

RAISING CANE'S AND STARBUCKS PROJECT AGUA CALIENTE BAND OF CAHUILLA INDIANS RESERVATION

NEPA ENVIRONMENTAL ASSESSMENT

Prepared for



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December 2020

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1. PROPOSAL AND NEED FOR PROPOSAL

The applicant is proposing the reuse of a former Office Depot site and adjacent surface parking area located at 5601 East Ramon Road, within the Destination Ramon Shopping Center in the City of Palm Springs, Riverside County, California. The shopping center, inclusive of the project site, is on the Agua Caliente of Cahuilla Indian Reservation and owned by the United States Bureau of Indian Affairs (BIA).

The project site is within a developed and commercial area of the City of Palm Springs. The Palm Springs International Airport is approximately 1,500 feet west of the project site. Overall, the surrounding area is characterized by regional shopping centers, automotive service and repair facilities, multi-family condominiums (Lakeview Villas), and vacant desert land. Regional access is provided from Interstate 10 (I-10) approximately three miles to the north. Local access is provided from Ramon Road and San Luis Rey Drive. The project site is bound by Ramon Road to the north, a Del Taco restaurant with drive-through to the east, drive aisles, parking, and a Walmart retail store to the south in the Destination Ramon Shopping Center, and San Luis Rey Drive to the west, as depicted in *Exhibit 1, Regional and Local Vicinity Map*.

The proposed project would demolish the existing 18,780-square-foot (sf) Office Depot building and construct a 3,172-sf Raising Canes with a drive-through at the southeast corner of the intersection of Ramon Road at San Luis Rey Drive. In addition, a 2,200-sf Starbucks with a drive-through would be proposed immediately east of the Raising Canes. Both restaurants would be rectangular in shape and provide outdoor patios along their southern elevations, as depicted in *Exhibit 2, Site Plan*.

The Raising Cane's would have a contemporary architectural style with a mixture of light whites and tan colors finished in stone, steel, and reclaimed red metal panels. The Starbucks would feature a modern industrial style and be painted with white, black, green, and light tan colors. Rough-cut cedar stone veneer would cover a majority of the building. Corrugated metal sidings would accent the drive-through delivery window and wood trellis are proposed at the outdoor patio. The Starbucks would have a sloped roof. Building elevations are depicted in *Exhibit 3a and Exhibit 3b, Building Elevations*.

Each restaurant's drive-through would wrap around the building's northern elevation fronting Ramon Road. Specifically, the Raising Canes would have a dual flex lane drive-through with a queue capacity of 22 vehicles and the Starbucks would have a single lane drive-through with a queue capacity of 8 vehicles. The Raising Canes would have a seating capacity of 91 seats and the Starbucks would have 49 seats. Based on the City of Palm Springs parking requirements, one parking space is required for every three seats. The proposed project would provide 67 spaces, exceeding the parking standard requirement. Parking would be provided south of the restaurant buildings. Three shared access driveways would connect the proposed project to the larger Destination Ramon Shopping Center.

Construction is expected to last six months starting in March 2021. The City of Palm Springs approved the project and determined the project was categorically exempt from environmental review in compliance with California Environmental Quality Act (CEQA) CEQA Guidelines Section 15332 (Class 32, Infill Development Projects).

Because the project site is on Native American tribal lands, the project is also subject to environmental review in accordance with the requirements under the National Environmental Policy Act of 1969 (NEPA) (42 United States Code § 4321 et. seq.) and the NEPA procedural requirements promulgated by the Bureau of Indian Affairs (BIA) as the NEPA lead agency. The BIA has determined that an Environmental Assessment (EA) is required. A CEQA Environmental Impact Report (EIR) was prepared in 2003 for the Destination

Ramon Shopping Center, inclusive of the project site. This EIR was previously cited by the BIA for the issuance of a FONSI for its original approval of the shopping center. Because the project site has been subject to prior environmental review and the location of the proposed Raising Canes and Starbucks have been developed, this EA has been prepared to focus only on areas of potentially significant effects to the environment. The BIA is required to approve all proposed leases on tribal land. The Agua Caliente Band of Cahuilla Indians is seeking to maximize the site's development potential by replacing the prior Office Depot use with two restaurant uses that would provide additional revenues on the commercial site.

2. ALTERNATIVES

Section 1502.14 of the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA states that lead agencies are required to evaluate all reasonable alternatives and discuss the reasoning as to why additional alternatives were eliminated from detailed study. The proposed project is an existing Office Depot building with surface parking, and is no longer open for business. A "no action" alternative would result in no change to the existing project site and no development would occur. The impacts referenced below would not occur under the no action alternative because no development would occur. Because the Office Depot would remain vacant and the proposed project would not be implemented, the Agua Caliente Band of Cahuilla Indians would not receive additional revenue. For the purposes of this analysis it is assumed that under the no action alternative, no foreseeable additional development is expected to occur on site.

Other potential alternatives such as alternative locations were not considered in this EA. Alternative locations outside the BIA owned parcels within the Destination Ramon Shopping Center would not meet the purpose and need for NEPA environmental clearance. Therefore, alternative locations for the proposed project are not evaluated within the EA.

3. ENVIRONMENTAL IMPACTS

3.1 Land Resources

Topography

The project site was previously vacant and leveled prior to the development of the Destination Ramon shopping center. The project site has since been graded, paved, and developed with an Office Depot, surface parking, and typical lighting standards and landscaping islands. Through preparation of the EIR, topography impacts were deemed less than significant and focused out of the Draft EIR discussion. Since the site is leveled and does not feature any topographic features, project implementation would not result in an adverse impact to topography. No mitigation is required.

Soils

The project site is currently graded and developed. Through preparation of the EIR, soil impacts were deemed less than significant and focused out of the Draft EIR. Project related impacts to soils would not result in an adverse impact due to the developed nature of the project site. No mitigation is required.

Geology

The geotechnical study prepared for the Draft EIR concluded that the project site would not exhibit significant geologic constraints and that any geologic concerns would be mitigated through application of established engineering standards and design requirements. Furthermore, geology and related impacts

were considered less than significant impacts and focused out of the EIR. Project implementation would adhere to the most current California Building Code requirements and design parameters. No adverse impacts to geology would occur and no mitigation is required.

3.2 Water Resources

In preparation of the EIR, water resources including depletion of groundwater resources, water quality, and alterations of surface water quality were all considered less than significant with mitigation. Mitigation measures incorporated to reduce potential storm water runoff and flooding impacts have since been completed as part of the approval and construction of the Destination Ramon Shopping Center. The proposed project would comply with all regulations related to water quality including coverage under the National Pollutant Discharge Elimination System General Construction Permit. Furthermore, the project site is already developed with existing drainage patterns and storm water infrastructure. The proposed project would connect to existing water, wastewater, and stormwater infrastructure and would not cause an adverse impact to water resources. No mitigation is required.

3.3 Air Quality

The EIR identified potentially significant air quality impacts and required several mitigation measures to reduce impacts. EIR Mitigation Measures 4.3.1 through 4.3.9 included construction mitigation measures such as limiting the daily grading acreage; watering of exposed areas; use of ground cover; balancing cut and fill; and compliance with South Coast Air Quality Management District's (SCAQMD) rules and regulations. Mitigation Measures 4.3.10 through 4.3.14 were proposed to reduce operational emissions and included compliance with Title 24, use of energy efficient lighting, and compliance with regulatory policies and rules. Approval of the Destination Ramon Shopping Center satisfied all the previous mitigation measures and are no longer applicable to the proposed project.

The proposed project would involve the demolition of an existing Office Depot and construction of two new restaurants with drive-throughs. An air quality and greenhouse gas (GHG) assessment was prepared for the proposed project to analyze the project's specific impacts to air quality and GHG emissions. For consistency and comparison between the proposed project and previous EIR, the air quality and GHG assessment includes discussions and analysis to CEQA thresholds, in addition to the federal conformity analysis required under NEPA.

The project site is located within the Salton Sea Air Basin which is governed by the SCAQMD. The SCAQMD provides significance thresholds for volatile organic compounds (VOC) (also referred to as reactive organic gases [ROG]), nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter 10 microns or less in diameter (PM₁₀), and particulate matter 2.5 microns or less in diameter (PM_{2.5}). The thresholds apply to both project construction and operation within the SCAQMD jurisdictional boundaries. If the SCAQMD thresholds are exceeded, a potentially significant impact could result. If a project proposes development in excess of the established thresholds, as outlined in **Table 1: South Coast Air Quality Management District Significance Thresholds**, a significant air quality impact may occur, and additional analysis is warranted to fully assess the significance of impacts.

Table 1: South Coast Air Quality Management District Significance Thresholds		
Pollutant	Mass Daily Thresholds (pounds per day)	
	Construction	Operations
Reactive Organic Gases (ROG)	75	75
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO _x)	100	100
Sulfur Oxides (SO _x)	150	150
Coarse Particulates (PM ₁₀)	150	150
Fine Particulates (PM _{2.5})	55	55
Source: South Coast Air Quality Management District, CEQA Air Quality <i>Significance Thresholds</i> , April 2019.		

Construction Emissions

Construction associated with the proposed project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the area include ozone-precursor pollutants (i.e., ROG and NO_x), PM₁₀, and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Project construction activities for air emissions modeling was estimated to be approximately six months, beginning in March 2021. Construction-generated emissions associated the proposed project were calculated using the CARB-approved California Emissions Estimator Model (CalEEMod), which is designed to model emissions for land use development projects, based on typical construction requirements. Predicted maximum daily construction-generated emissions for the proposed project are identified in **Table 2: Project Construction Emissions**.

Table 2: Project Construction Emissions						
Construction Year	Emissions (pounds per day)¹					
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
2021	5.11	29.48	17.86	0.06	6.07	2.30
SCAQMD Threshold	75	100	550	150	150	55
SCAQMD Threshold Exceeded?	No	No	No	No	No	No
Notes: SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for Model Data Outputs.						

Table 2 shows that construction pollutant emissions would remain below their respective thresholds. Impacts would be considered less than significant and the proposed project would be subject to, compliance with the City of Palm Springs Conditions of Approval, which prohibit nuisances, require dust control measures, involve supplemental fugitive dust control, and limit VOC content in paints. As shown above, all criteria pollutant emissions would remain below their respective thresholds and impacts would be less than significant.

Operational Emissions

Operational emissions are typically associated with mobile sources (i.e., motor vehicle use) and area sources (such as the use of landscape maintenance equipment, hearths, consumer products, and architectural coatings). Energy source emissions would be generated from electricity and natural gas (non-hearth) usage. **Table 3: Operational Emissions** summarizes the operational emissions attributable to the proposed project. As shown in, the project's operational emissions would not exceed SCAQMD thresholds. Therefore, regional operations emissions would result in a less than significant long-term regional air quality impact.

Table 3: Operational Emissions						
Source	Emissions (pounds per day)					
	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Area	0.19	0.00	0.00	0.00	0.00	0.00
Energy	0.04	0.40	0.33	0.00	0.03	0.03
Mobile	1.28	9.52	8.00	0.03	1.37	0.38
Total Emissions	1.51	9.92	8.34	0.03	1.40	0.41
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.						

Federal Conformity

Since the proposed project would involve federal approval/involvement and long-term net increases in emissions attributable to the proposed project, emissions were also compared to federal general conformity thresholds. As indicated in **Table 4: Clean Air Act Conformity**, implementation of the proposed action would not result in net increases of emissions that would exceed applicable federal general conformity de minimis levels.

The purposes of a general conformity review are to ensure that federal actions do not interfere with the emissions budgets in the State Implementation Plans; ensure actions do not cause or contribute to new violations; and ensure attainment and maintenance of the national ambient air quality standards (NAAQS). Since net increases in emissions attributable to the proposed project would not exceed federal de minimis levels, implementation of the proposed project was determined to not conflict with the State Implementation Plan. As a result, no adverse impacts would occur.

Table 4: Clean Air Act Conformity				
Emission Source	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Annual Emissions (tons per year)				
Area Source Emissions	0.03	0.00	0.00	0.00
Energy Emissions	0.00	0.07	0.00	0.00
Mobile Emissions	0.23	1.77	0.25	0.07
Total Project Emissions	0.27	1.84	0.25	0.07
<i>Federal De Minimis Level¹</i>	25	25	70	100
Exceeds Threshold?	No	No	No	No
Note: Emissions were calculated using CalEEMod. Refer to Appendix A (CalEEMod Data) for the model outputs and assumptions used in this analysis.				
1. De minimis levels are established within Title 40 of the Code of Federal Regulations, Section 93.153 (40 CFR 93.153). The project is located within the Riverside County, Salton Sea Air Basin, which is federally designated as severe nonattainment for ozone, serious nonattainment for PM ₁₀ , and moderate nonattainment for PM _{2.5} .				
Source: Refer to the CalEEMod outputs provided in Appendix A (CalEEMod Data).				

Localized Impacts

To identify impacts to sensitive receptors, the SCAQMD recommends addressing Localized Significance Thresholds (LSTs) for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 5: Equipment-Specific Grading Rates**, identifies the maximum daily disturbed acreage for comparison to LSTs. For this project, the appropriate source receptor area (SRA) for the localized significance thresholds is the Coachella Valley area (SRA 30), which includes the project site. LSTs apply to NO_x, CO, PM₁₀, and PM_{2.5}. The SCAQMD has look-up tables for projects that disturb areas less than or equal to five acres in size. Based on the daily equipment modeled in CalEEMod, project construction is anticipated to disturb approximately two acres in a single day.

Table 5: Equipment-Specific Grading Rates					
Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Tractor/Loaders/Backhoes	2	0.5	7	1.0
	Graders	1	0.5	8	0.5
	Rubber-Tired Dozers	1	0.5	8	0.5
Total Acres Graded per Day					2.0
Source: CalEEMod version 2016.3.2.					

The SCAQMD’s methodology indicates that “off-site mobile emissions from the project should not be included in the emissions compared to LSTs.” Therefore, for purposes of the construction LST analysis, only emissions included in the CalEEMod “on-site” emissions outputs were considered. The nearest receptor to the project site is a restaurant located approximately 0.03 mile (50 meters) to the east of the project site. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for receptors located at 50 meters were used in this analysis. **Table 6: Localized Significance of Construction Emissions**, presents the results of localized emissions during construction activity. Table 6 shows that the emissions of these pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts would not occur concerning LSTs during construction activities.

Table 6: Localized Significance of Emissions – Maximum Pounds per Day				
Source/Activity	Emissions (pounds per day)¹			
	NO_x	CO	PM₁₀	PM_{2.5}
Construction Emissions				
Demolition (2021)	19.70	14.49	5.19	1.60
Grading (2021)	20.21	9.76	3.72	2.28
Building Construction (2021)	16.03	14.56	0.82	0.78
Paving (2021)	10.65	11.78	0.58	0.54
Architectural Coating (2021)	1.53	1.82	0.09	0.09
SCAQMD Localized Screening Threshold (2 acres of disturbance at 50 meters)	200	1,931	22	7
Exceed SCAQMD Threshold?	No	No	No	No
Operational Emissions				
On-Site Emissions (Area and Energy Sources)	0.40	0.33	0.03	0.03
SCAQMD Localized Screening Threshold (2 acres at 50 meters)	200	1,931	6	2
Exceed SCAQMD Threshold?	No	No	No	No
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model data outputs.				

According to the SCAQMD localized significance threshold methodology, LSTs apply to on-site sources. LSTs for receptors located at 50 meters for SRA 30 were used in this analysis. The 2-acre LST threshold was used for the approximately 2.3-acre project site. The operational emissions shown in Table 6 include all on-site project-related stationary sources (i.e., area sources). Table 6 shows that the maximum daily emissions of these pollutants during operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts would not occur concerning LSTs during operational activities.

Carbon Monoxide Hotspots

An analysis of CO “hot spots” is needed to determine whether the change in the level of service (LOS) of an intersection from the proposed project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for

passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined.

Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard. An analysis prepared for CO attainment in the Salton Sea Air Basin by the SCAQMD can assist in evaluating the potential for CO exceedances. CO attainment was thoroughly analyzed as part of the SCAQMD's 2003 *Air Quality Management Plan*. The Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP.

The 2003 *Air Quality Management Plan* is the most recent AQMP that addresses CO concentrations. As part of the SCAQMD CO Hotspot analysis, the Wilshire Boulevard/Veteran Avenue intersection, one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 parts per million (ppm), which is well below the 35-ppm federal standard. The proposed project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's 2003 CO hot-spot analysis. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any vicinity intersections from 1,067 daily vehicle trips attributable to the project. Traffic volumes on Ramon Road east and west of the project site are less than 45,000 daily trips. Therefore, impacts would be less than significant in this regard.

Greenhouse Gas Emissions

The project would include direct and indirect GHG emissions from project construction and operations. Construction is considered a direct source since these emissions occur at the site. Direct operational-related GHG emissions for the proposed project would include emissions from area and mobile sources, while indirect emissions are from energy consumption, water demand, and solid waste.

Construction GHG Emissions

Construction of the project would result in direct emissions of CO₂, N₂O, and CH₄ (methane) from construction equipment and the transport of materials and construction workers to and from the project site. Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operational emissions.¹ Total GHG emissions generated during all phases of construction were combined and are presented in **Table 7: Construction Greenhouse Gas Emissions**. The CalEEMod outputs are contained within Appendix A (Air Quality and GHG Data). As shown in Table 7, the project construction would result in 175 MTCO₂e (approximately 6 MTCO₂e/year when amortized over 30 years).

Table 7: Construction Greenhouse Gas Emissions	
Construction	MTCO₂e per Year
Total Construction	175
Construction Amortized Over 30 Years	6
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model data outputs.	

¹ The project lifetime is based on the standard 30-year assumption of the SCAQMD (*Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

Operational GHG Emissions

Operational or long-term emissions occur over the life of the proposed project. GHG emissions would result from direct emissions such as project-generated vehicular traffic and the operation of any landscaping equipment. Indirect sources would include off-site generation of electrical power over the life of the project, the energy required to convey water to the site, and emissions associated with solid waste generated from the project site. **Table 8: Total Project Greenhouse Gas Emissions** summarizes the total GHG emissions associated with proposed project. As shown, the project would generate approximately 636 MTCO₂e/year. Therefore, the project would not result in an increase in GHG emissions that exceed the SCAQMD's screening threshold of 3,000 MTCO₂e/yr. Project-related GHG emissions would be less than significant.

Table 8: Total Project Greenhouse Gas Emissions	
Emissions Source	MTCO₂e per Year
Construction Amortized Over 30 Years	6
Area Source	0
Energy	144
Mobile	462
Waste	16
Water & Wastewater	8
Total Emissions	636
SCAQMD Project Threshold	3,000
Exceed Threshold?	No
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model data outputs.	

Therefore, construction and operation of the proposed project would not result in significant adverse effects associated with the regional air quality environment or GHG emissions.

3.4 Biological Resources

In preparation of the EIR, impacts to biological resources including endangered, threatened, or rare species, designated natural communities, wetland habitats, and migration corridors were found to be less than significant, and discussion of biological resources was focused out of the Draft EIR. The project site is already developed, and no natural habitat occurs within the Destination Ramon Shopping Center. In addition, no water bodies or jurisdictional wetlands or Waters of the U.S are in the immediate site vicinity. As such, given the developed and urbanized nature of the project site, and absence of sensitive or natural communities nearby, no adverse impacts to biological resources would occur and no mitigation is required.

3.5 Cultural Resources

The EIR focused out the discussion of cultural resources. Impacts to paleontological, archaeological, and historical resources were considered less than significant with mitigation incorporated. Record searches and survey reports provided no evidence of historical or archaeological resources at or adjacent to the Destination Ramon Shopping Center. Mitigation Measures CR-1 to CR-4 were proposed to mitigate the potential impacts and included monitoring, Native American monitoring, and payment of planning fees to the Agua Caliente Band of Cahuilla Indians. Because the Destination Ramon project was approved and

constructed, inclusive of the project site, Mitigation Measures CR-1 to CR-4 were satisfied and no longer applicable. The proposed project would not involve any subterranean excavation activities during construction. Project operations would not involve activities that would potentially impact subsurface resources. Therefore, the proposed project would not result in an adverse impact to cultural resources.

3.6 Socioeconomic Conditions/Environmental Justice

The State CEQA Guidelines do not include socioeconomic or environmental justice as a topical resource subject; therefore, the discussion was not included in the EIR. An economic and community impact analysis is not warranted for the proposed project. The proposed project would reuse the closed Office Depot site and construct and operate two restaurants with drive-throughs. The proposed project is expected to employ approximately eight workers per shift for both restaurants. The proposed project would occur entirely within the developed Destination Ramon Shopping Center and no homes or businesses would be relocated. No adverse socioeconomic impacts, such as impact to public service demands or shifts in population movement and growth, are anticipated. Short-term economic impacts from construction jobs as a result of the proposed project would occur. The anticipated increase in employment opportunities could result in employment and wages for persons previously unemployed, which would incrementally increase the ability of the population to obtain health and safety services and could contribute to the alleviation of poverty among lower income households. Therefore, the proposed project would not result in adverse socioeconomic conditions or environmental justice impacts and no mitigation is required.

3.7 Transportation and Circulation

The EIR discussed traffic and circulation impacts associated with the development of the Destination Ramon Shopping Center. Roadway and traffic improvements including new access driveways, signals, restriping, and payment of impact fees were proposed under EIR Mitigation Measure 4.2.1. Other impacts related to emergency access, hazardous design, conflicts with alternative transportation policies, and parking capacity were considered less than significant. To evaluate the specific transportation and circulation impacts associated with the proposed project, a trip generation memo was prepared.

The trip generation analysis compared the net amount of trips generated by the proposed project, with the removal of traffic from the Office Depot and the addition of the proposed Raising Cane's and Starbucks. Trip generation estimated for the existing site and proposed project are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) trip generation rates for the following land use categories:

ITE Category 820 – Shopping Center – Existing Office Depot

ITE Category 934 – Fast-Food Restaurant with Drive-Through – Proposed Raising Cane's

ITE Category 937 – Coffee/Donut Shops with Drive-Through – Proposed Starbucks's Coffee

The analysis includes a trip credit for the prior land use and pass-by trip reductions. Some trips to the project site would consist of "pass-by" trips from motorists who are already traveling on the surrounding roadways from one place to another. Common pass-by trips for fast food restaurants would be individuals who stop at the project site on the way to or from work or school or whom are already at the shopping center.

Per the ITE Trip Generation Manual, the pass-by reduction rate for the former Office Depot of 34 percent was applied to the PM peak hour trips and 17 percent for daily trips. For the proposed Raising Cane's, a pass-by of 50 percent was applied to both the daily and PM peak hour trips. For the proposed Starbucks, the ITE Trip Generation Manual does not have a pass-by rate for coffee shops with drive-through. Therefore, the analysis uses the fast food restaurant pass-by rate of 49 percent for AM peak hour trips and 50 percent for daily and PM peak hour trips.

Table 9: Summary of Project Trip Generation Palm Springs Raising Cane's									
Land Use	ITE Code	Unit	Trip Generation Rates ¹						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Shopping Center	820	KSF	37.750	0.583	0.357	0.940	1.829	1.981	3.810
Fast-Food Restaurant w/ Drive-Through	934	KSF	470.950	N/A ²	N/A ²	N/A ²	16.988	15.682	32.670
Coffee/Donut Shop w/ Drive-Throughs	937	KSF	820.380	45.385	43.605	88.990	21.690	21.690	43.380
Land Use	Quantity	Unit	Trip Generation Estimates						
			Daily	AM Peak Hour ²			PM Peak Hour		
				In	Out	Total	In	Out	Total
Existing Use									
Shopping Center	18.780	KSF	709	11	7	18	34	37	71
Pass-by Trips (17% Daily, 0% AM, 34% PM) ³			-121	0	0	0	-12	-13	-24
Total Net Trips for Existing Conditions			588	11	7	18	22	24	47
Proposed Use									
Fast-Food Restaurant w/ Drive-Through	3.198	KSF	1,506	N/A ²	N/A ²	N/A ²	54	50	104
Pass-by Trips (50% Daily, 50% PM) ³			-753	-	-	-	-27	-25	-52
Coffee/Donut Shop w/ Drive-Throughs	2.200	KSF	1,805	100	96	196	48	48	96
Pass-by Trips (50% Daily, 49% AM, 50% PM) ^{3,4}			-903	-49	-47	-96	-24	-24	-48
Total Net Trips for Proposed Conditions			1,656	51	49	100	51	49	100
Net Difference (Proposed Minus Existing)			1,067	40	42	82	29	25	53
¹ Source: Institute of Transportation Engineers (ITE) <u>Trip Generation Manual</u> , 10th Edition, Volume 2 (September 2017)									
² Raising Cane's (proposed use) is not open during the morning peak hour.									
³ ITE Trip Generation Manual does not have a daily pass-by percentages, therefore the average percentages of the AM and PM peak hours were assumed.									
⁴ ITE Trip Generation Manual does not have a pass-by percentages for Coffee/Donut Shop w/ D.T. so the rates for similar land use (Fast-Food Restaurant w/ D.T.) were used									

Based on the building square footage, the Office Depot generated approximately 588 daily trips, with 18 trips (11 inbound and 7 outbound) in the morning peak hour and 47 trips (22 inbound and 24 outbound) in the evening peak hour after pass-by reductions.

The proposed Raising Cane's and Starbucks would generate a combined 1,656 daily trips, with 100 trips (51 inbound and 49 outbound) during both morning and evening peak hours 100 trips (51 evening peak hour after pass-by reductions. The net change between the Office Depot and proposed project would generate 1,067 more trips to the roadway network on a daily basis, 82 trips (40 inbound and 42 outbound)

during the morning peak and 53 trips (29 inbound and 25 outbound). Although the City of Palm Springs does not have any traffic analysis guidelines; the proposed project does not exceed the Riverside County 100 peak hour trips threshold warranting a full traffic impact analysis.

The proposed project trip generation would result in more trips to the roadway network on a daily basis, 82 trips (40 inbound and 42 outbound) during the morning peak and 53 trips (29 inbound and 25 outbound). The previous EIR Mitigation Measure 4.2.1, which specified roadway improvements and payments of fair share contributions, was satisfied after construction of the Destination Ramon Shopping Center and is therefore no longer applicable. Roadway infrastructure has been fully built out and no roadway improvements would be required.

The City of Palm Springs Planning Commission's Resolution for project approval noted that the site is part of the Destination Ramon Shopping Center, which has multiple large national retail stores near the corner of two streets: Gene Autry Trail and Ramon Road. The location of the two quick service restaurants at the corner of the shopping center is an appropriate location for an auto reliant business. Access to the site would be from existing driveways from an internal street system which direct vehicles to signalized intersections. A traffic analysis was prepared focusing on trip generation and the site was deemed adequate to accommodate expected traffic volumes. The City further noted that signalized intersections would be sufficient to handle anticipated vehicle movements. Pedestrian access will be provided from existing sidewalks. Transit access is provided from a bus stop on Ramon Road.

Therefore, consistent with the determination of the City of Palm Springs, the proposed project would not result in adverse impacts related to transportation and circulation and no mitigation is required.

3.8 Land Use

The EIR concluded a less than significant impact related to Land Use. The Destination Ramon Shopping Center development was considered consistent with land use designations and was determined to have a less than significant impact. The site was previous vacant and did not physically divide an established community nor impact agricultural resources or operations. The EIR also concluded no adverse physical impacts to competing commercial land uses due to its economic effects. The proposed project would develop within the existing Destination Ramon Shopping Center and would maintain the existing land use designations, would not physically divide an established community, or conflict with any land use policies. The proposed restaurant uses would be compatible with the Destination Ramon Shopping Center and neighboring tenants, which also offer restaurants with drive-through services. Project implementation would not result in adverse impacts and no mitigation is required.

3.9 Public Services and Utilities

During the preparation of the EIR, impacts to public services and utilities were determined to be less than significant and were focused out of the EIR discussion. The EIR noted that the Destination Ramon site was within the existing service areas for the City of Palm Springs, and that payment of development fees and tax collections would offset the cost of increased demand for City services. The proposed project would be located within the existing Destination Ramon Shopping Center and would connect to existing utility infrastructure for electricity, natural gas, storm water, sewer, and potable water. Because the proposed project is an in-fill development and replaces a former commercial use, the demand for police and fire services are not expected to change. Project implementation would not result in adverse impacts to public services and utilities, and no mitigation is required.

3.10 Noise

The EIR included a noise technical study to analyze the potential impacts associated short-term construction and long-term operation of the Destination Ramon Shopping Center. Short-term construction impacts were considered less than significant due to the temporary nature of construction. Long-term operational impacts such as project-related traffic increases were also considered less than significant since increases in vehicular noise were considered minimal. Existing and planned land uses adjacent to the Destination Ramon Shopping Center were considered compatible with the projected noise environment.

The proposed project would introduce similar and compatible restaurant uses within the Destination Ramon Shopping Center, such as the adjacent existing Del Taco restaurant with a drive-through. The proposed project is consistent with the allowable uses permitted in the shopping center and would not introduce new sources of noise to the existing area. Project construction would occur over a six-month period. No pile driving equipment is proposed and construction noise would be temporary in nature. During project operations, noise associated with restaurant and drive-through service would be similar to the existing and adjacent Del Taco restaurant. The proposed project would not encroach closer to the existing sensitive receptors north of Ramon Road at the Lakeview Villas, which are approximately 250 north of the project site and north of Ramon Road. Therefore, the proposed project would not result in vibration and noise levels at sensitive receptors and would not exceed the any federal, State, or local noise criteria. No significant adverse impacts would occur.

3.11 Hazardous Materials

In preparation of the EIR, impacts related to hazards or hazardous materials including the release of substances such as oil, pesticides, chemical, or radiation, as well as health hazards, fire hazards, and interference with an emergency response place, were found to be less than significant, and discussion of hazardous materials was focused out of the Draft EIR.

Review of California Department of Toxic Substances Control (DTSC) Envirostor and California State Water Resources Control Board Geotracker databases found no record of hazardous materials releases on the project site. The nearest recorded site is located at 5200 E. Ramon Road, 500 feet northwest of the project site, which previously operated as a landfill until closing in the 1960s. Since then, remediation has occurred, and a deed restriction and land use covenant were recorded in 2017. The site is now operates as a regional commercial shopping center. The case still maintains an “active” status.

The project site does not contain any land uses typical of hazardous waste generation or storage. No automotive uses or gas stations are on the site. The proposed project would construct two restaurants with drive-throughs and would not involve the handling or storage of hazardous materials. Construction and operation of the proposed project would not impact existing roads or driveway access and therefore not interfere with any emergency evacuation plans. Wildfire risk would remain low due to the absence of vegetation and brush in the area. As such, the proposed project is not anticipated to be exposed to hazards and hazardous materials. No adverse impacts would occur and no mitigation is proposed.

3.12 Visual Resources

The EIR discussed visual resources associated with the development of the Destination Ramon Shopping Center. The EIR concluded that the proposed project would have a less than significant impact to scenic vistas and aesthetics, and would not create significant light or glare. Since the Destination Ramon

Shopping Center has since been constructed and developed, the proposed project not dramatically alter the existing visual character of the area.

The proposed project was approved by the City of Palm Springs Planning Commission on October 28, 2020. The City found that site design and building architecture complies with the development standards and design guidelines identified in the City of Palm Springs' General Plan and Zoning Code. Although the proposed project would alter the visual character of the northwestern portion of the Destination Ramon Shopping Center, the proposed changes to visual character would be consistent with the surrounding development in the vicinity. The proposed project's architecture would complement the existing restaurants within the Destination Ramon Shopping Center. Additionally, the proposed project would have a building height of approximately 19 feet which is considerably lower than the existing Office Depot. The proposed project would maintain the existing mature landscaping elements fronting Ramon Road which would preserve screening and visual interests. Lighting standards would adhere to Palm Springs Municipal Code 93.21.00 for outdoor lighting standards. Given that the project design concept proposes enhanced aesthetic visual treatment and consistent with the surrounding area, no adverse impacts to visual resources would occur and no mitigation is proposed.

4. MITIGATION MEASURES

NEPA requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Mitigation consists of:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments. (40 CFR 1508.20)

The proposed project is a re-use of a former Office Depot site within the Destination Ramon Shopping Center. The proposed project would introduce two restaurants with drive-throughs within an already developed site and would be consistent with the surrounding land uses. No mitigation measures were proposed, and implementation of the proposed project would not result in significant adverse impacts to the environment.

5. CONSULTATION AND COORDINATION

This section lists persons and agencies consulted during the preparation of this EA. Persons consulted for this EA that are associated with an agency or organization are listed underneath their agency or organization.

United States Department of the Interior, Bureau of Indian Affairs (BIA), Pacific Regional Office

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6. LIST OF CONTRIBUTORS

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EXHIBIT 1: Regional and Local Vicinity Map
Raising Cane's and Starbucks Project



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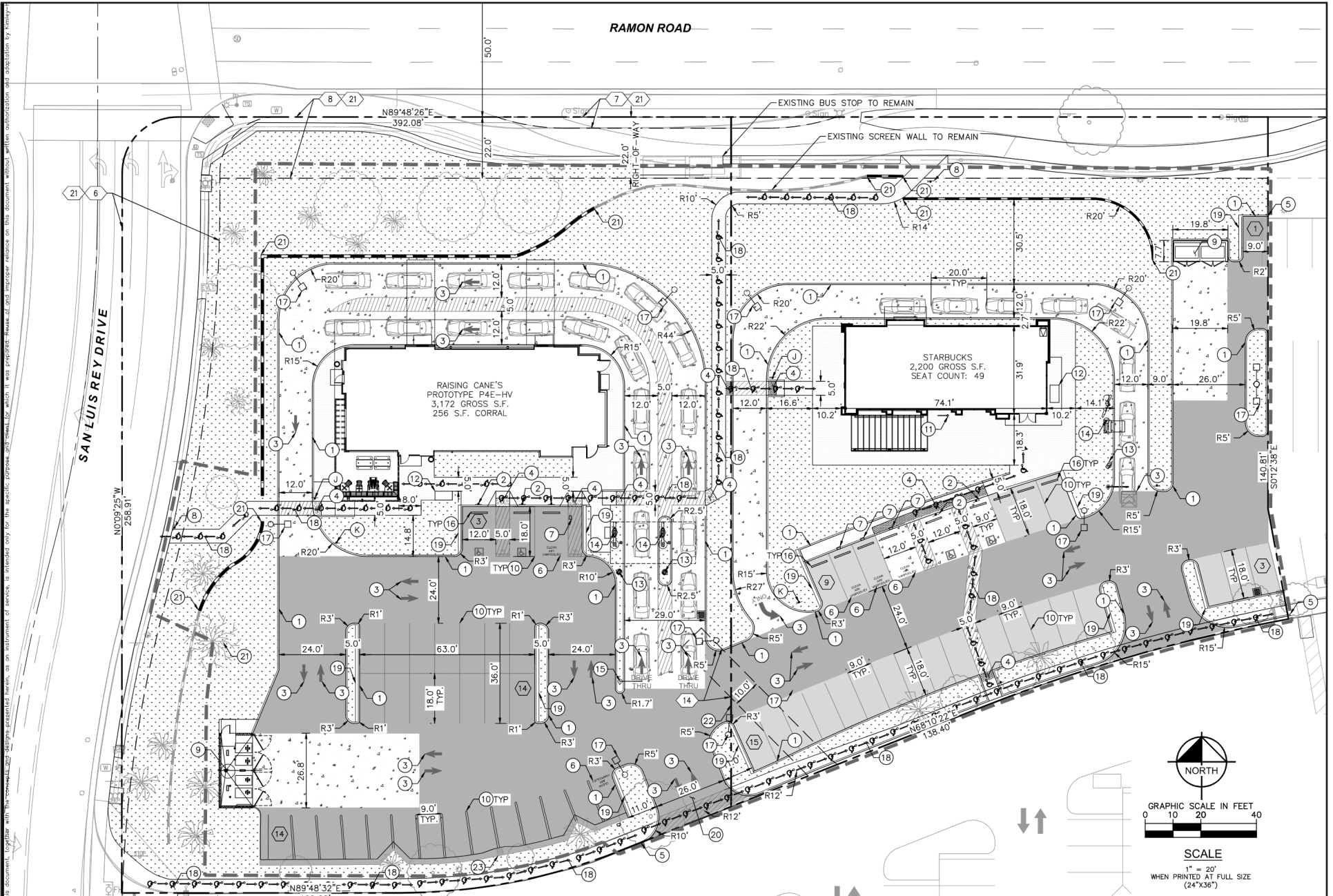


EXHIBIT 2: Site Plan
Raising Cane's and Starbucks Project

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EXHIBIT 3a: Raising Cane's Building Elevation
Raising Cane's and Starbucks Project

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