

The discussion below presents the analysis of the effects related to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Public Services related to schools and libraries, Recreation, Tribal Cultural Resources, and Wildfires not found to be significant. Any items not addressed in this section are addressed in **Section 5.0 Environmental Impact Analysis** of this Draft EIR.

A. AGRICULTURE AND FORESTRY RESOURCES

Threshold: 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?

The INO Burger Restaurant Project Site (Project Site) was previously graded and improved for construction of a restaurant. No farmland or farming activity occurs on or near the Project Site. According to the California Department of Conservation Farmland Map, the site is designated as urban and built up.¹ As such, no impacts on Prime Farmland would occur with the implementation of the proposed Project.

Threshold: Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Project Site is currently zoned Neighborhood Commercial (C-N)² and is not zoned for agricultural use or used for agriculture. There are no designated agricultural land uses adjacent to or near the Project Site. A Williamson Act contract does not apply to the Project Site.³ Accordingly, the proposed Project would not conflict with existing zoning for agricultural use or a Williamson Act contract and no impacts would occur.

1 California Department of Conservation Farmland Map, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Riverside.aspx>, RIV16_C. Accessed April 2020

2 City of Rancho Mirage, Land Use and Zoning Map, <https://ranchomirageca.gov/business/doing-business-in-rancho-mirage/zoning-and-land-use/>.

3 California Department of Conservation Farmland Map, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Riverside.aspx>, RIV16_C. Accessed April 2020

Threshold: **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

As previously discussed, the Project Site is zoned C-N not designated or zoned for forest or timberland. The Project Site is in an urbanized area of the City and surrounding land uses consist of residential and commercial uses. There are no forest lands or timberlands designated as identified in the City of Rancho Mirage General Plan.⁴ Thus, the proposed Project would not conflict with any areas zoned for, or cause the rezoning of, forest or timberland. No impacts would occur.

Threshold: **Result in the loss of forest land or conversion of forest land to non-forest use?**

The Project Site does not include forest land and is not located near any forest land. As previously discussed, the proposed Project is located within an existing shopping center on a site previously graded for infill development. Thus, the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use and no impacts would occur.

Threshold: **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?**

As previously noted, the Project Site does not contain any farmland or forestland; therefore, no such land would be converted. Neither the Project Site, nor nearby properties, are currently utilized for agricultural or forestry uses. Thus, the proposed Project would not convert the existing environment to non-agricultural use or non-forest use and no impacts would occur.

Zone Text Amendment Analysis

As discussed in **Section 5.0: Environmental Impact Analysis**, zone text amendments are requested as part of the proposed Project. The amendments to the City's zoning code could allow a fast food restaurant to be developed at another location within the City with approval of a Conditional Use Permit (CUP). The location is larger than 15 acres. Specifically, the parcel would be located northeast of the corner of Monterey Avenue and Frank Sinatra Drive and is currently vacant, undisturbed, and undeveloped land. For purposes of analysis, it is unknown what the size of the fast food restaurant that would be permitted with the CUP; the location of the restaurant within the undeveloped parcel in relation to other existing uses; and the order of construction and development of the shopping center that could be developed as

⁴ City of Rancho Mirage, 2017 General Plan, "Chapter 2: Land Use," https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_2_Land_Use.pdf

permitted by the zone text amendment. Due to the factors identified above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. However, the zoning for this site is C-G, not designated for farmland or forest land, and does not contain existing agricultural or forest land uses. If a fast-food restaurant were to be developed at this location, which is just over two miles north of the proposed Project, it would also not be located within an agricultural or forestry zone or area. Similar to the proposed Project, the other potential restaurant would have no impact on agricultural or forestry resources.

B. BIOLOGICAL RESOURCES

Threshold: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The California Natural Diversity Database (CNDDB) was run for the Rancho Mirage quadrangle within which the Project Site is located, as well as the surrounding eight quadrangles: Palm Springs, Cathedral City, Myoma, La Quinta, Palm View Park, Butterfly Peak, Toro Peak, and Martinez Mountain. A total of 16 species either Federally or state listed occurred within the 9 quadrangles; none of which were identified as occurring on the Project Site.

Two special status species have a potential to occur on the Site including the prairie falcon (*Falco mexicanus*) and the western yellow bat (*Lasiurus xanthinus*).⁵ The prairie falcon is globally ranked G5 (Secure – Common; widespread and abundant), state ranked S4 (Apparently Secure - Uncommon but not rare; some cause for long-term concern due to declines or other factors), CDFW listed Watch List (WL)⁶ and also has the other status including International Union for the Conservation of Nature, Least Concern (IUCN_LC) and United States Fish and Wildlife Service, Bird of Conservation Concern (USFWS_BCC). The western yellow bat is globally ranked G5, state rank S3⁷ (vulnerable), CDFW listed Species of Special Concern (SSC), and has other status including IUCN_LC and Western Bat Working Group, High Priority (WBWG_H). Both species are presumed to still be in existence until evidence to the contrary is received by the CNDDB (presumed extant).

The Project Site was previously graded and disturbed and does not contain any existing buildings. The likelihood for either of the special status species to be on the Project Site would be minimal. Additionally,

5 California Department of Fish and Wildlife, CNDDB, <https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data>.

6 WL – Watch List: This classification is for taxa that were previously SSCs but no longer merit

7 Vulnerable—Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation

nesting habitat for the prairie falcon includes bluffs and cliffs.⁸ The western yellow bat preferentially roosts in trees, often among the dead fronds of fan palms in the southern United States.⁹ The Project Site contains fan palm trees surrounding the Project Site however, none of these trees would be removed during construction. Impacts to special status species would be less than significant.

Threshold: 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 U.S. Fish and Wildlife Service?

The Project Site was previously graded and disturbed and is not located near any water habitat and does not contain any blue line stream corridors (streams or dry washes) per USGS.¹⁰ There are no sensitive vegetation communities, including riparian habitat on the Project Site. There would be no impacts.

Threshold: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The Project Site contains an undeveloped pad that was previously graded and developed. There are no wetlands or waterways of any kind located on or near the Project Site. There are no definable stream courses with or riparian habitat elements present. Therefore, no permits or interactions with the agencies that regulate impacts to jurisdictional waters of the U.S. or State are required. No impacts would occur.

Threshold: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Project Site contains a vacant, undeveloped pad that was previously graded and developed. The Project Site is surrounded by developed areas and is not part of any established wildlife corridor. Impacts would be less than significant.

Threshold: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of Rancho Mirage is a participant in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and is a co-permittee for the permits issued in association with this plan. The Project Site

8 The Cornell Lab of Ornithology, Birds of the World, Prairie Falcon, https://www.allaboutbirds.org/guide/Prairie_Falcon/lifehistory#habitat.

9 NatureServe Explorer, *Lasiurus xanthinus*, Habitat, https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.103577/Lasiurus_xanthinus.

10 USGS, Water Resources, Maps, <https://www.usgs.gov/mission-areas/water-resources/maps>.

is not located in any Conservation Area identified in the CVMSHCP.¹¹ However, the applicant of the Project would be required to pay the City's development mitigation fee collected to implement the CVMSHCP. Additionally Policy COS 3.3 of the City's General Plan Conservation and Open Space Element states that, "The City shall encourage the use of naturally occurring desert plant materials in landscaping for development projects, to the greatest extent possible, and discourage the use of non-native plant materials that are harmful to native plant and animal species." The proposed Project would utilize native, desert trees and shrubs as shown in **Figure 3.0-10: Conceptual Landscape Layout** in **Section 3.0: Project Description** of this Draft EIR. Consequently, the Project would be consistent with the CVMSHCP and the City's General Plan and, for this reason, no impacts will occur.

Threshold: **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?**

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. However, the Applicant of the Project would be required to pay the City's development mitigation fee collected to implement the CVMSHCP. Consequently, the Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at this location. Accordingly, significant impacts to biological resources are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed fast food restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

11 Coachella Valley MSHCP, Plan Maps, http://www.cvmshcp.org/Plan_Maps.htm.

C. CULTURAL RESOURCES

Threshold: Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

There are no historical resources on or within ¼ mile of the Project Site.¹² The Project Site was previously graded and disturbed. The Project construction would not include any alterations to any historical sites. As, no impacts to historical resources would occur.

Threshold: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?

There is a low potential to find archaeological features on site due to the previously disturbed status of the site. However, there is always a potential to reveal buried deposits during construction activities. Should archaeological resources be encountered during grading activities, the Project would be required to comply with existing regulations, including California PRC Section 21083.2 that specifies protocol if archaeological resources are discovered during excavation, grading, or construction activities. With regulatory compliance, any potential archaeological impacts of the Project would be less than significant.

Threshold: Disturb any human remains, including those interred outside of formal cemeteries?

Due to the minimal grading that is expected to occur on site, there is a low potential for human remains to be discovered. However, if remains were discovered, the Project would be required to comply with the State Health and Safety Code Section 7050.5 and PRC Section 5097.98 which states should human remains be discovered during construction, work would immediately stop and the Rancho Mirage Police should be contacted. If the remains were found to be Native American, the MPPD would have 24 hours to notify the NAHC. The NAHC would immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent would have 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. Should the descendent not make recommendations within 48 hours, the owner would reinter the remains in an area of the property secure from further disturbance; or should the owner not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC. As such, with regulatory compliance, impacts to human remains would be less than significant.

¹² City of Rancho Mirage Historic Resources Survey, February 3, 2003, <https://ranchomirageca.gov/wp-content/uploads/2019/05/Final-Report.pdf>.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to cultural resources are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

D. ENERGY

Threshold: **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

The proposed Project would consume electricity, natural gas, and transportation energy during construction and operation. As the buildings would be designed to meet current code requirements, they would comply with applicable provisions of Title 24 and the California Green Building Standards Code (CALGreen) to reduce energy demand.¹³ Measures to meet these performance standards typically include high-efficiency building systems, efficient lighting features, two electric vehicle charging stations, higher than standard rated insulation, and double-glazed windows. The proposed Project would comply with these standards and would not result in the wasteful or inefficient use of energy resources. Therefore, impacts would be less than significant.

Threshold: **Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

Similar to above, the Project would comply with the energy standards in the California's Energy Efficiency Standards found in Title 24 California Energy Code and with the California Green Building Standards Code.¹⁴ In addition, the Project would comply with the City of Rancho Mirage Energy Action Plan to decrease the energy usage in the city by 10%.¹⁵ Therefore, the construction of the proposed Project would not obstruct any State or local plan and impacts would be less than significant.

13 California Energy Commission, *2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings (December 2018)*, <https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf>.

14 Title 24 California Energy Code and with the California Green Building Standards Code, <http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf>

15 *Rancho Mirage Energy Action Plan*, "<https://ranchomirageca.gov/wp-content/uploads/2019/01/Energy-Action-Plan.pdf>" March 2013.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts from energy usage are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

E. HAZARDS AND HAZARDOUS MATERIALS

Threshold: **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Construction activities would involve the use typical materials, such as vehicle fuels, paints, oils, transmission fluids, and solvents. Operation of the Project would not include the routine transportation, storage, production, use, or disposal of hazardous materials, or the use of pressurized tanks. The Project would use types and amounts of hazardous materials typical of restaurant uses and similar to the surrounding stores. Precautions would be taken to ensure proper techniques would be used when handling these substances. Impacts would be less than significant.

Threshold: **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

The Project Site was previously graded and disturbed, and no hazardous materials were found on site. According to the State Water Resources Control Board (SWRCB) Geotracker website¹⁶ and the Department of Toxic Substances and Control (DTSC) Envirostor website,¹⁷ there are no hazardous materials sites within ¼ mile of the Project Site. Should discovery of hazardous materials occur, compliance with regulations from Riverside County Fire Department (RCFD), DTSC, SWRCB and other agencies would reduce any impacts to less than significant.

Threshold: **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

The closest school is Rancho Mirage Elementary school which is more than ¼ miles away from the Project Site. Any potentially hazardous materials used during the construction or operation of the Project would not be considered harmful to the environment if the proper handling techniques are implemented.

¹⁶ State Water Resources Control Board (SWRCB), GeoTracker, <http://geotracker.waterboards.ca.gov/>, accessed on April 2020.

¹⁷ California Department of Toxic Substances and Control (DTSC), EnviroStor, <http://www.envirostor.dtsc.ca.gov/public/>, accessed on March 5, 2020.

Therefore, there would be no impact.

Threshold: **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?**

Government Code Section 65962.5 refers specifically to a list of hazardous waste facilities compiled by the DTSC. The Project Site is not included on the DTSC's hazardous waste facilities list.¹⁸ As such, the implementation of the proposed Project would not create or exacerbate a hazard due to Project Site location. Impacts would be less than significant.

Threshold: **For a project located within an airport land use plan or, where such plan has not been adopted, within two 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?**

There are no public airports within two miles of the Project Site. The nearest airport, Palm Springs International Airport, is approximately 9 miles northeast from the Project Site. As such, the implementation of the proposed Project would not present a safety hazard to aircraft and/or airport operations at a public airport. No impacts would occur.

Threshold: **Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

The City of Rancho Mirage participates in the Riverside County Multi-Jurisdictional Hazard Mitigation Plan(MJHMP)¹⁹ and has prepared and implements the City's Local Hazard Mitigation Plan (LHMP) which addresses the planned response to extraordinary emergency situations associated with natural or human caused disasters, technological incidents, and nuclear defense operations. The LHMP is an extension of the State Emergency Plan that is provided through the Governor's Office of Emergency Services (Cal OES). The City identifies the I-10 and Highway 111 to be the primary evacuation routes for the area. The LHMP has been incorporated into the Safety Element of the General Plan.

The County's MJHMP implements emergency responses for incidents including floods, high winds, earthquakes, hazardous material accidents, wildfires, and other natural and manmade events. The Project

18 Department of Toxic Substances Control, Envirostor, *Hazardous Waste and Substance Site List (CORTESE)* https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29 , accessed on April 2020.

19 County of Riverside, *Multi-Jurisdictional Local Hazard Mitigation Plan*, July 2018, https://www.rivcoemd.org/Portals/0/FINAL%20PUBLIC%20VERSION%20Riv_Co_%202018%20Multi%20Jurisdictional%20Local%20Hazard%20Mitigation%20Plan.pdf.

would be required to comply with the Riverside County Fire Department's recommended standards for emergency accessibility and circulation. Consistent with these standards, the proposed queues associated with the drive-through would not impair the ability of Highway 111 to be used as an emergency evacuation route. The Project would not conflict with the ability of Highway 111 to act as an emergency evacuation route. Thus, the Project would not substantially impair the County's MJHMP or the City's adopted emergency response and evacuation routes. Impacts would be less than significant.

Threshold: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

According to the City of Rancho Mirage General Plan, the location of the Project Site is located in lowest risk fire area categorized as No Fuel.²⁰ During Project construction and operation, the Project will utilize the proper fire safety standards. As such, impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts from energy usage are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

F. MINERAL RESOURCES

Threshold: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No active or abandoned oil or gas wells are located on or near the Project Site.²¹ The Project is located within a Significant Mineral Aggregate Resource Area (SMARA) study area, Mineral Resource Zone (MRZ) 3 which is defined as an area containing known or inferred mineral occurrences of undetermined mineral resource significance.²²

20 City of Rancho Mirage, 2017 General Plan, "Chapter 8: Safety Element," https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf.

21 California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, Well Finder, <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-116.43952/33.76775/12>.

22 California Department of Conservation, SMARA Mineral Land Classification, <https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/>.

Threshold: **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?**

There are no mineral, oil, energy extraction and/or generation activities located on or near the Project Site. As previously mentioned, the Project Site is located within MRZ-3, areas of undermined mineral significance. Therefore, impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. However, if a fast-food restaurant were to be developed at this location, which is just over two miles north of the proposed Project, it would also be located in MRZ-3. It also does not contain any active or abandoned oil or gas wells, similar to the proposed Project. Similar to the proposed Project, the other potential restaurant would have no impact on mineral resources.

G. POPULATION AND HOUSING

Threshold: **Induce substantial unplanned 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)?**

The City of Rancho Mirage had a 2018 total population of 18,738 residents.²³ The Project would be staffed by 10 to 12 commuting employees for each of the three shifts and would not directly generate new unplanned population growth. The proposed Project is generally consistent with the commercial land use and zoning designation for the Project Site. The proposed Project would provide employment opportunities consistent with the City's General Plan land use planning and employment assumptions at City buildout, which is predicted to increase by 8,200 by the year 2040.²⁴ Accordingly, the proposed Project would not contribute to unplanned growth to the surrounding area. The proposed Project would not extend roadways or infrastructure beyond the boundaries of the Project Site and would therefore would not indirectly result in population growth. Impacts would be less than significant.

23 Southern California Association of Governments, Profile of the City of Rancho Mirage, *Local Profiles Report 2019*, May 2019, <https://www.scag.ca.gov/Documents/RanchoMirage.pdf>.

24 SCAG, *2016-2040 RTP/SCS, Demographics Growth Forecast*, http://scagrtpscscs.net/Documents/2016/draft/d2016RTPSCS_DemographicsGrowthForecast.pdf

Threshold: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Project would involve the construction of a fast-food restaurant on a previously graded, undeveloped area and would not displace people or houses. Therefore, there would be no impact.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts to population and housing are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

H. PUBLIC SERVICES

Threshold: 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. Schools

The Project is located in the Desert Sands Unified School District (DSUSD). The Project involves the construction of a fast-food restaurant and as discussed in **Section G: Population and Housing** above, would not result in an increase in population or students to the DSUSD. Therefore, no impacts would occur.

ii. Libraries

The Project would not add any population to the area and would therefore not add any extra traffic to the City's libraries. There would be no impact.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. However, restaurant uses typically don't contribute to a need for an increase in school and library services. Accordingly, significant impacts related to library and school services are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA. Therefore, the

proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

I. RECREATION

Threshold: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The Project would construct a fast-food restaurant and the patrons and employees wouldn't utilize the nearby neighborhood and regional parks and would therefore not contribute to substantial physical deterioration of these facilities. Therefore, there would be no impact.

Thresholds: Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The Project would construct a fast-food restaurant and would not generate new residents who would use the parks. Thus, there would be no increase in the use of the parks as a result of the proposed Project and no impacts would occur. Therefore, there would be no impact.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. However, restaurant uses typically don't contribute to a need for an increase recreational uses. Accordingly, significant impacts related to recreation are anticipated to be less than significant. However, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

J. WILDFIRES

Threshold: Substantially impair an adopted emergency response plan or emergency evacuation plan?

The City of Rancho Mirage participates in the Riverside County Multi-Jurisdictional Hazard Mitigation Plan(MJHMP)²⁵ and has prepared and implements the City's Local Hazard Mitigation Plan (LHMP) which

25 County of Riverside, *Multi-Jurisdictional Local Hazard Mitigation Plan*, July 2018, https://www.rivcoemd.org/Portals/0/FINAL%20PUBLIC%20VERSION%20Riv_Co_%202018%20Multi%20Jurisdictional%20Local%20Hazard%20Mitigation%20Plan.pdf.

addresses the planned response to extraordinary emergency situations associated with natural or human caused disasters, technological incidents, and nuclear defense operations. The LHMP is an extension of the State Emergency Plan that is provided through the Governor's Office of Emergency Services (Cal OES). The City identifies the I-10 and Highway 111 to be the primary evacuation routes for the area. The LHMP has been incorporated into the Safety Element of the General Plan.

The County's MJHMP implements emergency responses for incidents including floods, high winds, earthquakes, hazardous material accidents, wildfires, and other natural and manmade events. The Project would be required to comply with the Riverside County Fire Department's recommended standards for emergency accessibility and circulation. Consistent with these standards, the proposed queues associated with the drive-through would not impair the ability of Highway 111 to be used as an emergency evacuation route. The Project would not conflict with the ability of Highway 111 to act as an emergency evacuation route. Thus, the Project would not substantially impair the County's MJHMP or the City's adopted emergency response and evacuation routes. Impacts would be less than significant.

Threshold: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Threshold: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The Project Site is located within an urbanized area of Rancho Mirage characterized by relatively flat elevations. Accordingly, the Project Site is not located within a State Responsibility Area (SRA)²⁶ or a Local Responsibility Area (LRA)²⁷ and is located in a "No Fuel" fire area as designated by the City's General Plan.²⁸ The Project Site is located within a moderate wind erosive hazard area as designated in the City's General Plan.²⁹ Even though the Project Site is located in a moderate wind erosive hazard area, the Project is not located in an identified wildfire hazard area. The Riverside County Fire Department (RCFD) sets requirements for proper fire control measures within buildings. The proposed Project has been designed

26 Cal Fire, Fire Hazard Severity Zone Maps, Western Riverside County, State Responsibility Area, https://osfm.fire.ca.gov/media/6752/fhszs_map60.pdf.

27 Cal Fire, Fire Hazard Severity Zone Maps, Western Riverside County, Local Responsibility Area, https://osfm.fire.ca.gov/media/6754/fhszl_map60.pdf.

28 City of Rancho Mirage, 2017 General Plan, "Chapter 8: Safety Element," https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf.

29 City of Rancho Mirage, 2017 General Plan, "Chapter 8: Safety Element," https://ranchomirageca.gov/wp-content/uploads/2019/01/Chapter_8_Safety.pdf.

to meet the RCFD requirements, including the provision for adequate fire water pressure and installation of fire sprinklers and the design of the building for emergency access. Thus, the proposed Project would not exacerbate wildfire risks and thereby expose proposed Project employees and patrons to pollutant concentrations from a wildfire or an uncontrolled spread of wildfire nor result in the temporary or ongoing impacts to the environment. Proposed Project impacts would be less than significant.

Threshold: **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes?**

As previously discussed, the proposed Project is not located within a designated flood hazard area, is within an existing shopping center with minimal slope, and is located several miles from the nearest hillside or landslide area. Thus, the proposed Project would not expose people or structures to significant risks as a result of runoff, postfire slope instability, or drainage changes. Proposed Project impacts would be less than significant.

Zone Text Amendment Analysis

Due to the factors identified in the Zone Text Amendment Analysis for Agricultural Resources above, it is speculative to determine the potential environmental effects associated with a fast food restaurant at the other location. However, the other restaurant would be located just over two miles north of the proposed Project within the middle of the City. Similar to the proposed Project, the site is located within a “No Fuel” fire area as designated within the City’s General Plan and is not located within a SRA or LRA. The potential restaurant would also be required to adhere to the RCFD requirements for fire safety and emergency access. Accordingly, significant impacts from wildfires are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP.

7.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines states that the “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.” Section 15126.2(d) further states that “[i]rretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The types and level of development associated with the proposed Project would consume limited, slowly renewable, and nonrenewable resources. This consumption would occur during construction of the proposed Project and would continue throughout its operational lifetime. The development of the proposed Project would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. In addition, the proposed Project would occur within an already developed site and would occur at a location that would support the objectives of City to provide a high-quality drive-through restaurant within the Rancho Las Palmas Shopping Center that is consistent with the City’s large-scale shopping center General Plan land use and zoning designation. As demonstrated below, the Proposed Project would consume a limited commitment of natural resources and would not result in significant irreversible environmental changes.

The Project Site was previously developed with a 5,470-square-foot sit-down restaurant. The 2014 development package for the Rancho Las Palms Shopping Center received approval for a 7,000-square-foot building, known as “Building K,” to be built on the Project Site. The pad was prepared for development with the redevelopment of the rest of the Rancho Las Palms Shopping Center, but was never built, and the Project Site currently remains vacant.

The proposed Project would require the consumption of nonrenewable and slowly renewable resources during construction and operation of the proposed Project. Limited amounts of nonrenewable resources such as sand, gravel, and steel; renewable resources such as lumber; and petrochemical construction materials such as plastic and other slowly renewable would be consumed during proposed Project construction. Additionally, electricity, fossil fuels, and oils would be irreversibly committed during construction. Diesel fuel and gasoline for equipment operation and worker vehicle trips will be the primary energy source during construction. Because construction equipment and workers are expected to come from local sources, it is expected that the use of fuel is already occurring for other projects and worker trips in the Coachella Valley, and this use will, therefore, not be excessive or wasteful. These same resources are used by vehicles and heating/cooling equipment during operations. The continued use of these resources associated with proposed Project operations represents a long-term obligation.

In terms of Project operations, the following slowly renewable and nonrenewable resources would be required: electricity and natural gas, petroleum-based fuels, and water. On-going operation of the proposed Project would generate demand for approximately 189,683 kWh of electricity annually.

Electricity demand generated by the proposed Project would increase electricity consumption by approximately 0.001 percent over current nonresidential County-wide demand. The Project would be required to adhere to existing building codes that assure the efficient use of electricity, and continued improvements in technology, particularly related to appliances and HVAC equipment, will reduce long-term demand.

Natural gas would be consumed during operation of the proposed Project. It is estimated that, at build out, additional natural gas consumption is expected to be 1,092.4 kBTU per year, and would represent a negligible increase in County-wide nonresidential consumption of natural gas. As is the case with electricity, adherence to existing building codes would assure the efficient use of natural gas, and continued improvements in technology, particularly related to appliances and HVAC equipment, will reduce long-term demand.

During operation, the Project would result in the consumption of petroleum-based fuels related to vehicular travel to and from the Project site. According to the Project traffic impact analysis, the Project is estimated to generate 2,284 weekday daily vehicle trips and 2,766 Saturday daily trips. Although the Project would result in a direct increase in vehicle miles traveled, it would not interfere with increased fuel efficiency standards and would not result in wasteful, inefficient, or unnecessary consumption of transportation energy resources during operation.

As discussed in **Section 5.10.1: Water Service and Supply**, the proposed Project would generate demand for water resources. The Project water demand is projected to be 5.25 acre-feet per year (AFY), of which 1.3 AFY would be irrigation water. The Project would include desert and drought-tolerant plants for landscaping, reducing the overall irrigation demand. Given the size and scope of the Project, the net annual demand for domestic water would be low, and impacts to the region's water supply would be less than significant.

Nevertheless, the consumption of such resources would represent a long-term commitment of those resources. The proposed building would be both smaller than what was previously constructed on site and previously approved, and therefore less resources would be committed. The minimal commitment of these resources would be justified to allow for the site to be developed with its planned uses.

Based on the previous, Project construction and operation would require the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be substantial and would be consistent with the planned uses for the site and local growth forecasts to provide for additional neighborhood commercial uses consistent with the City of Rancho Mirage General Plan. Therefore, although irreversible environmental changes would result from the Project, the limited use of nonrenewable resources that would be required by construction and operation of the Project is justified.

7.3 GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the State CEQA Guidelines requires a discussion of the ways in which a proposed project could be growth-inducing. This would include ways in which the project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. This includes projects which would:

- Remove obstacles to population growth;
- Tax existing community service facilities; and/or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Growth inducement is not considered to be necessarily detrimental, beneficial, or of significance to the environment.

Typically, the growth-inducing potential of a project is considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies. Significant growth impacts could also be manifested through the provision of infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies.

SCAG is the MPO for a six-county region (Ventura, Los Angeles, Orange, Riverside, San Bernardino, and Imperial Counties) and is charged by the federal government to research and prepare plans for transportation, growth management, hazardous waste management, and air quality. One of the many responsibilities mandated to SCAG by the State is the development of demographic projections, provided in “Population and Housing” of **Section 7.1: Effects Not Found to Be Significant** of this Draft EIR.

A. GROWTH-INDUCING IMPACT ANALYSIS

Remove Obstacles to Population Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services (e.g., water service), while planning impediments may include restrictive zoning and/or general plan designations.

Although the Project would provide new a commercial use, it would not necessitate the extension of roads or other infrastructure beyond those required for the Project Site itself. Additionally, the infrastructure (e.g., water facilities, electricity transmission lines, natural gas lines, etc.) associated with the Project would not induce growth because the facilities would only serve the Project. The Project would be

developed on an urbanized site within an existing urbanized area for a restaurant use within an existing shopping center along Highway 111, a major roadway which traverses the Coachella Valley.

As discussed in the “Population and Housing” section of **Section 7.1**, the Project would be staffed by 10 to 12 commuting employees for each of the three shifts, and would not directly generate new unplanned population growth. The proposed Project would be consistent with the commercial land use and zoning designation for the Project Site with the approval of the zoning text amendment. The proposed Project would provide employment opportunities consistent with the City’s General Plan land use planning and employment assumptions at City buildout, which is predicted to increase by 8,200 by the year 2040. Such levels of growth are consistent with the employment forecasts for the subregion as adopted by SCAG.

Overall, the Project would be consistent with the growth forecast for the City and would be consistent with regional policies to efficiently utilize existing infrastructure and to reduce greenhouse gas emissions, promote energy efficiency, and promote water conservation. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Therefore, the Proposed Project would not remove any obstacles to population growth.

Tax Existing Community Service Facilities, Causing Significant Environmental Effects

A project would indirectly induce growth if it would increase the capacity of infrastructure in an area in which the public service currently met demand or would extend infrastructure to an area that was not previously served. Examples would be increasing the capacity of a sewer treatment plant or a roadway beyond the capacity needed to meet existing demand or extending a water or sewer line to a project where other properties could also use that line extension.

The proposed Project would develop a 3,885-square-foot restaurant on an urbanized site surrounded by development. The development of the Project would be confined to the boundaries of the Project Site, and proposed infrastructure would only be extended to serve the Project. As discussed in **Section 5.8: Public Services** and **Section 7.1**, no public services would be required to be expanded as a result of the proposed Project. Additionally, as discussed in **Section 5.10: Utilities and Service Systems**, no utilities would be required to be expanded as a result of the proposed Project.

Construction of the Project would create several engineering and construction-related jobs. Although it is likely that employment for construction would be sourced from the local employment pool, this increase in employment would last until the Project’s anticipated build-out of October 2021. Additionally, the restaurant would be staffed by approximately 10 to 12 associates per shift, with 3 shifts per day which would also likely be sourced from the local employment pool. As discussed in the population and housing section of **Section 7.1**, this increase in employment would be consistent with SCAG’s projections for the City. Therefore, the Project would not induce significant growth within the surrounding area.

Encourage and Facilitate Other Activities That Could Significantly Affect the Environment

A project would directly induce growth if it would remove barriers to population growth such as a change to a jurisdiction's General Plan and Zoning Ordinance that allowed additional development not previously planned to occur.

The Project Site and surrounding area is already developed with urban uses. The proposed development of the Project Site would not encourage and facilitate other activities that could significantly affect the environment.

The existing General Plan land use and zoning designation for the Project Site is Neighborhood Commercial (C-N). The City's General Plan Land Use Element defines the purpose of C-N as:

- Provides for neighborhood-scale shopping facilities, conveniently located near residential areas. These developments are typically anchored by supermarkets and drug stores. A wide range of other uses include banks, barber/beauty salons, dry cleaners, restaurants, service business, and other related activities. Typical sizes are 8 to 10 acres, providing approximately 80,000 to 100,000 square feet of gross, leasable floor area.

The C-N zone allows for a variety of uses including uses that are permitted, development plan permitted, or conditional use permitted. This zone allows for restaurant uses. The Project proposes a Zone Text Amendment to modify allowable uses in the C-N Zone in order to consider fast-food restaurants with a Conditional Use Permit. The proposed use is consistent with the General Plan with the associated Zoning Text Amendment because the proposed Project is within a large scale shopping center in the C-N zone, which is suitable for the proposed Project.

The subject Zone Text Amendment request would also affect Assessor's Parcel Number 685-220-008. The parcel is a vacant lot located at the northeast corner of Monterey Avenue and Frank Sinatra Drive within the City. The City's General Plan land use and zoning designates the lot as General Commercial (C-G). Similar to the Project Site, fast-food restaurants are an unpermitted use in the C-G zone. The proposed Project briefly discussed the potential impacts of this zone text amendment on this other potential restaurant site within the City. Specifically, it is speculative at this time to determine the potential environmental effects associated with a fast food restaurant at the other location. Accordingly, significant impacts are not anticipated; however, the CUP is a discretionary action that would trigger CEQA. Therefore, the proposed drive-thru restaurant would be required to undergo project-specific environmental review at the time of application of the CUP and would require City review and approval.

As discussed in **Section 5.6: Land Use and Planning**, the Project Site would not conflict with any land use plans, policies, or regulations. Impacts related to land use including the zone text amendment, would not be considered significant. Accordingly, the Project would not be considered growth inducing.

8.0 TERMS, DEFINITIONS, AND ACRONYMS

°C	degrees Celsius
°F	degrees Fahrenheit
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABOP	Antifreeze, battery, oil, and latex paint
Administrator	United States Environmental Protection Agency Administrator
ADT	average daily trips
AGO	Attorney General's Office
amsl	above mean sea level
APN	assessors' parcel number
AQMP	Air Quality Management Plan
ASTM	American Society for Testing and Materials
ATM	automated teller machine
BAM	best available mapping
BAU	business as usual
BDCP	Bay Delta Conservation Plan
Bgs	below ground surface
BLM	Bureau of Land Management
BLM GLO	Bureau of Land Management General Land Office
BMP	best management practice
BP	before present
BTU	British Thermal Unit
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model (2013.2.2)
Cal Fire	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards
Cal OES	Office of Emergency Services
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
C-C	Community Commercial
CCA	Community Choice Aggregation
CCAR	California Climate Action Registry
CCR	California Code of Regulations

CDE	California Department of Education
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	methane
CHEERS	California Home Energy Efficiency Rating System
CHL	California Historical Landmarks
CHP	California Highway Patrol
CIP	Capital Improvement Program
CITRC	Cahuilla Inter-Tribal Repatriation Committee
CMA	Congestion Management Agency
CMP	Congestion Management Plan
CMS	Congestion Management System
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
COS	Conservation and Open Space
County	County of Riverside
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRWQCB	Colorado River Basin Regional Water Quality Control Board
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CVAG	Coachella Valley Association of Governments
CVC	California Vehicle Code
CVFED	Central Valley Floodplain Evaluation and Delineation
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CVSC	Coachella Valley Stormwater Channel
CVSIP	Coachella Valley State Implementation Plan
CVWD	Coachella Valley Water District
CWA	Clean Water Act
dB(A)	A-weighted decibel
DDT	Dichlorodiphenyltrichloroethane
DFIRM	Digital Flood Insurance Rate Maps

DHCCP	Delta Habitat Conservation and Conveyance Program
DHS	Department of Health Services
DIF	development impact fee
DOF	California Department of Finance
DOSH	Division of Occupational Safety and Health
DPM	diesel particulate matter
DSUSD	Desert Sands Unified School District
DTSC	Department of Toxic Substances Control
DWA	Desert Water Agency
DWR	California Department of Water Resources
EAP	Energy Action Plan
ECC	Emergency Command Center
EDR	Environmental Data Report
EDU	equivalent dwelling unit
EIC	Eastern Information Center
EIR	environmental impact report
EISA	Energy Independence and Security Act of 2007
EMFAC	Emission Factors
EMT	emergency medical training
ENERGY STAR certification	performance standard set by EPA
EOC	Emergency Operations Center
ePlan	2012 Energy Action Plan
EPCRA	Emergency Planning and Community Right-To-Know Act
EV	electric vehicle
FAR	floor area ratio
FCR	Flexible Congestion Relief
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIND	Facility Information Detail
FIRM	Flood Insurance Rate Map
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GHG	greenhouse gas
GLA	gross leasable area
gpcd	gallons per capita per day
gpm	gallons per minute
GPS	global positioning system

gpud	gallons per unit per day
GWP	global warming potential
HAZNET	Hazardous Waste System/Facility and Manifest Data
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HCS	Highway Capacity Software
HFE	hydrofluorinated ethers
HHW	Household Hazardous Waste Collection Program
HHWE	household hazardous waste element
HPLV	high-pressure, low-volume
HSC	Health and Safety Code
HUD	U.S. Department of Housing and Urban Development
HWCL	Hazardous Waste Control Law
HWMP	Hazardous Waste Management Plan
I	industrial
I-10	Interstate 10
IID	Imperial Irrigation District
INDIAN	indian reservation (SWEETPS classification)
Industrial Age	time period consisting of the previous 150 years
IPCC	Intergovernmental Panel on Climate Change
ISO	Independent System Operator
ISTEA	Intermodal Surface Transportation Efficiency Acts of 1991
kBTU	British thermal units
km	kilometers
kWH	kilowatt hours
Lead Agency	City of Rancho Mirage Planning Department
LED	light-emitting diode
LEED	Leadership in Energy and Environmental Design
LFPZ	levee flood protection zone
LHMP	Local Hazard Mitigation Plan
LID	low impact design
LOS	level of service
LRA	Local Responsibility Area
LST	localized significance thresholds
LUST	leaking underground storage tank
MATES III	Multiple Air Toxics Exposure Study III
MAWA	maximum allowed water allowance
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
mgd	million gallon per day

MHFP	Multi-Hazard Functional Plan
MHMP	Multi-Hazard Mitigation Plan
MM	mitigation measure
MMTCO2e	million metric tons of carbon dioxide equivalents
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer system
MSWD	Mission Springs Water District
MTCO2e	metric tons of carbon dioxide equivalents
MTR	military training route
MWD	Metropolitan Water District of Southern California
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NCHRP	National Cooperative Highway Research Program
NDFE	nondisposal facility element
NEV	Neighborhood Electric Vehicle
NF3	nitrogen trifluoride
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO	nitrogen monoxide
NO2	nitrogen dioxide
NOA	Notice of Availability
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OCP	organochlorine pesticide
OEHHA	Office of Environmental Health Hazard Assessment
OES	Governor's Office of Emergency Services
OFFROAD	off-road emissions model
OHP	California Office of Historic Preservation
OLED	organic light-emitting diode
OPR	Office of Planning and Research
Pb	lead
PFC	perfluorocarbons
PHF	peak hour factor
PM	particulate matter
PM10	respirable particulate matter

PM2.5	fine particulate matter
POC	point of connection
PPV	peak particle velocity
PRC	Public Resources Code
Primary Access	Access point in the Project area providing direct access to the site.
Project Applicant	IN-N-Out Burger
Project Site	The 1.52-acre area within the Rancho Las Palmas Shopping Center designated for infill development
proposed Project	In-N-Out Burger Restaurant Project
PSUSD	Palm Springs Unified School District
PUC	Public Utilities Commission
PVC	polyvinyl chloride
PWS	Public Water System
QSP/D	Qualified SWPPP Practitioner/Developer
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCFD	Riverside County Fire Department
RCIP	Riverside County Integrated Project
RCRA	Resource Conservation and Recovery Act
RCTC	Riverside County Transportation Commission
RCTD	Riverside County Transportation Department
RCWMD	Riverside County Waste Management Department
RFS	Renewable Fuel Standard
RHNA	Regional Housing Needs Assessment
Right In/Out Access	Access point in the Project Site providing one-way access to the site.
RMEA	Rancho Mirage Energy Authority
RMRHP	Rancho Mirage Register of Historic Places
RMMC	Rancho Mirage Municipal Code
RNCM	Roadway Noise
RO	reverse osmosis
ROG	reactive organic gas
RRCDR	Riverside County Center for Demographic Research
RTIP	Regional Transportation Improvement Plan
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategies
RV	recreational vehicle
RW	recycled water
RWQCB	Regional Water Quality Control Board
San Andreas Fault Zone	a major structural geographic feature consisting of several northwest-trending right lateral strike slip faults that extend through the San Gorgonio pass along the San Bernardino Mountains and the Coachella Valley.

SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SBBM	San Bernardino Baseline and Meridian
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCR	sanitation capacity rate
SCS	Sustainable Communities Strategies
SDWA	Safe Drinking Water Act
SF6	sulfur hexafluoride
Sheriff's Department	Riverside County Sheriff's Department
SHPO	State Historic Preservation Office
SHRC	State Historical Resources Commission
SIP	State Implementation Plan
SMARA	Significant Mineral Aggregate Resource Area
SoCalGas	Southern California Gas Company
SOI	sphere of influence
SOx	sulfur dioxide
SRA	source receptor areas
SRRE	source reduction and recycling element
SSAB	Salton Sea Air Basin
State	State of California
SunLine	SunLine Transit Authority
SWEETPS	Statewide Environmental Evaluation and Planning System
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
Synthetic Unit Hydrograph	unit hydrograph for ungaged basins based on theoretical or empirical methods
TAC	toxic air contaminant
TEA-21	Transportation Equity Act for the 21st Century
TIA	Traffic Impact Assessment
TIP	Transportation Improvement Plan
TMDL	total maximum daily load
TPH	Total petroleum hydrocarbon
TPPS	Transportation Project Prioritization Study
TUMF	Transportation Uniform Mitigation Fee
UBC	Uniform Building Code
UPRR	Union Pacific Railroad
US	United States

USDA	United States Department of Agriculture
USDOT	U.S. Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USFWS BCC	United States Fish and Wildlife Service, Bird of Conservation Concern
USGBC	United States Green Building Council
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
VFPA	Valley Floor Planning Area
VMT	vehicle miles traveled
VOC	volatile organic compounds
WCVAP	Western Coachella Valley Area Plan
WL	Watch List
WQMP	Water Quality Management Plan
WRCC	Western Regional Climate Center
WRCOG	Western Riverside Council of Governments
WRCC	Western Regional Climate Center
WRP	water reclamation plan
ZNE	Zero Net Energy

9.0 ORGANIZATIONS AND PERSONS CONSULTED

This Draft Environmental Impact Report (Draft EIR) was prepared by the City of Rancho Mirage (City) with the assistance of Meridian Consultants LLC. Report preparers and consultants are identified as follows, along with agencies and individuals that provided information used to prepare this Draft EIR.

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